

| Manitoulin-Sudbury District Services Board POLICY & PROCEDURES MANUAL | |
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| Section: H. Ontario Works | Effective Date: July 2009 |
| Topic: 5. Income and Exemptions | Replaces: November 2004 |
| Subject: 5.14. Subrogation | |
| Policy No. H.5.14. | Page 1 of 2 |

POLICY

Authority **OW Act: Sec. 7(1), 7(2), 7(3), 13, 16(1), 19(2) and 70**
OW Directives: Dir. 5.2, 5.10

The purpose of this procedure is to ensure that cases which may qualify for subrogation are identified and pursued. It identifies the procedures to follow and the responsibility centres.

A person who has a disability as a result of the negligence of another party may be able to obtain compensation from the party responsible through court action.

PROCEDURE

In general, all communication relating to a subrogation matter is to take place between the Manitoulin-Sudbury DSB Solicitor and the participant's lawyer.

When a matter is settled, a copy of the Minutes of Settlement and Judgement are obtained and a copy provided to Manitoulin-Sudbury DSB.

Where a person applies for Ontario Works as a result of the negligence or wrongful act of another person, details should be obtained regarding the incident and whether or not he or she intends to sue or is in the process of suing. Contact with the participant's lawyer should occur only where it is necessary to establish the lawyer's correct name and address or to determine whether legal action has commenced or is being contemplated.

The Subrogation Referral Form should be completed with as much detail as is available and sent along with the assignment to the Manitoulin-Sudbury DSB FSW. The FSW will forward all relevant information to the solicitor if the proceeding is being commenced in the name of the Manitoulin-Sudbury DSB **or** in the name of the participant. Additional information and copies of any related documents and reports should be attached.

Information that is required to be forwarded is the name, address and telephone number of the participant and his or her lawyer. Information that should be provided if available includes:

- date, circumstances and nature of the incident;
- copies of pertinent reports (police, medical, etc.)
- details regarding any civil proceedings already begun;

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- copies of available court documents;
- the value of benefits already provided;
- the approximate value of benefits likely to be issued in the future.

The Manitoulin-Sudbury DSB Solicitor will review the information and obtain any further information required. In the event that the counsel for the participant wants to discuss the subrogation, the Case Manager should refer the counsel to the Manitoulin-Sudbury DSB FSW or Solicitor.

It is important that this procedure be followed. It allows Manitoulin-Sudbury DSB to be a party to the proceedings thus the respective parties cannot make a settlement without input and advice from the Manitoulin-Sudbury DSB Solicitor.