Please accept our sincere condolences on the passing of (name of person).

We understand that this is a difficult time for you, but there is an important decision that you need to make. You must choose between receiving WSIB benefits or bringing your own lawsuit.

You have this choice because you may be able to pursue a lawsuit against the persons or companies that caused the workplace incident. You can either choose to continue to receive WSIB benefits or seek compensation through a lawsuit, but you cannot do both.

When you have made your choice, please submit the enclosed election form within three months from the date of the incident. You can sign up to submit the completed form at wsib.ca/submit or email it to the attention of the Adjustment Services Branch.

We have included an information sheet with this letter to help you make your decision. You may choose to seek legal advice to help you make your choice. The following organizations may be able to help you find a representative or provide other information:

• If your family member was a unionized employee, their union may help you. You can also call the Ontario Federation of Labour at 1-800-668-9138.

• If your family member did not belong to a union, the Office of the Worker Advisor may be able to help you at 1-800-435-8980 (English) or 1-800-661-6365 (French).

• You may qualify for help from a community legal clinic. You may find out more by calling Legal Aid in Ontario at 1-800-668-8258 (outside Toronto) or 416-979-1446 (Toronto area).

While you make this decision, we will continue to provide you with the WSIB benefits that you are entitled to for up to three months from the date of the incident.

If you choose to sue the persons responsible for the incident, your WSIB benefits will stop and you will have to repay the benefits you received. To discuss repayment options, you or your legal representative may send an email to the Adjustment Services Branch.

If you don’t submit the election form, we will assume that you have chosen not to claim WSIB benefits. Any WSIB benefits you may be receiving will stop and you will need to repay the WSIB for any benefits paid.

**Instructions for completing the election form:**

1. Someone over 18 years of age must witness your signature and also sign the form.

2. You have three months from the date of the incident to return the form.

3. Do not write on or alter the form in any way other than signing and dating it and checking the appropriate box. If the form is not completed properly, we will need to send you another form.

This letter should not be interpreted to mean that any lawsuit you may bring would be successful. Whether or not there are valid grounds for a lawsuit is a question you will need to consider based on any legal advice you receive.

If you have any questions or concerns email us at [Adjustment\_Services@wsib.on.ca](mailto:Adjustment_Services@wsib.on.ca).