



Third Party Claim - What You Need To Know

What is a third party?

The third party is a person or organization responsible for your injuries. It is also someone who is neither your employer, nor a federal co-worker.

What is the purpose of filling out the election form?

By completing the election form you are making a decision on whether to receive benefits under the *Government Employee Compensation Act (GECA)* or to engage a legal action to claim against the third party independently. It is the employee or their dependant's obligation to complete and return the election to claim form. In order to administer your claim, **the election package must be completed and returned regardless of the option chosen**. If the election form is not returned, we will close your file and compensation benefits will not be awarded to you.

Why do I have to fill out this election form within 3 months?

The 3 month limit is stipulated by the GECA under Section 11. In order to meet the deadlines of the appropriate Workers' Compensation Board, the Labour Program (LP) encourages you to promptly return the election form to meet these deadlines.

What if I miss the 3 month timeline?

If the election form is received after the 3 month period, your assigned Federal Workers' Compensation Service (FWCS) Claims Officer, which has been identified on the official letter in this election package, will request an extension in writing from the appropriate compensation board.

What if I don't want to sue anyone; I simply want my claim to be resolved.

We fully understand that you may not feel comfortable with this situation for many reasons. For example, you may actually know the third party or you may have a working relationship with the third party. Rest assured, in all dealings the Government of Canada (GoC) will always act in good faith and respect the option chosen. However, it is part of the legislation to pursue the third party to recover the costs of your claim if deemed fiscally reasonable. It is the responsibility of the FWCS of the LP to identify claims with potential third party involvement.

What happens if I chose Option 1?

Under this option, your claim will be adjudicated by the Board. If your claim is admitted, you will receive benefits at the same rate and under the same conditions as the provincial legislation of the province where you are usually employed. The loss of earnings, if approved by the Board, will be paid by the Board or by your employer depending on your collective agreement. By choosing option 1, you are transferring your rights to GoC and the GoC may take action against the third party. You will be notified in writing if the GoC decides that it is not fiscally reasonable to continue with legal action. For further clarification of the process you may contact your assigned FWCS Claims Officer identified on the official letter in this election package.

What happens if I choose Option 2?

The FWCS will close your file and inform the appropriate workers' compensation board not to adjudicate and not to pay benefits. Any expenses, including those for loss of earnings and medical expenses will be your sole responsibility. You may communicate with your assigned FWCS Claims Officer identified on the official letter in this election package or you may want to seek independent legal advice. The GoC is not responsible for the cost of independent legal advice.

Can I reverse my decision once submitted?

As of June 13, 2014 and under Section 9.(2) of the GECA, your election decision is final.

When should I expect to hear from the FWCS regarding my potential third party claim?

The management of your file depends on the limitation period set by the applicable provincial legislation. You may communicate with your assigned FWCS Claims Officer identified on the official letter in this election package any time to enquire about the status of the claim.

What is the purpose of completing the questionnaire?

It will provide the FWCS with additional evidence to support a possible third party action. You may communicate with your assigned FWCS Claims Officer identified on the official letter in this election package, for assistance in completing the questionnaire.

As per **Section 11** of the GECA, the **ORIGINAL Election to Claim** form must be returned **within 3 months from the date of injury**. If you do not return the original, signed form it will be assumed that you wish to pursue your own action against the third party and your file will be closed.

Prior to returning the *Election to Claim* form, remember to do the following:

1. Clearly print your name in the appropriate section;
2. If known, identify the name and address of the potential 3rd party;
3. Only one option can be selected;
4. Include the witness's name, signature, and your relationship to the witness;
5. Sign, date and indicate the province; and
6. Return the original forms by regular mail:

Employment and Social Development Canada
Labour Program
Federal Workers' Compensation Service
165, Hôtel de Ville Street
Phase II, 9th floor, MS L911
Gatineau, Quebec K1A 0J2
Toll Free: 1-855-535-7299

General Inquires: FWCS-SFIAT-CLAIMS-RECLAMATIONS-GD@hrsdc-rhdcc.gc.ca