



UNDERSTANDING MOHAWK SELF INSURANCE

What is MSI?

2015

Mohawk Self Insurance is very unique and is the only known worker's compensation program developed by any First Nations Community in Canada. All personal injuries 'arising out of' or 'in the course of' employment are covered under this program. The objective of Mohawk Self Insurance is to assist all Mohawk Territory Employees with insurance coverage in the event of a work related accident or occupational disease.

Who Works for MSI?

Joel Jacobs	Manager	joel.jacobs@mck.ca
Lorna Delaronde	Claims Officer	lorna.delaronde@mck.ca
Chelsea Phillips	Client Information Administrator	chelsea.phillips@mck.ca
Paula Paul	Administrative Assistant	Paula.paul@mck.ca

Mohawk Self Insurance has a full range of multi-disciplinary professionals at its disposal; Doctors, Physiologists, Surgeons, Physio-Therapists, Occupational Therapists, Counselors and many more.

CPU Community Protection Unit Mohawk Self Insurance utilizes the Safety and Health Inspectors to conduct initial assessments, investigate occupational injuries or diseases as well as injury prevention.

MCK Legal Services lawyers that represent Mohawk Self Insurance and the Mohawk Council of Kahnawà:ke interests.

Hamilton/Cooper/Ashkenazy legal services

C.M.I.P.Q. based in Montreal, is a professional firm that specializes in workers compensation claims adjudication and management.

Optimum Inc. – Professional Actuarial Services

SSQ Insurance Company Inc., is based in Montreal and acts as a re-insurer for Mohawk Self Insurance.

BCS Investigations based in Montreal, is a private investigation firm specializing in worker's compensation fraud cases, surveillance, investigations, video evidence, photographic evidence, interrogations, and court appearances on behalf of Mohawk Self Insurance.

Where is MSI?

Located at 1, River Road in the Kahnawà:ke Services Complex in the Social Development Unit.

When is MSI Open?

Regular Mohawk Council of Kahanwà:ke hours of 8:30 a.m. – 4:00 p.m., however we do have a 24 hour emergency service and can be contacted by cell phone.

Office Telephone #	Fax #	Emergency Cell #
(450) 638-0500	(450) 632-0976	(514)-239-2195

Why does MSI Exist?

Mohawk Self Insurance was started in 1981 when the local contractors and the Mohawk Council of Kahnawà:ke wanted full jurisdiction over the workers compensation program for all of Kahnawà:ke.

How Does MSI Operate?

All the revenue is generated by premiums that are charged and paid by the clients, companies and organizations. 800+ claims and 3.7 million dollars in benefits paid since 2000.

How Much Does it Cost You As An Employee?

NOTHING, your employer pays for your premiums.

What Does MSI Provide?

A worker involved in an employment accident or occupational disease is entitled to an income replacement benefit and, if applicable, compensation for bodily injuries. Mohawk Self Insurance provides the following:



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- Benefits for Dependents
- Safe Maternity Program
- Medical Treatment/Rehabilitation
- Retraining into a new position
- Injury Prevention (CPU)
- Safety Counseling (CPU)

THE ROLE OF MOHAWK SELF INSURANCE

Mohawk Self Insurance is Kahnawà:ke's Worker's Compensation Program, to provide financial and social benefits to "on the job injured workers".

MSI administers Kahnawake's Occupational injury Program; it is concerned with preventing occupational injuries (in conjunction with Kahnawà:ke Safety and Health Office). MSI also acts as insurer for both workers and employers providing them with services and benefits they may be entitled to.

WHO PAYS FOR MSI?

Your **EMPLOYER** is responsible to pay the premiums to MSI; **nothing** is to be deducted from the employee's pay. Ask your employer if you are covered should you be injured on the job.

HOW IS MY WEEKLY INDEMNITY AMOUNT CALCULATED?

It is calculated on your gross yearly earnings that your employer reports and pays a premium on, if you are a salaried worker, the weekly amount is 75% of your gross weekly, if you are an hourly wage earner, your weekly average for the past 6 to 12 months is used or whatever salary date exists.

WHAT IF I HAVE OVERTIME OR RECEIVE BONUSES OR COMMISSIONS?

Weekly indemnity is calculated on your gross yearly earnings that your employer reports to MSI and pays a premium on, up to yearly maximum insurable earnings. You will be asked to provide MSI with pay stubs and or a salary statement from your employer.

WHAT IS THE MAXIMUM WEEKLY INDEMNITY I CAN COLLECT?

75% of your gross wages up to the yearly maximum insurable of \$70,000 for 2015-2016. All benefits are tax free, however a worker must make arrangements with his/her employer for the continuation of pension contributions and group insurance plans.

WHAT DO I DO IF I GET INJURED AT WORK?

- Immediately report the incident to your boss, it is a shared responsibility to report it to MSI between your boss and yourself.
- Seek immediate medical attention.
- Ask your supervisor for the MSI Claimant Package.
- The employer must investigate the accident and take corrective measures to prevent similar events from occurring.
- All completed forms must be submitted in person to the MSI office within 5 working days.
- The Kahnawake Safety and Health Office may also want to investigate the accident at their discretion.

HOW LONG DO I HAVE TO REPORT AN INJURY?

You must report any injury **IMMEDIATELY** to your supervisor (boss) and then immediately inform MSI. There is a maximum 5 days reporting time limit, failure to do so can jeopardize your claim.

WHO DO I SEE AT MOHAWK SELF INSURANCE IF I GET INJURED AT WORK?

Whenever an injury occurs, immediately notify the MSI Claims Officer (Lorna Delaronde) A.S.A.P. by telephone: (450) 638-0500 ext. 2329 or by e-mail: lorna.delaronde@mck.ca, if your employer does not have the necessary MSI forms, they can be obtained at the MSI office, (Kahnawà:ke Services Complex) telephone 450-638-0500.

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Get Immediate First Aid

Tell your Supervisor About Injury

Call MSI ASAP at 638-0500 ext.2329

Fill out Accident forms within 5 days and return them to MSI's Claims Officer.



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WILL MY PAY BE INTERRUPTED IF I AM INJURED?

MSI tries to prevent any interruptions, however there are several things that must happen beforehand; your employer must agree that it is indeed a work related injury, the correct reporting procedures must be followed, all the proper forms must be completed and signed and providing your claim has been accepted the 75% of your gross pay will be available for the following Thursday, providing we receive everything requested prior to Monday at noon. Also depending on the severity of the accident and the circumstances, an investigation may take place prior to adjudication. Your employer is responsible to pay you 100% of your regular full pay for the day of the injury.

Please note* The mere fact that you have made a claim does not guarantee approval.

The worker has the responsibility to fully cooperate with MSI, his/her attending physician, any rehabilitation plan, physio-therapy, work plan and any other request from MSI or his/her benefits may be terminated.

IF MY CLAIM IS APPROVED, HOW LONG CAN I COLLECT?

Your physician and our experts will determine the length of your claim, it usually ends when you are ready to return to work either part-time or full time, or if you cannot return to that job because of your injury, MSI will send you to training to develop new skills for different employment. **MSI benefits do not continue forever.**

WHAT OTHER BENEFITS ARE THERE?

In the case of a work related death, there are benefits paid to your surviving spouse and children

THE ATTENDING PHYSICIAN AND MEDICAL REPORTS.

The physician chosen by the worker plays a vital role throughout the compensation, medical assistance and adjudication and physical rehabilitation process. The physician's reports are critical and MSI's decisions are based on the physician's opinion on the following points;

- The diagnosis
- The expected recovery date
- The nature, need, adequacy or length of care
- Treatments prescribed
- The existence or percentage of permanent physical or mental impairment
- The existence or evaluation of functional limitations

Does this mean that the employer or MSI cannot challenge the report of the worker's physician? No, but MSI and the employer still retain the right to have the employee undergo a medical examination by a health professional of their choice.

THE RIGHT TO REHABILITATION

When a worker suffers from a permanent physical or mental impairment to the point where his/her social and occupational reintegration is jeopardized, particularly his/her return to the job he/she held, he/she may benefit from rehabilitation services.

The goal of rehabilitation is to assist the worker re-enter the work force by eliminating or alleviating his/her physical or mental disability and assisting him/her overcome the personal and social consequences of his/her employment injury.

Once the worker is eligible for rehabilitation, a professional counselor devises a personalized rehabilitation plan in cooperation with the worker and the employer to take part. The plan is personalized because each worker's situation is unique.

The plan may include physical rehabilitation, occupational rehabilitation, social rehabilitation, vocational rehabilitation. MSI covers all costs associated with rehabilitation plans; however, MSI may suspend and/or cancel along with benefits if the injured worker is uncooperative.

The ultimate goal of the rehabilitation plan is to assist the worker in returning to work. Temporary or modified work may be included in a solution.



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A RETURN TO WORK SOLUTION; TEMPORARY ASSIGNMENT.

MSI and your employer may look at temporary work assignments if you have not fully recovered from your injury. Temporary assignment is granted, with the physician's prior approval according to the following criteria.

- The worker is reasonably able to perform the proposed work
- The work does not pose any danger to the health and safety or well-being of the worker
- The work favors his/her rehabilitation

If re-assigned the employer must pay the same wages and benefits to the worker as he/she was earning prior to the re-assignment.

The worker must accept the re-assignment or his/her benefits may be terminated.

SAFE MATERNITY PROGRAM

A pregnant worker may be eligible to benefits from this special MSI program. If the working conditions endanger the pregnant workers health or that of the unborn child, she has the right to be re-assigned to another job with her employer that does not involve such hazards and which she able to perform. It must be clear that a physician has identified an approved danger, as this program is not a leave but a preventative program.

Re-assignment is the first option, the pregnant worker can be re-assigned to another job and maintain her full salary and benefits by her employer, if she is assigned to a lower paying position, MSI may pay the difference to her full salary. This new position must meet with the approval of her physician. This can be done by;

- Eliminating the hazard at source
- Modifying the workers job
- Adapting her work station
- Re-assigning the worker to another job or workstation

If her work station cannot be modified or she cannot be assigned to another station/job, she may have the right to stop working temporarily and receive MSI benefits. The employer is required to pay the first week or 5 (five) days full salary and benefits to the pregnant worker. MSI begins weekly indemnity after the employer has paid the first week. The pregnant worker, if the claim is approved may receive 75% of her gross salary up to the yearly allowable maximum, up to the following;

- Until such time as she is offered a safe job by the employer
- Or four weeks prior to giving birth

OTHER PARTNERS

MSI has a wide range of professionals to assist in any claim

Adjudicators	Health Professionals	Physiologists	Private clinics
Therapists	Occupational Therapists	Chiropractors	Actuaries
Health and Safety	Lawyers	Inspectors	

PREVENTION

Industrial Accidents and occupational diseases have dismal personal and economic effects for workers, who have sustained impairments, upsetting their personal, family and social lives. For businesses, they can be deprived of experienced labor; all injuries increase the price of goods and services.

A best practice solution is prevention. MSI and the Kahnawà:ke Department of Occupational Safety and Health Office to take charge of preventing work related accidents. KDOSH can support you in identifying and eliminating hazards in the workplace and in maintaining safe, healthy working environments.

Cooperation between workers, employers and the KDOSH is the key to success in preventing work related accidents, thus avoiding costly fines and or penalties or increased premiums.

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HOW AND WHEN DOES A KAHNAWÀ:KE HEALTH AND SAFETY INPSECTOR INTERVENE?

Employers and workers are in charge of occupational health and safety in their workplace, however, the Kahnawà:ke Safety and Health inspectors are responsible for ensuring that the safety regulations are respected and being followed. A Kahnawà:ke Safety and Health Inspector can intervene when a complaint is made or an accident or a death has occurred. The inspector can visit the workplace for other reasons at any time. The methods used by an inspector range from issuing a notice to correct a situation, to suspending operations or closing down the work premises. Fines, penalties and prohibition orders can also be issued.

KAHNAWAKE DEPARTMENT OF OCCUPATIONAL SAFETY AND HEALTH KDOSH
PLEASE CONTACT MR. LOUIS STACEY AT 450-632-0635 OR louis.stacey@mck.ca

CAN A WORKER REFUSE DANGEROUS WORK?

A worker may refuse work that he has reason to believe might place him or someone else in danger. As soon as the worker refuses he must notify his boss/employer and give the reasons for his actions. That worker must remain at the workplace to perform other duties; he is not let of the hook at this point. The boss/employer can call the Kahnawà:ke Safety and Health inspectors to look into the problem and devise possible solutions. The Kahnawà:ke Safety and Health inspector decides whether or not a hazard exists. When the decision is made the employer and employee must comply even if they are not in agreement.

THE RIGHT TO RETURN TO WORK

Under the terms and conditions of the MSI policy, your employer is obliged to take you back on modified duties and once your injury has consolidated. If you cannot hold the same job you had before the injury your employer must place you into another position with same pay as you were making before. However each employer has different human resource policies.

FRAUDULENT CLAIMS

MSI takes every claim very seriously; however there are times when workers attempt to play the system, by faking an injury, making a personal injury work related, malingering etc.... MSI will investigate claims and take the necessary measures to ensure an equitable adjudication and will prosecute if necessary. Kahnawake is a small place, people talk and tell on each other.

WHAT DO I DO IF?

After you return to work but have to go to a follow up Dr. Appointment, therapy sessions, x-rays etc....your employer should still be paying your normal salary for the time that you are away.

If you have any further questions please contact Lorna Delaronde (MSI Claims Officer) at 450-638-0500 ex 2329 or email at lorna.delaronde@mck.ca
For after hour emergencies call 514-239-2195.

WEBSITE

<http://www.kahnawake.com/org/sdu/msi/>

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What to when you are injured

- 1) **WORKER** - Promptly notify your supervisor or management about a work-related injury or illness and obtain the necessary forms from the MSI Claimant Package. Your supervisor/manager should notify the MSI Claims Officer immediately (450) 638-0500 ext.2329, if there is no answer, leave a message on the voicemail. Should an accident/incident occur outside of the normal working hours of MSI (Monday to Friday, 8:30 a.m. – 4:00 p.m.) call the next day to notify MSI or call our emergency number (514) 239-2195 and leave a message
- 2) **EMPLOYER**
* All injuries must be reported even if there is no medical attention required at the time of accident/incident. If no medical attention was required please completely fill out MSI-2 “Employer’s Form” and check the Non-recordable Injury box on the top right corner and submit to MSI Claims Officer by e-mail lorna.delaronde@mck.ca, or fax (450) 632-0976 to the attention of Lorna Delaronde.
- 3) The **WORKER** must bring the following forms to the hospital/CLSC: MSI-3 “Physician’s Report”, MSI-21 “Temporary Work Assignment Form”, The MSI-3 and MSI-21(if needed at the time) must be completely filled out by the physician. * There is normally a fee charged from the physician at the hospital/CLSC for completing the form(s), the **WORKER** is to pay the fee and obtain a receipt, which you will be reimbursed by MSI. Please advise the hospital/CLSC that all charges are to be sent to Mohawk Self Insurance, they can contact our office to get more details (450-638-0500 ext. 2329 MSI Claims Officer).
- 4) MSI-1 “Worker’s Injury Report” should be completed by the **WORKER** or by a designated person if the worker is unable due to injury. MSI-2 “Employer’s Form” should be completed by the **EMPLOYER**. MSI-18 “Accident Investigation Report” should be completed by the appointed health and safety representative in your company/organization. All completed forms are to be hand delivered to the Mohawk Self Insurance Claims Officer within (5 five) days of the accident. Failure to comply within the time limit may jeopardize or delay a claim. *Failure to complete and sign the required forms will only delay the processing of your claim.
- 5) Once the **WORKER** meets with the MSI Claims Officer he/she will be required to sign **MSI-5 “Claimant’s Responsibilities”** and **MSI-7 “Authorization for Disclosure of Medical Information”** forms. All original medical notes should be hand delivered to the MSI Claims Officer for your file. The MSI Claims Officer will notify your employer of any additional time off and send copies of medical notes.
- 6) The **WORKER** is responsible to inform the employer when he/she can be expected back to work. Contact your supervisor if there are any changes in the status of your recovery.
- 7) The **WORKER** is responsible to comply with all treatment as outlined by the physician and Mohawk Self Insurance.
- 8) If the claim has been approved, the **WORKER** must personally pick up his/her weekly Indemnity cheque at the Mohawk Self Insurance office every Thursday between 12:00 p.m. and 4:00 p.m. and any other day following between 8:30 a.m. to 4:00p.m. Certain exemptions for workers who are physically unable due to accident or mobility restrictions by a physician.

Tel: **450-638-0500** **514-239-2195** (emergency number)
Fax: **450-632-0976**
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