

Operational
Policy

Section

Access to Information - Employers

Subject

**Authorization of Employer Representatives Regarding
Employer 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 information that the WSIB provides to an employer. However, such representatives must be identified to the WSIB through proper authorization.

NOTE

This policy relates only to employer representatives and how they may be authorized to represent an employer. To learn what employer information may be accessed, see 21-01-01, Access to 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.

Guidelines

Definitions

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

An **employer** – is 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. 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

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control of, the information to be released. 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.

Who may request employer information

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.

Written requests

Requests for written information must generally be made in writing.

An employer representative who makes a written request for confidential information that is normally available to the employer must

- provide the completed *Employer's Direction of Authorization* form signed and dated by an authorized officer of the company along with the request, or
- be listed on file with the WSIB as a currently valid authorized representative of that employer, and
- clearly state in the request, what information is required and indicate the correct account number of the employer.

Verbal requests

Any individuals requesting confidential information by telephone or in person must demonstrate that they are either an authorized officer of the company or an authorized employer representative. An employer representative (i.e. a third party consultant) must file a written authorization with the WSIB before any information is released.

Establishing authorization

The employer confirms who the authorized representative is by submitting a properly completed *Employer's Direction of 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.

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.

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

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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.

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, 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.

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.

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

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.

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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.

Application date

This policy applies to all decisions made on or after January 1, 2004.

Document History

This document replaces 21-01-02 dated October 12, 2004.

This document was previously published as:
11-01-17 dated March 5, 2004.

References**Legislative Authority**

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

Minute

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