

SCHEDULE 2 EMPLOYERS' GROUP

June 24, 2025

Mr. Jeff Lang
President and CEO
Workplace Safety and Insurance Board
200 Front St. W.
Toronto, ON.

Dear Mr. Lang,

We are writing to express our concerns and disagreement with the WSIB's decision to auto-allow all (physical) claims as of June 8, 2025. It is our understanding that this change in process was precipitated by labour dispute issues, and specifically the union's very public outcry about 'backlogs' in awarding LOE or HC benefits.

It is the WSIB's responsibility at law and as a business to adjudicate issues in any and all claims. Arguably, the most important adjudication issue is the initial entitlement decision as it serves as the threshold for any/all WSIB benefits and services that might flow to the worker for the life of the claim. The legislative framework for the WSIB's responsibility and accountability lies in s.1 as follows:

Purpose

1 *The purpose of this Act is to accomplish the following in a financially responsible and accountable manner:*

- 1. To promote health and safety in workplaces.*
- 2. To facilitate the return to work and recovery of workers who sustain personal injury arising out of and in the course of employment or who suffer from an occupational disease.*
- 3. To facilitate the re-entry into the labour market of workers and spouses of deceased workers.*
- 4. To provide compensation and other benefits to workers and to the survivors of deceased workers.*

Additionally, the WSIB's responsibility in allowing health care or loss of earnings benefits **requires** that the worker has sustained a work-related injury covered by the Act, and that the treatment and/or loss of earnings is related to that specific injury. The relevant WSIA sections are set out below:

Entitlement to health care

33 (1) *A worker who sustains an injury is entitled to such health care as may be necessary, appropriate and sufficient as a result of the injury and is entitled to make the initial choice of health professional for the purposes of this section.*

Payments for loss of earnings

43 (1) *A worker who has a loss of earnings as a result of the injury is entitled to payments under this section beginning when the loss of earnings begins. The payments continue until the earliest of,*

- (a) the day on which the worker's loss of earnings ceases;*
- (b) the day on which the worker reaches 65 years of age, if the worker was less than 63 years of age on the date of the injury;*
- (c) two years after the date of the injury, if the worker was 63 years of age or older on the date of the injury;*
- (d) the day on which the worker is no longer impaired as a result of the injury.*

While we appreciate the current unfortunate circumstances that the WSIB and its employees find themselves in, we do not agree that the WSIB should abandon their primary and essential service to the stakeholders in this manner. We have been assured that any cases that need reconsideration will be done when the strike is over and that the overturns will result in credit to the employer accounts. Surely though, making potentially incorrect allowances and payments (payment which the workers will not be required to re-pay, but employers will still fund) is bad business and an unjust enrichment for those who improperly received these entitlements. There is also the very real risk of negative implications for the individual employer/worker relationship when the employer is perceived as acting against the worker by requesting reconsideration of claims that they had previously expressed concerns about on the Form 7.

There does not appear to be a business case for auto-approving health care either, especially emergency healthcare which is covered by OHIP.

While not requested to comment on this issue, the S2EG wants to ensure that the WSIB senior executive is aware of the employer stakeholder concerns and hope that this insight is taken into consideration if the WSIB considers such similar actions in future.

If you have any questions or wish to discuss this with us further, we would be pleased to elaborate on our views.

Regards



Laura Russell
Chair, Schedule 2 Employers' Group

Cc. S2Eg Executive (via respective emails)
Mr. Gavin Pokan, Chief Operating Officer, WSIB (via email)