



WSIB Reduced Reporting Obligation for Employers to Three Days

October 2023 Employer Alert

In Ontario, many employers are required to register with the Workplace Safety and Insurance Board (the “WSIB”) (or have voluntarily registered). The WSIB provides an insurance system for when a worker is physically injured or traumatically mentally injured at work. When a worker has a possible WSIB claim, an employer is required to report the injury, generally via the WSIB online portal and using a Form 7.

In September 2023, the WSIB updated the **Employers’ Initial Accident-Reporting Obligations** policy (Policy 15-01-02) to reduce the reporting deadline for employers. Previously, employers had 7 business days to report an injury. Now, employers only have 3 business days to report an injury.

When must an injury be reported by employers registered with the WSIB? An employer must report an injury if the worker has obtained health care and any of the following conditions are met: i) they are absent from work; ii) they earn less than their normal pay; or iii) they perform modified duties for more than seven days. Sometimes an employer does not learn until days, weeks, or months later that an employee sought health care. And sometimes an employee changes their story and starts alleging an absence was not because of personal health issues, but a workplace injury. If an employee provides new information that suggests that there is a WSIB reporting obligation, then the employer should report it to the WSIB. In reporting the matter to the WSIB, the employer should confirm if it is questioning or

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disputing the employee's allegations. If an employer fails to properly report an injury to the WSIB, it may face a penalty and/or prosecution.

Given the new shorter reporting deadline, employers must ensure that they promptly identify potential or actual workplace injuries and report them to the WSIB. When reporting a potential or actual workplace injury, employers should also be careful to not prejudice any position they may later take. For example, if the employer has reason to question or dispute that there was a workplace injury, this should be clearly provided in the employer's report. Similarly, if the employer believes that there should be a transfer of costs (i.e. another business should be partially or fully responsible), this should be clearly provided in the employer's report.

Our firm can assist with identifying when a WSIB reporting obligation has arisen and with thoughtfully reporting the matter to the WSIB. For more information or for assistance with fulfilling your obligations to the WSIB, please contact [our firm](#).

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