

**Operational  
Policy**

Section

Access to Information - Employers

Subject

**Access to Employer Information**

## Policy

The WSIB considers all information it receives, including information concerning employers, to be confidential. The WSIB makes most employer-specific confidential information available only to the employer or the employer's authorized representative(s). However, the WSIB may provide statistical or general information to the public.

### NOTE

**1. This policy relates only to employer information.**

For information concerning the authorization of employer representatives, see 21-01-02, Authorization of Employer Representatives Regarding Employer Information. For access to claim or worker information, see 21-02-01, Access to Claim File Information - Issue in Dispute, and 21-02-04, Authorization of Representatives Requesting Personal Information.

**2. Clearance Certificates**

This policy does not relate to the release of information concerning the premium payment status of any employer's account in cases when a principal contractor requests a Clearance Certificate. A principal contractor who engages a contractor/subcontractor with workers may use the clearance certificate to confirm that a contractor/subcontractor is registered, has reported insurable earnings and has paid all amounts owed to the WSIB. See 14-02-04, Clearance Certificates and policy 14-02-19, Clearance Certificate in Construction.

**3. Purchase Certificates**

This policy does not relate to the release of information concerning outstanding reporting or payment obligations that are due the WSIB when a purchaser or a vendor requests a Purchase Certificate. In arranging the sale of all or part of a business, either the original employer or the purchaser may obtain a Purchase Certificate from the WSIB to verify that there are no outstanding amounts owing to the WSIB on the employer's account. See 14-02-03, Purchase Certificates.

## Purpose

The purpose of this policy is to outline the circumstances under which the WSIB may disclose employer information.

## Guidelines

Employer-specific information, in the custody of the WSIB, is confidential. Disclosure is governed by the *Workplace Safety and Insurance Act, 1997* (WSIA) and the *Freedom of Information and Protection of Privacy Act* (FIPPA).

For the purposes of access, the WSIB defines an employer as one who has carried on, or is still carrying on, a business activity under Schedule 1 or Schedule 2 of the Act, either on a compulsory basis or by application. Employers include persons who do not employ workers, i.e. independent operators (and partners without workers) who have obtained optional insurance.

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**Access to Employer Information****Construction industry**

Independent operators, sole proprietors, partnerships, and corporations who carry on business in construction are deemed employers, with few exceptions. See 12-01-06, Expanded Compulsory Coverage in Construction.

**Confidential information**

An employer's confidential business information includes, but is not restricted to

- payroll
- premiums and related information
- account balances
- optional insurance amounts
- the amount of unpaid premiums
- dollar amount of claims costs
- an employer's Workwell evaluation
- accident cost statements
- details on Schedule 2 invoices, and covered by advance notices
- account number and firm number (at the discretion of the WSIB, e.g. Clearance Certificates).

**General information**

Information concerning an employer that may be released to the public without authorization includes

- whether a particular employer is registered
- the employer's rate group
- the employer's classification unit
- whether the employer is in Schedule 1 or 2
- the name and/or mailing address of a registered employer
- confirmation that an individual has optional insurance (excluding the amount of coverage or the length of coverage)
- confirmation of an individual's or an employer's good standing, but not any details about outstanding amounts
- the accident statistics (OHSA section 12).

**Who may request employer information**

The WSIB does not disclose confidential information to any individuals who fail to satisfy the WSIB that they are the employer, or an authorized representative of the employer. An employer (i.e. an authorized officer of the company) or an authorized representative (i.e. a third party consultant) acting on behalf of the employer may request that the WSIB provide them with the employer's information.

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An employer may authorize a representative to act on behalf of the employer and get access to information about the employer's account. However, such representatives must be identified to the WSIB through proper authorization. See 21-01-02, Authorization of Employer Representatives Regarding Employer Information for information about authorized officers of a company or authorized employer representatives.

**Verification of representative**

For any request, the WSIB reserves the right to verify the information directly with the employer, including

- the authenticity of the request
- the authorization of the representative, and,
- the signing authority of the individual who signed the authorization.

**General information**

Requests for information by any member of the general public are reviewed by the WSIB according to the FIPPA on a case-by-case basis to determine whether employer authorization is required. There may be a charge for supplying general information that is not readily available.

**Requesting information****Accuracy of information**

When a request is made for employer information, the accuracy of the information provided by the WSIB will be based on the correctness and timeliness of the information provided by the requestor. The information given by the WSIB reflects the circumstances as they are at the time that the WSIB provides the information.

**Vetting of information**

Any area of the WSIB that receives a request for employer information may contact the Firm File Access area for aid in vetting the information prior to allowing the information to leave the WSIB.

**Verbal requests**

Any individuals requesting employer-specific information by telephone or in person must demonstrate that they are the employer (i.e. an authorized officer of the company) or an authorized employer representative (i.e. a third party consultant). A representative who is not currently authorized with the WSIB must file a written authorization with the WSIB before any information is released, see 21-01-02, Authorization of Employer Representatives Regarding Employer Information).

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## Written requests

A written request must be submitted to obtain employer information in written format. Written requests must include proper authorization if the employer representative is the requestor. Requests must include the following information

- the correct employer name and account number
- the requestor's name
- the specific information requested
- contact information, i.e. where the information should be sent, and who to contact if there are any questions, etc.

For further information, see Written Requests in 21-01-02, Authorization of Employer Representatives Regarding Employer Information.

## Multiple copies

The WSIB will supply the first copy of the employer information to the employer or the employer's authorized representative free of charge. To obtain additional copies of the same information within the following year, either the requestor may be charged for this service or one additional copy will be supplied to the employer who may make additional copies and distribute them at the employer's own discretion.

## Requests concerning retroactive adjustments

The amount of information released concerning retroactive adjustments to an employer's account is limited to the current year, and the two prior years, in accordance with the restrictions stated in the policy 14-02-06, Employer Premium Adjustments).

The amount of information released concerning an experience rating adjustment is limited to the years currently eligible for adjustment. For example, see 13-02-07, Adjustments to NEER Refunds and Surcharges. Information for the period before that time does not affect experience rating.

Information for additional years may be released at the discretion of the WSIB, based on the merits of each request.

## Disclosure of employer information under exceptional circumstances

Receivers appointed by the courts, trustees, and executors who have taken over management of an employer undergoing bankruptcy, or for a deceased employer, are entitled to the same employer specific information as the employer. They alone can authorize the release of the employer account information. Proof of status as a receiver, trustee or executor must be provided to the WSIB.

The WSIB may provide government agencies and the police with certain employer specific information without the employer's, person's, or agency's authorization. All requests from

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government agencies and law enforcement agencies must be made in writing to the Freedom of Information (FOI) co-ordinator of the Legal Branch or, in the case of fraud investigations, to the Regulatory Services. Under Regulation 460, Section 4, as amended in the FIPPA, employer account information may only be accessed internally by an employee or officer of the WSIB who needs the information for the performance of his or her duties.

**Application date**

This policy applies to all decisions made on or after January 1, 2013.

**Document history**

This document replaces 21-01-01 dated January 1, 2004.

This document was previously published as:  
11-01-09 dated October 12, 2004.

**References****Legislative authority**

*Workplace Safety and Insurance Act, 1997*, as amended  
Sections 150, 181

**Minute**

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