

The Office of the Employer Adviser (OEA) provides free, confidential and expert workers' compensation services to Ontario employers. For more information please visit our website at employeradviser.ca or contact us at askOEA@ontario.ca

2024 WSIB premium rates have been announced!

The WSIB has announced the premium rates for 2024. The average premium rate will stay at \$1.30 per hundred dollars of insurable payroll in 2024. Fifteen classes/subclasses have had their premium rate increase, eighteen classes/subclasses have had their premium rate decrease, and two subclass rates remain unchanged from last year. Employers can see all the class and subclass premium rates for 2024 on the WSIB's website [here](#).

Employers can also now view their individual risk-adjusted premium rate(s) for 2024 through the WSIB's [online services](#).

The maximum insurable earnings ceiling for 2024 is \$112,500, up from \$110,000 in 2023.

If you have questions about your classification, your premium rate(s), or reporting insurable earnings to the WSIB, give us a call!

The transition to rate framework will end in 2023 for most employers

The WSIB's policy provisions for gradually transitioning employer premium rates into the rate framework will end in 2023 for most employers. For most employers, starting in 2024 the general rules for moving between risk bands will apply. This means that when the WSIB determined your risk-adjusted premium rate for 2024 this rate should be a maximum of three risk bands up or down from your prior year risk band. The difference between each risk band is approximately a 5% increase or decrease in premium rate.

If you have questions about risk bands or your 2024 premium rate, get in touch with us and we'd be pleased to discuss your specific situation.

WSIB has a new policy about claims for communicable illnesses

The WSIB has posted its [Communicable Illnesses policy](#). This policy will guide initial entitlement decisions regarding communicable illness claims (such as COVID-19 claims) with an accident date on or after December 1, 2023.

To decide if a worker is entitled to WSIB benefits for a communicable illness, the WSIB will consider two main criteria:

- 1) The WSIB will consider whether the worker contracted a communicable illness. To decide this, the WSIB generally requires a diagnosis by a treating health professional and/or a positive result from a laboratory or diagnostic test. Sometimes other evidence may be sufficient to establish that the worker contracted the illness.
- 2) The WSIB will consider whether the communicable illness arose out of and in the course of the worker's employment. To decide this, the WSIB considers whether the worker's employment significantly contributed to their contracting the illness.

For community-acquired communicable illnesses, such as COVID-19 and influenza, the policy notes that these illnesses are easily spread in the general population. Because of this, the policy provides that unless there is a public health emergency, evidence that the worker often interacts with others at work is not enough, on its own, to support entitlement to benefits in these claims. Before allowing a claim for a community-acquired communicable illness, the WSIB will need evidence that it is probable that the worker's employment significantly contributed to their contracting the illness.

If you have questions about communicable illness claims, please give us a call. One of our expert staff members would be pleased to help you.

Employers must report work-related injuries or illnesses to the WSIB within 3 days of learning of the reporting obligation

The WSIB has revised one of their operational policies, [OPM 15-01-02](#), to say that the WSIB must receive an employer's completed Employer's Report of Injury/Disease (Form 7) within three business days of the employer learning of its reporting obligation. There is a \$250 late reporting penalty or a \$1,000 penalty if you report after thirty calendar days.

To help meet your reporting obligation on time, we suggest reporting your worker's injury/illness through your online account:

<https://www.wsib.ca/en/businesses/claims/report-injury-or-illness>

If you aren't sure whether you need to report your worker's injury or illness, feel free to contact our office for advice on your situation.

Paying your WSIB premiums

Need a reminder to pay your WSIB premiums? Complete the WSIB's [premium reminder form](#) to receive an email that will remind you when reporting and payment is due.

Also, Ontario employers with a business number can now report their insurable earnings and pay their WSIB premiums online using pre-authorized debit through their Canada Revenue Agency My Business Account. Learn more about this reporting and payment option [here](#).

Loss-of-earnings recalculation payments

The WSIB has advised that an error was made in calculating some loss-of-earnings benefits payments for some workers between 1998-2017. Employers whose accounts are affected by this should have received a letter from the WSIB about this error and the impact on your account. You can read more information about this topic on the [WSIB's website](#).

Calculating short term average earnings – change in the information needed from employers

The WSIB has updated the approach to calculate a person's short term average earnings for new injuries. Employers will need to submit four consecutive weeks of the person's earnings information using the complete pay periods closest to, not including, the date of accident.

This policy change to [OPM 18-02-02](#) applies to new decisions (on or after September 29, 2023) for accidents that occurred on or after January 1, 2023.

Note that in situations where four weeks of earnings information is not available, the WSIB will use the employment earnings with the accident employer divided by the total period worked. An example is included in the [policy](#) and if you have questions, please reach out to OEA and we will be glad to help you.

Independent Operators – policy and questionnaire changes

The WSIB has made minor changes to operational policies relating to independent operators, and substantial changes to the questionnaires that determine that status. Three status questionnaires replace all prior questionnaires:

1. (REVISED) **General questionnaire – [Determining worker/independent operator status questionnaire \(Form 1158A\)](#)**: This questionnaire is used when determining

independent operator status in various industries excluding construction, logging, and transportation, but including the taxi and retail industry.

2. (REVISED) **Logging industry questionnaire** – [Determining worker/independent operator status questionnaire \(Form 1168A\)](#)
3. (NEW) **Transportation industry questionnaire** – [Determining worker/independent operator status questionnaire \(Form 10687A\)](#): This questionnaire is to be completed by owner/operators or individuals in the trucking, courier (only delivery drivers), third-party food or other delivery, and rideshare industries. Owner/operators will be required to provide a vehicle identification number (VIN). If the vehicle with the *same* VIN is used for new principals or subsequent contracts, the prior status determination letter can be used without the need for a new determination.

If you have questions about worker/independent operator status determinations, please get in touch with us and one of our experts would be pleased to assist you.



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