

## **WSIB Policy Agenda 2012 - 13**

Updated January 1, 2013

## OVERVIEW

In 2012, the Workplace Safety and Insurance Board (WSIB) began publicly releasing an annual Policy Agenda that identifies the policy priorities for the current year and areas of policy priority for the following years.

### **Goals of Establishing a Policy Agenda**

- To facilitate the ongoing review and renewal of the WSIB policies;
- To ensure that the policies are in alignment with the strategic direction of the WSIB, in accordance with any changes in relevant legislation and generally kept consistent and current;
- To help prioritize the policy development work of the WSIB; and
- To engage stakeholders in future policy reviews.

As per the [Framework for Policy Development and Renewal](#) the WSIB is committed to an ongoing and thorough process of stakeholder consultation.

### **Commitment to Ongoing Policy Renewal and Evaluation**

In alignment with the WSIB's [2012-2016 Strategic Plan](#) and the *Framework for Policy Development and Renewal*, the WSIB is committed to continual improvement and ongoing renewal of WSIB policies.

The goal of the WSIB's Policy Evaluation and Renewal Initiative is to ensure policies are up to date, clear, and provide appropriate guidance to staff and the public as to how they will be applied. It is within that context that annual Policy Agendas are developed, with those policies identified as requiring substantive revision forming part of future Policy Agendas and consultation processes.

Other drivers for change, such as legislative amendments, also continue to influence the content of the Policy Agenda from year to year. For instance, on October 22, 2012 the Government announced its intention to amend the *Workplace Safety and Insurance Act, 1997* (WSIA). The proposed changes, if enacted, would allow the WSIB to: 1) review loss of earnings benefits after 72 months; and 2) base survivor benefits on the average earnings of the deceased worker's occupation or trade rather than the statutory minimum currently provided under the Act. The WSIB will continue to monitor whether this legislation is introduced and its impact on the Policy Agenda.

In addition, to support the objectives of Evaluation and Renewal noted above, each year a series of policies will be identified for "housekeeping" updates. These non-substantive changes include:

- minor 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.

## **POLICY AGENDA 2012-13 AND UPCOMING AREAS OF POLICY PRIORITY**

The following provides detail on the policy priorities the WSIB has identified for analysis and consultation.

The contents of the *updated* Policy Agenda 2012-13 have been shaped by a number of factors including the recommendations by Professor Harry Arthurs' in his final report [Funding Fairness: A Report on Ontario's Workplace Safety and Insurance System \(Funding Fairness\)](#) (released on May 4, 2012), the ongoing work associated with the Benefits Policy Review, and the transformation work underway at the WSIB.

*Part A* provides specific details on the items identified for the Policy Agenda 2012-13 (updated).

*Part B* provides a general description of the areas of policy priority for the following years.

For each of the policies included on the Agenda, a Consultation Plan will be developed to support the stakeholder engagement process. The details of the plan will be guided by the scope and complexity of the specific policy issue. However, regardless of the scope, the WSIB is committed to an open and transparent consultation processes through which stakeholders will be able to provide advice and guidance. Details of consultation processes will continually be made available on the WSIB website ([Consultation Secretariat](#)).

## **PART A: POLICY AGENDA 2012-13 (updated)**

### ***Rate Framework: Employer Classification, Rate Setting and Experience Rating***

Throughout 2012-13, the WSIB will engage in a Rate Framework Consultation led by Special Advisor to the Chair, Doug Stanley. This consultation focuses on three key priority areas: Employer Classification, Rate Setting and Experience Rating.

The WSIB currently has a complex system of Rate Groups and Classification Units. In his *Funding Fairness* recommendations, Professor Harry Arthurs identifies the benefits of simplifying the rate group structure and the associated implications and considerations that should be taken into account in the rate setting process. Much of this policy work is transformational and is integrated with the system goals of prevention and return to work. The WSIB will continue to work with the Ministry of Labour and its partners to determine the best path forward.

### ***Construction: Maximum Amount of Insurable Earnings***

In 2001, the former method of utilizing a weekly maximum for reporting insurable earnings in construction sector was replaced with a requirement that each employer report insurable earnings up to the annual maximum ceiling. The WSIB will be conducting a review of the relevant policies and examining the methodology associated with the maximum amount of insurable earnings in the construction sector.

### ***Sufficiency Plan and Funding Policy***

Following the release of the Funding Fairness Report, the government enacted Bill 135, *Helping Ontario Families and Managing Responsibly Act, 2010*, as well as Regulation 141/12, *Insurance Fund*, which requires the WSIB reach 60% funding in 2017, 80% in 2022 and 100% funding in 2027. The Regulation also requires the WSIB to submit a Sufficiency Plan by June 30, 2013.

The WSIB will develop a plan that aligns the requirements set out by government and draws on the advice of the Funding Review.

### ***Benefits Policies: Compensating for the Work-related Impairment***

The WSIB policies on [Recurrences](#), [Work Disruptions \(15-06-01, 15-06-02, 15-06-03, 15-06-04, 15-06-05\)](#), [Permanent Impairments](#), and [Aggravation Basis](#) all relate to the issue of compensating for the work-related impairment.

In May 2012, the WSIB appointed independent Chair Jim Thomas to facilitate the consultation on this suite of policies, with the aim of creating policies that are consistent and provide clear direction to decision makers, stakeholders and the general public. Mr. Thomas' [Benefits Policy Review Discussion Paper](#) was released in July 2012 and public hearings were held in the Fall, 2012. Mr. Thomas' Final Report to the WSIB is expected in early 2013.

Following the Final Report, the WSIB will consult on draft policies in these four areas.

### ***Employer Reporting Obligations***

The current employer reporting policy allows employers to notify the WSIB within 7 business days of learning of their worker's injury by accident or disease. However, this is not in accordance with the 3 day requirement stipulated in s.21 (1) of the *WSIA*. The WSIB will look to

amend this policy by clarifying existing reporting requirements, and to align it with the legislation.

## **PART B: UPCOMING AREAS OF POLICY PRIORITY**

The *Framework for Policy Development and Renewal* commits the WSIB to releasing a Policy Agenda on an annual basis and providing information on areas of policy priority that will be consulted on in the upcoming years. All policies pertaining to benefits, revenue and occupational disease that require substantive changes will be considered for consultation through inclusion in future annual Policy Agendas.

As noted earlier, one of the goals of establishing a Policy Agenda is to ensure that the policies are in alignment with the strategic direction of the WSIB. As part of the *2012-16 Strategic Plan*, the WSIB's vision acknowledges the need to transform itself into a modern organization in order to be more adaptable to meet our customers' growing and changing needs. As this transformation occurs, particular policies may be identified as an upcoming area of policy priority.

At this juncture the following items have been identified as areas of future policy priority. However, as the Agenda evolves each year, this section will be amended as required to align with the priorities of the WSIB and the Policy Renewal process.

### ***Last Employer of Record***

Currently, claim costs are reflected in the accident employer's record, with cost relief or cost transfer available under specific circumstances. The WSIB will consider a policy review of the process for attributing claim costs to an employer. In particular, the focus will be on the implications of current policy on those sectors where there is an increasingly transient work force.

### ***Travel and Related Expenses***

The WSIB intends to undertake a review of the policies pertaining to travel and related expenses. "Related expenses" includes expenses such as accommodations, meals and escorts. A review of these policies is critical to ensure that they provide consistent and appropriate guidelines to WSIB decision makers as well as the general public.