

**Operational
Policy**

Section
Adjudication Principles

Subject
Legislative Authority

Policy

The WSIB derives its powers and duties from its governing legislation, the *Workplace Safety and Insurance Act, 1997* (WSIA).

Purpose

The purpose of this policy is to outline the scope of the WSIB's powers and duties.

Guidelines

Jurisdiction

The WSIB has full and exclusive jurisdiction to determine:

- how the WSIA should be interpreted, including whether an injury, disease, or death is work-related
- whether benefits are payable
- whether an industry falls within the scope of the WSIA
- the amount of premiums to be paid by employers
- whether a worker is co-operating in reaching their maximum medical recovery
- whether workplace parties (worker and employer) comply with their duty to co-operate in return-to-work (RTW) activities
- whether an employer has fulfilled their obligation to re-employ a worker, and
- whether to provide a worker with a RTW assessment/plan.

Practice and procedure

The WSIB has the power to determine its own policies, practices and procedures. It is not bound by legal precedent, legal rules of evidence, or the *Statutory Powers Procedures Act*. It must make its decisions based on the merits and justice of a case, see 11-01-03, Merits and Justice.

Policies

A policy for the purpose of s.126, is any information contained in the Operational Policy Manual or Employer Classification Manual, and if approved after July 1, 2001, it must be minuted.

Power to reconsider

The decisions of the WSIB are final, and there is no recourse to the courts for matters which are covered by the WSIA. However, the WSIB also has the power to reconsider and change any of its decisions at any time it considers it appropriate to do so, see 11-01-14, Reconsiderations of Decisions.

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Appeals

Decisions may be appealed to the Workplace Safety and Insurance Appeals Tribunal (WSIAT) after the WSIB's internal appeal mechanisms have been exhausted. WSIAT must apply the WSIB's policies to their decision-making. There is no further appeal of WSIAT decisions to the courts.

Application date

This policy applies to all decisions made on or after March 1, 2021, for all accidents.

Document history

This document replaces 11-01-12 dated February 15, 2013.

This document was previously published as:

11-01-12 dated October 12, 2004

11-01-12 dated December 14, 2001

01-01-04 dated June 1989.

References**Legislative authority**

Workplace Safety and Insurance Act, 1997, as amended
Sections 118(1), (2), 120, 121, 125(1), 126(1), 131(1), (3)

Workers' Compensation Act, R.S.O. 1990, as amended
Sections 69(1), (2), 70, 71(6), 72(1)

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