

Section
Access to Information - Employers

Subject
**Authorization of Employer Representatives Regarding
Employer for Employer Accounts Information**

Law

s.181(1)

~~Members of the Board of Directors, employees of the WSIB, and persons authorized to make an inquiry under this Act, must not disclose, or allow to be disclosed, information that has come to their knowledge in the course of an examination, investigation, inquiry or inspection under this Act.~~

s.150(2)

~~A person who contravenes subsection 181(1) is guilty of an offence.~~

Policy

~~The WSIB makes most employer specific confidential information available only to the employer or the employer's authorized representative(s). Employers may authorize representatives to act on their behalf and get access to the same confidential employer account information that the WSIB provides to an employer. However, such representatives must be identified to the WSIB through proper authorization.~~

~~Representatives must not disclose, or allow to be disclosed, any account information released to them by the WSIB. Anyone who contravenes this requirement is guilty of an offence.~~

~~To learn what account information may be accessed, see 21-01-01, Access to Employer Information.~~

~~To learn how an employer can authorize a representative to act on their behalf on a claim, and what claims information can be accessed, see 21-02-01, Disclosure of Claim File Information - General, and 21-02-04, Disclosure of Claim File Information to Worker or Employer Representatives.~~

Purpose

NOTE

~~This policy relates only to employer. The purpose of this policy is to set out how an employer authorizes a representative representatives to act on their behalf for WSIB account purposes, and how they may be authorized to represent an employer.~~

~~To learn what employer and information may be accessed, see 21-01-01, Access to Employer Information and.~~

~~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.~~

Commented [OPB1]: Deleted content and inserted summary of law section under "Policy"

Commented [OPB2]: Inserted summary of law section

Commented [OPB3]: Inserted Purpose section

Guidelines

Definitions

~~For the purposes of this policy, the~~The following terms and definitions apply for the purposes of this policy.

An **employer** – is one who has carried on, or is still carrying on, a business activity under Schedule 1 or Schedule 2 of the WSIA Act, covered either ~~on a compulsory basis~~ mandatorily or by application. Employers also include those who are deemed to be employers under optional insurance or compulsory coverage in the construction industry. ~~persons who do not employ workers, i.e. independent operators (and partners without workers) who have obtained optional insurance.~~ For additional information, see 12-01-01, Who is an Employer?.

An **authorized officer** – is an individual within the employer's company who is in a position to commit the organization on a corporate level, or who would normally have access to, and control of, the information to be released: (e.g., sole proprietors, partners, presidents, vice-presidents, general managers, chief financial officers, controllers, director of finance, safety officers, or individuals in other positions in which access to confidential employer information is typical).

~~Examples of an authorized officer of the company are~~
~~sole proprietors~~
~~partners~~
~~presidents~~
~~vice presidents~~
~~general managers~~
~~chief financial officers~~
~~controllers~~
~~directors of finance~~
~~safety officers, and~~
~~individuals in other positions in which access to confidential employer information is typical.~~

~~An **employer representative**—is a third party consultant who provides advice and help to the employer concerning dealings with the WSIB. If the employer decides to hire such a consultant, the authorization process described in this policy provides the WSIB a means to identify that this relationship exists and remains valid.~~

Employer information - means all information relating to a specific employer supplied to, collected, or created by the WSIB and contained in existing WSIB records, but does not include claim file information.

Commented [OPB4]: Revised definition to include reference to construction industry.

Commented [OPB5]: Replaced by definition of legal and non-legal representatives outlined later in policy

Commented [OPB6]: Inserted definition from 21-01-01 to clarify the type of WSIB information covered by this policy

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Employer representatives

Who may request employer information

Employers can authorize a representative to act on their behalf and gain access to account information which is normally confidential to all but the WSIB and the employer.

~~The WSIB does not disclose information to any individuals who fail to satisfy the WSIB that they are the employer, or an authorized representative of the employer.~~

~~An employer or an authorized representative (e.g. a third party consultant) acting on behalf of the employer may request that the WSIB provide them with confidential information that is normally made available to the employer.~~

~~Employers may authorize representatives to act on their behalf and gain access to information which is normally private to all but the WSIB and the employer. However, such representatives must be identified to the WSIB through proper authorization.~~

~~Spouses, and family members are not entitled to access, or to authorize the release of, confidential information unless the person in question is an authorized officer of the company or an authorized representative of the employer.~~

Employer obligations

Employers remain legally responsible to meet all employer obligations to the WSIB, such as reporting and payment obligations, even if it is the employer's representative who is carrying out the process to fulfill the WSIB obligation.

Establishing authorization

The employer confirms who their authorized representative is by submitting a properly completed Employer's Direction of Authorization - WSIB authorization form, signed and dated by an authorized officer of the company. ~~If the form is not properly completed, it will not be accepted as a valid authorization.~~ The employer must indicate the account(s) for which the representative is authorized.

~~An Employer's Direction of Authorization form must be completed for each account and include the following information:~~

- ~~the employer's legal name and account number~~
- ~~the name of the employer's representative~~
- ~~the type of information the representative is allowed to access or any restriction to access~~
- ~~the date the authorization begins (Effective Date of Authorization)~~
- ~~the expiry date of the authorization, and~~
- ~~the signature of an authorized officer of the company.~~

Commented [OPB7]: Streamlined content

Commented [OPB8]: Deleted process information not required in policy

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The acceptable method of submitting an authorization to the WSIB is at the discretion of the WSIB.

Validity period

An authorization is valid from the Effective Date of Authorization as indicated on the form, until the date indicated in the Validity Period section of the form. The maximum Validity Period can be up to two years from the Effective Date of Authorization. If no date is indicated in the Validity Period section, then the authorization defaults to a six month validity period from the Effective Date of Authorization on the form. Authorizations are kept on file by the WSIB.

Types of employer representatives

When completing the WSIB authorization form, employers must indicate the type of representative they are selecting (see below). An employer may have both types of representatives, but a separate form must be completed for each.

Non-legal representatives

A non-legal representative can be a person, firm, or organization (e.g., accountant, bookkeeper). Upon authorization from the employer, non-legal representatives can access the WSIB account information that employers would normally be able to access (e.g., account status, premium notices, accident cost statements, WSIB decision letters). These representatives can also act on the employer's behalf in dealing with the WSIB (e.g., reporting premiums, obtaining clearances, balance/statement inquiries).

These representatives cannot act on behalf of the employer to appeal a WSIB decision. Only legal representatives are permitted to handle appeals.

Legal representatives

A legal representative is a person, firm or organization that has been licensed under the Law Society Act, or is exempt from the Law Society Act licensing requirements. Upon authorization from an employer, legal representatives can undertake all the activities of a non-legal representative as well as act on behalf of the employer in the appeal process. They may also interact with the WSIB on behalf of the employer with regard to other legal issues, such as the sale of a business or bankruptcy.

Legal representatives include, but are not limited to:

- lawyers
- paralegals
- union or bargaining agent representatives
- representatives from the Office of the Worker Adviser or the Office of the Employer Adviser
- Constituency Assistants working in MPP offices
- Aboriginal Court Workers

Commented [OPB9]: Moved content below, to improve flow

Commented [OPB10]: Inserted information to clarify types of employer representatives, based on information pulled from 21-02-04

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- [Injured Workers Outreach Services, and](#)
- [Ontario Federation of Labour staff and consultants representing union members in workers' compensation matters \(under the Occupational Disability Response Team\), including their work in representing families of deceased workers.](#)

Signing authority

The person who signs the authorization must indicate their position in the company, and certify that they are an authorized officer of the company.

Verification of representative

For any request [from a representative](#), 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.

Validity period

[Representatives can only act on behalf of an employer as long as there is a valid authorization on file \(exception for appeals noted below\).](#)

[The employer's authorization of a representative is valid from the date the form is received by the WSIB until the expiry date, if any is noted on the form.](#)

~~Cancelling or changing the authorization~~

~~Authorization is automatically terminated on the date indicated in the Validity Period section of the Employer's Direction of Authorization form. The Validity Period is either a default six month period or the employer specified Authorization Expiry Date of up to two years, unless the employer submits another Employer's Direction of Authorization form to authorize a further validity period.~~

~~The employer (i.e. an authorized officer of the company) may notify the WSIB at any time by telephone or in writing to cancel the authorization of a representative.~~

[If no expiry date is indicated on the form, the authorization remains valid until the WSIB is notified otherwise by the employer. The employer \(i.e., an authorized officer of the company\) may cancel the authorization of a representative at any time by notifying the WSIB by phone or in writing.](#)

An authorization may be changed by completing a new ~~Employer's Direction of Authorization~~ form and submitting it to the WSIB.

Commented [OPB11]: Revised to reflect introduction of unlimited authorization period

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If the Employer's Direction of Authorization form is received by the WSIB after the Authorization Expiry Date, the WSIB treats the authorization as no longer valid and denies any requests made by the representative named on that authorization for the specified account.

Authorization for issues under appeal

An employer's representative who requests information relating to an issue under appeal must be identified to the WSIB by an *Employer's Direction of Authorization* form signed and dated by the employer (i.e. an authorized officer of the company). Access of information to this representative is limited to those issues specified in the *Employer's Direction of Authorization* form provided that the request relates to the issue under appeal.

Appeals

Employers are asked to identify their authorized legal representative (if any) when they submit the Objection Form (Revenue) to request an appeal. Only one legal representative may be authorized to handle the appeal of an issue regarding an employer's account(s). For additional information, see the document called Appeal System - Principles and Procedures on the WSIB's website, www.wsib.ca.

If an appeal continues beyond any expiry date set by the employer, the authorization is automatically extended until the WSIB makes a final decision on the appeal, or the appeal is withdrawn by the employer. Upon release of the final decision or withdrawal of the appeal, the authorization is automatically terminated if it has not been renewed. The employer can renew the authorization for a representative or authorize a new representative by submitting a new WSIB form.

~~The validity period for authorization of an employer's representative is automatically extended for issues under appeal until the WSIB makes a final decision on the appeal. At the time of the final decision, the authorization is automatically terminated for that representative if the authorization has expired, that is, the Authorization Expiry Date has passed and the authorization has not been renewed. Employers are asked to identify their authorized representative when they submit the Objection Form (Revenue) to request an appeal (see the document called Appeal System - Principles and Procedures on the WSIB's website, www.wsib.on.ca).~~

~~Employers, who discontinue the appeal process and then later resume or renew it through an employer representative must send a new *Employer's Direction of Authorization* form to identify their representative.~~

Commented [OPB12]: Revised for clarity and to reflect introduction of unlimited authorization period

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Application date

This policy applies to all decisions made on or after ~~January 1, 2004~~ [August 1, 2020](#).

Document History

This document replaces 21-01-02 dated ~~October 12, 2004~~ [March 3, 2008](#).

This document was previously published as:

[21-01-02 dated October 12, 2004](#)

11-01-17 dated March 5, 2004.

References

Legislative Authority

Workplace Safety and Insurance Act, 1997, as amended
Sections [57\(3\)](#), 150, 181

Minute

Administrative

~~#16, December 11, 2007, Page 453~~