
Law

Workplace Safety and Insurance Act

s.88(2)

A Schedule 1 employer is not individually liable to pay benefits directly to workers or their survivors under the insurance plan.

s.90(1)

Every Schedule 2 employer is individually liable to pay benefits under the insurance plan respecting workers employed by the employer on the date of the accident.

Guidelines - Schedule 1

Workplace insurance coverage is compulsory for any business or industry named in Schedule 1, Regulation 175/98. Employers included in Schedule 1 must contribute to the insurance fund.

Insurance fund

The insurance fund is made up of annual premiums paid by Schedule 1 employers. The amount of premium is based on the WSIB's classification of the employer's business activity and the employer's total insurable payroll.

Collective liability

Through contribution to the insurance fund, a Schedule 1 employer is protected by a system of collective liability. Since the WSIB pays benefits to injured workers out of money pooled in the insurance fund, Schedule 1 employers are relieved of individual responsibility for actual accident costs.

Industry classification

Regulation 175/98 divides Schedule 1 employers into 9 different industry classes. For a complete listing of industries covered in Schedule 1, refer to Regulation 175/98.

Mixed operation

The payroll of workers who are engaged in an operation which is carried on partly as an industry under Schedule 1 and partly as an industry not under Schedule 1 is classified as if the entire operation were in Schedule 1.

Adding industries to Schedule 1

The WSIB may recommend to the Lieutenant Governor in Council that any industry not in Schedule 1 be added to Schedule 1.

Guidelines - Schedule 2

Individual liability

Schedule 2 employers are compulsorily covered through a system of individual liability. These employers must individually pay the total costs of benefits for their injured employees.

Administration

To cover the cost of these benefits, the WSIB may request a deposit from the Schedule 2 employer.

The WSIB charges each Schedule 2 employer for the cost of administering their claims. Each year administration rates are calculated and applied as a percentage added to the employers' benefit costs.

Industries in Schedule 2

Schedule 2 of Regulation 175/98 includes the following industries

- railways
- telephone companies within the legislative authority of the Parliament of Canada
- telegraph companies
- navigation companies
- international bridges
- the provincial government, including boards, commissions, and Crown agencies
- any airline with a regularly scheduled international passenger service
- municipalities, including municipal boards and commissions, except hospital boards
- public library boards
- police villages
- school boards.

Federal government

Federal government workers are covered under the *Government Employees Compensation Act* (a federal statute administered by the provincial workers' compensation boards). These workers are entitled to the same benefits as any worker protected by the *Workplace Safety and Insurance Act* of Ontario. Their claims are administered as if the federal government were a Schedule 2 employer.

The operating departments of the federal government channel all information concerning accidents through the Employment and Social Development Canada - Labour Program to

- determine if the worker is employed by the federal government and if advances are paid
- countersign the "Employer's Report of Injury/Disease, Form 7" (see 15-01-02) authorizing the WSIB to proceed with adjudication of the claim, and
- note whether an election form is required in third party claims (see 15-01-05).

**Operational
Policy**

Section
Employer Coverage

Subject
Schedules 1 & 2

Transfer to Schedule 1

Any Schedule 2 employer may request a transfer to Schedule 1 and receive the protection of collective liability. Guidelines for Schedule 2 employers requesting transfers to Schedule 1 are the same as those for non-covered employers applying for Schedule 1 coverage (see 12-01-02, Employer by Application).

Application date

This policy applies to all decisions made on or after June 1, 2017.

Document history

This document replaces 12-01-04 dated March 3, 2008.

This document was previously published as:

12-01-04 dated October 12, 2004,
08-01-02 dated December 21, 1994.

References**Legislative authority**

Workplace Safety and Insurance Act, 1997, as amended
Sections 67, 68, 74, 88(2), 90(1), 91, 92, 183(2)

O. Reg. 175/98, Schedule 1, Schedule 2, s.12

Workers' Compensation Act, R.S.O., 1990, as amended
Sections 1(3), 5, 6 103, 107, 109(2)

Reg. 1102, R.R.O. 1990
Schedule 1 and Schedule 2

Minute

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