

WSIB Policy Agenda 2017

January 2017

OVERVIEW

The Workplace Safety and Insurance Board (WSIB)'s [Framework for Operational Policy Development and Renewal](#) ("*Framework*") describes the WSIB's commitment to ensure its benefits and revenue policies are up to date, clear, and provide appropriate guidance to staff and the public as to how they will be applied.

The *Framework* supports the [2016-2018 Strategic Plan](#) and reflects the WSIB's approach to policy consultation that balances the benefits of consultation with the importance of timely policy development and respect for the finite capacity and resources of both the WSIB and its stakeholders.

It is within the *Framework* that annual Policy Agendas are developed, comprised in part of priority policies requiring substantive revision and stakeholder consultation. In addition, in order to ensure policies are kept up to date, each year a number of policies may be identified for "housekeeping"¹ revisions. All policy changes are posted on the WSIB's [Policy updates/clarifications page](#). Unanticipated policy priorities may also need to be addressed as they arise throughout the year.

In keeping with the *Framework*, the WSIB utilizes an agenda-setting process to determine which policies will be reviewed in a given year. Policy issues that are identified are reviewed and prioritized based on a number of factors including:

- alignment with legislative/regulatory provisions
- strategic directions
- business area requirements
- scientific or medical advances, Appeals Resolution Officer (ARO) / Workplace Safety and Insurance Appeals Tribunal (WSIAT) decisions, court rulings
- external stakeholder input and feedback
- adherence to scheduled policy review dates
- length of time since last substantive review

The results of the agenda-setting process are set out in the 2017 Policy Agenda. It is divided into the following three sections:

- 1) Ongoing Policy Projects
- 2) New Policy Projects requiring substantive revision
- 3) Policies Scheduled for Evaluation and Review

Part 1 of the Policy Agenda, Ongoing Policy Projects, is comprised of the Rate Framework Modernization and supporting the Claim Suppression initiative.

New Policy Projects are identified in **Part 2**. As outlined in the *Framework*, with the exception of policy revisions that are required as a result of legislative change to ensure consistency with the law, stakeholders will be engaged through a consultation process commensurate with the

¹"Housekeeping" revisions are non-substantive changes which include:

- consequential revisions resulting from legislative/regulatory amendments or changes made to other policies;
- correction of outdated or inaccurate information/terminology;
- correction of typographical or grammatical errors; and/or
- updates to legislative references and others.

impact of the policy issues identified. Regardless of the consultation approach chosen, the WSIB will strive to complete each policy development initiative, including consultation, within 12 months, noting that in some circumstances there may be exceptions to this. Where circumstances necessitate extending policy development timelines, or where it is known at the outset that a particular policy development initiative will exceed 12 months, the WSIB will communicate this and provide updates as appropriate.

Consistent with the *Framework*, as each policy is substantively updated, or a new policy is created, a scheduled review date is inserted at the end of the policy. This is to ensure policies are regularly evaluated to determine if they are achieving the intended outcomes. Review cycles are a maximum of five years with most new policies and substantive policy revisions evaluated within a shorter timeframe such as three years post-implementation. Policies that are to be reviewed may be formally evaluated either independently or as part of a larger program review. **Part 3** of the Policy Agenda includes policies that are scheduled for cyclical review.

POLICY AGENDA 2017 – ONGOING POLICY PROJECTS

Topic	Description	Policy Reference
<p>Rate Framework Modernization</p>	<p>The WSIB's Rate Framework Modernization initiative has been a multi-year engagement with experts and stakeholders to address identified challenges with the current processes related to employer classification, rate setting and experience programs.</p> <p>On November 14, 2016 the Workplace Safety and Insurance Board's (WSIB's) Board of Directors approved the new Rate Framework.</p> <p>The WSIB is reviewing all operational policies impacted by the new Rate Framework, and the need to develop any new policies to support its implementation, including the flexibility to consider occupational health and safety factors to impact premium rate outcomes for employers.</p> <p>For example, this initiative will lead to a new policy on rate setting, amendments to existing classifications policies, and approximately 26 policies will require substantive changes or rescinding. At least 30 policies will require minor changes.</p>	<p>Reviewing/Revising</p> <p>Employer Classification Policies revised to reflect new classification approach and structure</p> <p>Experience Rating Policies rescinded and replaced with new rate setting policy to reflect new premium rate setting approach</p> <p>Other Operational Policy Manual (OPM) policies, as required</p>
<p>Claim Suppression/ Employer Reporting</p>	<p>Bill 109 amended the WSIA by adding provisions that prohibit claim suppression, make claim suppression an offence, and introduces an administrative penalty for contraventions of the claim suppression prohibition. Bill 109 also increases the maximum corporate penalty for all offences under the WSIA.</p> <p>Implementation of the new employer claim suppression provisions includes changes to the General Regulation (O. Reg. 175/98) to prescribe administrative penalties</p>	<p>Reviewing</p> <p>15-01-02, Employers' Initial Accident-Reporting Obligations</p> <p>Offences and penalties policies</p>

Topic	Description	Policy Reference
	<p>for claim suppression. In conjunction with these changes, aligning with the claim suppression strategy, additional amendments to the General Regulation will strengthen and update the penalties for employer non-compliance with the accident reporting obligations under section 21 of the WSIA.</p> <p>The WSIB is reviewing operational policies impacted by the claim suppression and penalty provisions of Bill 109.</p>	<p>and other OPM policies, as required</p>

POLICY AGENDA 2017 – NEW POLICY PROJECTS

Topic	Description	Policy Reference
<p>Indexing (Budget Measures Act – Bill 144)</p>	<p>As a result of Bill 144, as of January 1, 2018, the WSIA will provide for a single indexing factor (CPI) and a single indexation approach (application of indexing factor to the benefit payment amount).</p> <p>The WSIB is currently working towards operationalizing the indexation changes for the coming into force date. As part of supporting this project, the WSIB will review the relevant policies and make any changes necessary to support implementation.</p> <p>Estimated that up to forty policies may be impacted.</p>	<p>Reviewing</p> <p>Policies within the Benefit Payments section of the OPM where they pertain to indexation may require substantive changes to align with Bill 144</p> <p>Housekeeping changes to other OPM policies, as required</p>
<p>Medical Assistance in Dying (Bill C-14)</p>	<p>In response to the Supreme Court of Canada’s 2015 decision in <i>Carter v. Canada (Attorney General)</i>, the Federal Government introduced Bill C-14 to allow medical assistance in dying in certain circumstances. Bill C-14 passed on June 17, 2016 and the provincial government has indicated it will pursue amendments to provincial legislation to support the implementation of medical assistance in dying. WSIB will assess the new legal framework to determine what policy changes may be required to formalize how to treat cases where injured workers choose medical assistance in dying related to work-related injuries/diseases.</p>	<p>Reviewing</p> <p>15-05-01, Resulting from Work-Related Disability/ Impairment</p> <p>Other OPM policies, as required</p>
<p>Aluminum Exposure</p>	<p>The policy took effect in 1997 and states that the available medical and scientific evidence does not establish causal associations between occupational aluminum exposure and dementia, Alzheimer's Disease or conditions with neurologic effects.</p> <p>The WSIB has asked a third party to conduct a scientific review to examine whether workers with occupational exposure to aluminum have an increased</p>	<p>Reviewing</p> <p>16-01-10, Occupational Aluminum Exposure, Dementia, Alzheimer's Disease and Other</p>

	<p>risk of developing adverse health conditions, including those neurological conditions referenced in the policy. The WSIB will consider whether any policy changes are necessary based on the outcome of this scientific review.</p>	<p>Neurologic Effects</p>
--	--	---

POLICY AGENDA 2017 – POLICIES IN REVIEW CYCLE

Topic	Description	Policy Reference
<p>Pre-existing Conditions Policy</p>	<p>The Pre-existing Conditions policy came into effect in November 2014. The policy defines a pre-existing condition and provides direction to decision-makers regarding how to assess the impact, if any, of a pre-existing condition after an initial entitlement decision has been made.</p> <p>The policy is scheduled for review within two years of its application day, which is November 1, 2014. The WSIB will review this policy in 2017, after having two full years of experience with its application.</p>	<p>Reviewing</p> <p>15-02-03, Pre-existing Conditions</p>
<p>Work Reintegration Policies</p>	<p>The Work Reintegration (WR) policies took effect in 2011 and 2012.</p> <p>The policies represent an integrated set of guidelines aimed at ensuring that a worker’s opportunities for successful WR are optimized in a manner consistent with the provisions of the WSIA and applicable human rights legislation.</p> <p>The suite of WR policies are interrelated and support the seamless operation between the various WR stages. As such, the WSIB will review these policies together in 2017 to ensure they are up to date and continue to fulfill their purpose.</p>	<p>Reviewing</p> <p>19-02-01, Work Reintegration Principles, Concepts, and Definitions</p> <p>19-02-02, Responsibilities of the Workplace Parties in Work Reintegration</p> <p>19-02-04, Functional Abilities Form for Work Reintegration</p> <p>19-03-03, Determining Suitable Occupation</p> <p>19-03-05, Work Transition Plans</p>

		19-03-06, Work Transition Expenses 19-03-11, Relocation Services
--	--	---