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## Law

### s.2(1)

“Worker” means a person who has entered into or is employed under a contract of service or apprenticeship and includes the following

- an auxiliary member of a police force.
- a member of a volunteer ambulance brigade.
- a member of a municipal volunteer fire brigade whose membership has been approved by the chief of the fire department or by a person authorized to do so by the entity responsible for the brigade.

### s.54(1)

If a worker’s average earnings exceed 175 per cent of the average industrial wage for Ontario for the year, his or her average earnings shall be deemed to be 175 per cent of the average industrial wage for Ontario for the year.

### s.70

One of the following entities, as may be appropriate, shall be deemed to be the employer of a member of a municipal volunteer fire brigade or volunteer ambulance brigade or an auxiliary member of a police force

1. A municipal corporation.
2. A public utilities commission or any other commission or any board (other than a hospital board) that manages the brigade for a municipal corporation.
  - 2.1. Any other person that manages the volunteer ambulance brigade for a municipal corporation.
3. The board of trustees of a police village.
4. A police force.

### s.78(1)

Every year on or before the date specified by the WSIB, a Schedule 1 employer shall give the WSIB a statement setting out the total wages earned during the preceding year by all workers and such other information as the WSIB may request.

### s.78(3)

The statement by a deemed employer of a municipal volunteer fire brigade or volunteer ambulance brigade or of auxiliary members of a police force must set out the number of members of the brigade or the number of auxiliary members and the amount of earnings, fixed by the deemed employer, to be attributed to each member for the purposes of the insurance plan.

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**s. 88(3)**

The premium payable by an employer applies only with respect to the maximum amount of average earnings determined under s. 54 for each of the employer's workers.

**Policy**

A deemed employer of a volunteer force covered under Schedule 1 must select an amount of earnings for the force. The amount selected cannot be greater than the maximum earnings ceiling set annually by the WSIB. The amount selected applies to every member of that force.

The selected amount must be at least half the annual maximum on insured earnings.

Insurable earnings are calculated on an annual basis for the entire force, not for individual volunteers. 10% of the total selected amounts for all members of the force represents the force's total annual insurable earnings.

A hospital may be the deemed employer of a volunteer ambulance brigade or service.

If a deemed employer has more than one type of volunteer force, the employer selects an annual amount of earnings for each force.

**Guidelines**

The selected amount is the amount used to calculate a volunteer's benefits when a work-related injury occurs.

**NOTE**

General rules for volunteer forces and for Schedule 2 deemed employers are found in 12-04-02, Volunteer Forces.

**Definitions**

In this policy, **volunteer force** refers to

- volunteer ambulance brigades
- volunteer ambulance services
- municipal volunteer fire brigades
- municipal volunteer firefighters
- first response teams, and
- auxiliary police forces.

A **volunteer** refers to an individual member of any of the above.

**Full-time and Part-time Firefighters**

The WSIB considers firefighters to be full-time or part-time with a municipality when they meet the following criteria:

- They are salaried workers of the municipality
- They are regularly employed as firefighters
- They must respond to all calls during their scheduled shift
- They may be organized under Part IX of the Fire Protection and Prevention Act, 1997.

**Note**

Part IX of the Fire Protection and Prevention Act, 1997 sets out the employment and labour relations regime for firefighters.

**Volunteer Firefighters**

The WSIB considers firefighters to be volunteer firefighters when they meet the following criteria:

- They provide fire protection services either voluntarily or for a nominal consideration, honorarium, training or activity allowance
- They are not required to respond to every call (i.e., normally respond to emergency calls at their own discretion)
- They are excluded from the definition of "firefighter" under Part IX of the Fire Protection and Prevention Act, 1997
- They may be represented by a bargaining agent certified under the Labour Relations Act, 1995.

**Selected amount for volunteers**

The selected amount cannot be greater than the annual maximum insurable earning ceiling. If the deemed employer does not specify a selected amount for its volunteers, the WSIB automatically extends insurance at the annual maximum.

The selected amount must be at least half the annual maximum.

If the deemed employer or the WSIB have set the amount at the maximum, the amount automatically changes if the annual maximum changes in future years.

Otherwise, the selected amount specified by the employer remains at that amount unless the employer requests to change the selected amount.

**Changes to the selected amount**

The deemed employer may change the selected amount for its volunteer forces at any time by notifying the WSIB in writing. For benefit purposes, the change is effective the date the written notice is received by the WSIB.

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However, the WSIB uses the highest amount selected during the year to determine the insurable earnings for premium calculations.

**Reporting earnings for volunteer forces**

To calculate the annual insurable earnings for a volunteer force using the Volunteer Forces Schedule, the deemed employer

1. counts how many volunteers appeared on the force's roster during the year regardless of the length of time served by each volunteer
2. multiplies the total number of volunteers by the preprinted selected amount in effect for the force
3. reports 10% of the result as the annual insurable earnings of the force.

The resulting figure is the total annual insurable earnings for the force.

**Multiple volunteer forces**

The above guidelines apply to each type of volunteer force (fire, ambulance, auxiliary police) managed by a deemed employer. The employer may select a different amount for each volunteer force.

On the Volunteer Forces Schedule, the employer calculates the insurable earnings for each force as described in "Reporting earnings for volunteer forces". The employer then reports the total for all forces as the annual insurable earnings for the forces.

**Application date**

This policy applies to decisions with respect to the calculation of premiums made on or after June 1, 2006.

**Document History**

This document replaces 14-02-11 published January 3, 2006.

**References****Legislative Authority**

*Workplace Safety and Insurance Act, 1997*, as amended  
Sections 2(1), 54(1), 70, 78(1), (3), 88(3), 159(2)(a)

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