



RESOLUTION 2018-05

Amendments to the Workplace Safety and Insurance Board Administrative Fee Rates for Police Employers

Preamble:

The Workplace Safety and Insurance Board (“WSIB”) is the trust agency that administers compensation and no-fault insurance for the benefit of workers and employers in Ontario. Under the *Workplace Safety and Insurance Act, 1997* (“WSIA”), municipal employers, including police services, are classified as Schedule 2 employers. Schedule 2 employers, versus Schedule 1 employers, are individually responsible for the full cost of the accident claims filed by their workers. Although the costs are self-insured by the employer, WSIB has full authority over the claims process and bills employers the actual benefit costs plus an administration fee.

WHEREAS the fees charged by WSIB to Schedule 2 employers include a 29.9 percent administrative fee, based on wages of up to 85 per cent of the pre-injury take-home pay plus supplementary healthcare costs, at a cost to police services above \$0.50 per capita annually; and:

WHEREAS one of the reasons for the high administrative fee is the need for WSIB to conduct complex and costly investigative reviews as part of the normal claim adjudication process; and

WHEREAS many police services in Ontario have seen evidence of the successful efforts to lower the stigma of mental health among workers, as shown by an increase in reported non-visible injuries, including post-traumatic stress disorder (“PTSD”); and

WHEREAS on April 6, 2016, the *Supporting Ontario’s First Responders Act, 2016* amended the WSIB to create a presumption that PTSD diagnosed in first responders is work-related (the “PTSD presumption”). In order to approve a claim under the PTSD presumption, WSIB simply needs to confirm that specific criteria have been met; namely, that the worker is a first responder and has been diagnosed with PTSD by a psychiatrist or a psychologist. Therefore, the requirement for WSIB to conduct complex and costly investigative reviews is eliminated in claims approved under the PTSD presumption; and

WHEREAS police services in Ontario who utilize private firms to administer short-term disability benefit claims that exclude investigative reviews report fees below \$0.02 per capita; and

WHEREAS the decision letter that WSIB issues for claims approved under the PTSD presumption contains no material information, other than to confirm that the worker meets the criteria for the PTSD presumption to apply; and

WHEREAS WSIB restricts employer access to a worker’s claim file in compliance with the *Freedom of Information and Protection of Privacy Act*. The current process

for an employer to obtain access to WSIB claim file information requires the filing of a Intent to Object form, inferring an intent to appeal a WSIB decision; and

WHEREAS employers may require WSIB claim file information without any intent to appeal a decision, such as to satisfy requirements for benefit entitlements under a local collective working agreement; and

WHEREAS police employers are committed to Early and Safe Return to Work Programs and seek to work with WSIB in ensuring proactive approaches to treatment and work return programs; and

WHEREAS a number of best practices are emerging in the treatment of stress and trauma related impacts.

THEREFORE, BE IT RESOLVED that the Ontario Association of Chiefs of Police calls on the Government of Ontario to lower WSIB administrative fee rates for claims approved under the PTSD presumption, to be proportional to the actual costs of adjudicating such claims; and

THEREFORE, BE IT FURTHER RESOLVED that the Ontario Association of Chiefs of Police calls on the Government of Ontario to establish a process whereby employers can obtain access to a worker's WSIB claim file without having to object to a WSIB decision; and

THEREFORE, BE IT FURTHER RESOLVED that the WSIB commit to working proactively with employers on ensuring Early and Safe Return to Work Programs for members diagnosed with occupational stress injuries or post-traumatic stress disorder.