



Compliance Audit For Employers

For Schedule 1 non-construction employers

Working together
to keep your business
safe and sound



Workplace Safety &
Insurance Board

Commission de la sécurité
professionnelle et de l'assurance
contre les accidents du travail

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We wish to acknowledge the significant contribution made to the conception and development of this questionnaire by Placer Dome (CLA) Ltd. and United Steelworkers of America Local 7580. Their co-operative support and involvement has helped to ensure the ongoing effective operation of Ontario's workplace safety and insurance system.

Introduction

The Workplace Safety and Insurance Board (WSIB) helps protect your business from the damaging financial effects of workplace injuries. The average lost-time workplace injury costs Ontario's workplace safety and insurance system over \$14,000 in benefits. That adds up to a cost of about \$3 billion every year. This cost is paid through WSIB premiums by Ontario employers like you. When you factor in other costs to your business like equipment damage and lost productivity, the average cost of an injury rises to over \$59,000.

The WSIB can help you to prevent costly workplace injuries and, if an injury does happen, we can help you to minimize the cost to your business by getting your worker back to work as quickly and safely as possible.

To serve you effectively, the workplace safety and insurance system has to be financially secure, and it has to be fair. Everyone has to participate, and everyone has to pay their fair share. That's why we are working to make sure all employers are complying with WSIB legislation and policies.

We want to help you understand your responsibilities under the *Workplace Safety and Insurance Act, 1997* (the Act) and WSIB policies. We also want to help you find out how well your workplace is meeting those responsibilities. This self-assessment questionnaire has been developed to test the strengths of your organization's management systems as they relate to your key responsibilities under WSIB legislation and policies. (Note that some employers may have additional obligations that are not covered by this questionnaire.)

Use of this questionnaire is voluntary, and you will not be asked to provide your results to the WSIB. However, WSIB account managers and customer service representatives are available to help you address any deficiencies you may discover.

The Act imposes certain obligations on Ontario employers. Most employers in Ontario must:

- register with the WSIB within ten days of the day they hire their first employee;
- pay regular WSIB premiums based on the size of their payroll;
- report work-related injuries;
- complete WSIB accident report forms;
- ensure first aid is available to all their workers; and
- co-operate with their injured workers to achieve early and safe return to work.

Violations of WSIB policies can result in administrative penalties; and violations of the Act can result in large fines for companies and individuals, and even jail terms. By ensuring that you are in full compliance, you will avoid penalties and make the workplace safety and insurance system as cost-effective and efficient as it can be.

How To Use This Questionnaire

Each question in this questionnaire has boxes for you to tick either “yes” or “no.” Tick “yes,” if you know you’re in compliance with that particular provision of the Act and/or WSIB policy. Tick “no” if you need to take action to bring your business into compliance. Tick “NA” if a question does not apply to you.

Each question includes a space where you can record either the way you have verified that you are in compliance, or the action that you will take to become compliant. We recommend you incorporate this questionnaire into your ongoing audit process. By regularly revisiting this questionnaire, you can help make sure you are always in compliance with WSIB legislation and policies.

This questionnaire has been designed for use by most employers with Schedule 1 WSIB coverage. Different obligations apply to employers with Schedule 2 coverage, and to employers in the construction industry. These employers should contact their WSIB account managers or customer service representatives for assistance in ensuring they are in compliance.

If you have any specific questions about this questionnaire, please contact your account manager or customer service representative. If you have any questions about registering with the WSIB, please call our general inquiries number: (416) 344-1000 or 1-800-387-8638.

IMPORTANT NOTES

In this questionnaire, “policy” refers to a policy in the WSIB Operational Policy Manual, and “the Act” refers to the *Workplace Safety and Insurance Act, 1997*.

This questionnaire is for self-assessment purposes only, and does not bind the WSIB in determining employer compliance with the Act and WSIB policies. In cases of conflict between the Act or official WSIB policies and this questionnaire, the Act or the policies always take precedence.

Copies of the WSIB Operational Policy Manual can be obtained by contacting WSIB Knowledge Services at 1-800-387-0750 x4355, or e-mail at km@wsib.on.ca. The Act is available through the WSIB’s Web site at www.wsib.on.ca or from Publications Ontario at 1-800-668-9938.

SECTION ONE:

Registration and Coverage

1. Have you registered your business with the WSIB?

YES

NO

You must register your business within ten days of hiring your first full-time or part-time worker. A worker is anyone who is employed full-time, part-time or as an apprentice. The relatives of a sole owner or partner who are paid wages by that employer are considered workers.

- If you purchase a business that is already registered with the WSIB, you must register the business again. This also applies if ownership of a business is transferred from a sole proprietor to a partnership (even if the former sole proprietor is one of the partners).
- If you restart a business, you must notify us and reactivate your account, or start a new account.

To register with the WSIB, contact your local WSIB office or call 1-800 387-8638.

▶ Section 2(1), 75 and 77 of the Act and policy 14-02-14, 22-01-01, 12-02-01 and 14-02-02

ACTIONS/VERIFICATION

2. Have you given us the information we need to register and classify your firm correctly?

YES

NO

We need:

- the legal name of your firm
- evidence of your status as a legitimate employer
- the date your first worker commenced employment
- an estimate of insurable earnings for your workers
- a completed registration form by the specified due date

▶ Section 75 of the Act and policy 14-02-02

ACTIONS/VERIFICATION

3. When you registered, did you provide us with a detailed description of your business activities?

YES

NO

You should ensure that you are correctly classified at the time you register. Wrongly classified employers can be asked to pay retroactive premiums. You can help us to classify your firm correctly by providing your advertising and marketing materials.

▶ (Section 75 of the Act and policy 14-02-02)

ACTIONS/VERIFICATION

4. Do you certify that the premium-related information you provide to the WSIB is accurate?

YES

NO

A person who is responsible for, or has detailed knowledge of, your company’s financial affairs must sign all documents containing premium-related information to certify that the information is correct.

As an employer, you are responsible for using accurate payroll information:

- when registering
- when calculating your premium remittance
- when closing your business

By ensuring that this premium-related information is always correct, you can avoid the need for retroactive adjustments to your WSIB premiums.

▶ (Section 79 of the Act and policy 14-02-02)

ACTIONS/VERIFICATION

5. Have you declared any associations with other companies? YES NO N/A

You must tell us if your business is associated with other companies so that we can classify your firm correctly. Associations that must be declared are ones in which one company supports or contributes to the operation of another and:

- controllers of both businesses are related (one controller is a spouse, parent, sibling or child of the other), or
- the businesses have controllers in common.

▶ (Regulation 175/98 s.11 of the Act and policy 14-01-06)

ACTIONS/VERIFICATION

6. Have you obtained the necessary clearance certificates and independent operator letters? YES NO N/A

A Clearance Certificate waives your premium liability in cases where your contractor has unpaid WSIB premiums.

When you hire someone you do not consider to be your employee, you should request an Independent Operator letter, which confirms that the person is not considered a worker by the WSIB.

You should have a procedure in place to ensure that these certificates and letters are requested and updated when appropriate.

▶ (Policy 12-02-01 and 14-02-04)

ACTIONS/VERIFICATION

7. Have you made sure that your business is not involved in illegal workplace insurance practices?

YES

NO

You **MUST NOT**:

- directly or indirectly deduct WSIB expenses from your workers' wages
- ask your workers to waive or forego any benefit to which they may be entitled
- allow your workers to indemnify you against any workplace insurance liability

▶ (Sections 16 and 95.1 of the Act)

ACTIONS/VERIFICATION

8. Do you ensure continued coverage for employees who work outside Ontario for more than six months?

YES

NO

N/A

WSIB coverage for your employee will cease if that employee works outside Ontario for more than six months. If you wish to continue coverage beyond the six-month limit, you must apply to the WSIB.

▶ (Section 18(3) of the Act and policy 15-01-08)

ACTIONS/VERIFICATION

9. Before purchasing a business, have you protected yourself from any outstanding WSIB liabilities?

YES NO N/A

When purchasing all or part of a business, or a business's assets, you should ensure that there are no outstanding WSIB liabilities by asking the vendor to provide you with a purchase certificate. If you don't, you could be liable for any of the previous owner's outstanding WSIB debts.

If you acquire a business by way of share purchase or amalgamation/merger you legally assume all pre-existing financial obligations.

▶ (Section 146 of the Act and policy 14-02-03)

ACTIONS/VERIFICATION

SECTION TWO:

First Aid/Health and Safety

10. Do you have a properly equipped first aid station?

YES

NO

Your first aid station must have a first aid box that is equipped according to Regulation 1101 of the Act, and a notice board displaying:

- the WSIB *In Case of Injury at Work* poster
- current first aid certificates for trained first aid providers on duty in your workplace
- an inspection card displaying proof that the first aid box is inspected regularly – at least every quarter

▶ (Regulation 1101 s.1 and s.8-12 of the Act)

ACTIONS/VERIFICATION

11. Is an appropriate person responsible for your first aid station?

YES

NO

The person(s) responsible for your first aid station must work nearby and be qualified to perform first aid.

▶ (Regulation 1101 s.1(2) of the Act)

ACTIONS/VERIFICATION

12. Is your first aid station easily accessible for all your workers?

YES

NO

▶ (Regulation 1101 s.1(3) of the Act)

ACTIONS/VERIFICATION

13. Do you keep detailed records of all injuries that have required first aid?

YES NO

▶ (Regulation 1101 s.5 of the Act)

ACTIONS/VERIFICATION

14. Have your Joint Occupational Health and Safety Committee (JOHSC) members been properly certified?

YES NO

If you are required by the *Occupational Health and Safety Act, 1990* to have a JOHSC, you must obtain both parts of certification for its designated members. The first part is basic certification training. The second part is workplace-specific hazard training, which is driven by the results of a workplace hazard assessment. For more information, call the WSIB’s certification information line at 1-800-663-6639, or contact your health and safety association.

▶ (Section 4(1) of the Act)

Part one certification obtained YES NO

Part two certification obtained YES NO

ACTIONS/VERIFICATION

SECTION THREE:

Reporting of Workplace Injuries

15. Do you meet your obligations to your workers on the day that they are injured?

YES NO

You must:

- provide transportation for your worker to a hospital, to a physician, or to the worker’s home if required immediately after they are injured
- pay your worker’s wages and employment benefits for the day of their injury

▶ (Sections 38(1) and 24(1) of the Act and policy 18-01-10)

ACTIONS/VERIFICATION

16. Do you report all reportable work-related injuries to the WSIB?

YES NO

You must report a workplace injury to us as soon as you are aware that your worker:

- obtains health care (even if you paid for that health care and it was provided on your premises); or
- is unable to earn pre-injury wages; or
- requires modified work for more than seven days in total.

▶ (Section 21 of the Act and policy 15-01-02)

ACTIONS/VERIFICATION

17. Do you correctly report all reportable work-related injuries within three calendar days?

YES NO

You must accurately complete an Accident Report Form (Form 7), or an equivalent form that we have approved, and send it to us within three calendar days. Under our policy on accident reporting, there is a \$250 penalty on each occasion for employers who fail to comply.

▶ (Section 21 of the Act and policy 15-01-02)

ACTIONS/VERIFICATION

18. Do you provide us with all the information we need to correctly adjudicate your workers' claims?

YES NO

You must provide us with any additional information (i.e., information not already included on the Form 7) that we may require. Under our policy on accident reporting, there is a \$250 penalty on each occasion for employers who fail to comply.

▶ (Section 21(2) of the Act and policy 15-01-02)

ACTIONS/VERIFICATION

19. Do you provide your injured workers with copies of any information about their injuries that you have given the WSIB?

YES

NO

You must give your worker a copy of the Accident Report Form (Form 7) and any additional information you have provided to us about your worker's injury. Under our policy on accident reporting, there is a \$250 penalty on each occasion for employers who fail to comply.

▶ (Section 21(4) of the Act and policy 15-01-02)

ACTIONS/VERIFICATION

20. Do you maintain your injured worker's benefits during the worker's absence from work?

YES

NO

You must maintain your worker's employment benefits (e.g., life insurance, health care, pension) during the first year that the worker is absent from work recovering after a workplace injury.

▶ (Section 25(1 and 7) of the Act and policy 18-01-12)

ACTIONS/VERIFICATION

SECTION FOUR:

Early and Safe Return to Work

21. Do you stay in contact with workers while they are recovering from workplace injuries?

YES

NO

You should contact your injured workers to discuss early and safe return to work as soon as possible after they are injured, and maintain communication throughout the worker's period of recovery and impairment.

▶ (Section 40(1) of the Act and policy 19-02-03)

ACTIONS/VERIFICATION

22. Do you try to provide suitable work for your injured workers during their recovery?

YES

NO

As soon as your worker is medically fit to perform some type of work, you must attempt to provide suitable work that:

- is available to the worker; and
- the worker has, or is able to acquire, the necessary skills to perform; and
- does not pose a health or safety risk to the worker or the worker's co-workers; and
- is consistent with the worker's functional abilities; and
- restores the worker's pre-injury earnings whenever possible.

▶ (Section 40(1) of the Act and policy 19-02-02)

ACTIONS/VERIFICATION

23. Do you provide us with all the information we need to oversee your workers' early, safe return to work?

YES

NO

We can assist, inform and guide you in your efforts to safely return your worker to work.

▶ (Section 40(1) of the Act and policy 19-02-05)

ACTIONS/VERIFICATION

24. Do you tell us if you and your injured worker can't agree on an early, safe return to work solution?

YES

NO

If you and your worker can't agree on a solution, you should contact the WSIB. We may provide return to work mediators and other resources to help you work towards a return to work solution.

▶ (Section 40(6) of the Act and policy 19-02-06)

ACTIONS/VERIFICATION

25. Do you protect your workers' rights to confidentiality during their return to work?

YES

NO

If you obtain functional abilities information from your worker or your worker's doctor, you must keep it confidential. However, you may share this information with people who are helping with your worker's return to work.

If you are granted access to medical information in your worker's WSIB claim file, you must keep it confidential by making the file's contents anonymous before you release it to any third party.

▶ (Section 37(4) & 59(6) of the Act and policy 19-02-04 and 11-01-10)

ACTIONS/VERIFICATION

As well as their early and safe return-to-work obligations, some employers have additional re-employment obligations under the Act. You should contact your account manager to find out if these additional obligations apply to you.

26. Do you meet your obligations to re-employ your worker after a workplace injury?

YES

NO

If you have twenty or more workers on the date your worker is injured, and the worker has been employed for at least one year, you **must** re-employ your worker until the earliest of:

- two years after the date of the worker’s injury
- one year after the worker is medically able to perform the essential duties of his or her pre-injury employment
- the worker’s 65th birthday

If your worker is capable of performing suitable work, you must offer the first suitable job that becomes available.

Once your worker is capable of returning to his or her pre-injury job, you must offer that job, or an alternative job that is comparable in nature.

If you terminate a worker’s employment within six months of re-employment after a workplace injury, you must prove that the termination was not related to the injury.

▶ (Section 41(1,4,5,7 and 10) of the Act and policy 19-04-02, 19-04-03, 19-04-04, 19-04-05, 19-04-06, and 19-04-08)

ACTIONS/VERIFICATION

27. Do you make work or workplace accommodations when re-employing your injured worker?

YES

NO

Unless it causes undue financial hardship, you must make work or workplace accommodations when re-employing your injured worker.

▶ (Section 41(6) of the Act and policy 19-04-07)

ACTIONS/VERIFICATION

28. Do you take account of collective agreements when re-employing your injured workers?

YES

NO

N/A

If your workplace has a collective agreement, you should compare the provisions of that agreement with the re-employment provisions of the Act, and apply the provisions that provide the greater protection for your worker.

▶ (Section 41(15) of the Act and policy 19-04-10)

ACTIONS/VERIFICATION

SECTION FIVE:

Ongoing Revenue Obligations

29. Do you report all material changes affecting your obligations under the Act?

YES NO

A material change is any change that may alter your obligations under the Act. These obligations may relate to:

- reporting of premium-related information
- payment of premiums
- eligibility for rebates, or obligations to pay surcharges, under our experience rating programs
- reporting of business activities
- reimbursement of benefit costs

Material changes include changes to:

- the name of your business
- the address of your business
- the ownership of your business
- sale of all or part of your business
- the nature of your business
- legal affiliations or associations with other companies

▶ (Section 77 of the Act and policy 22-01-01)

ACTIONS/VERIFICATION

30. If the nature of your business has changed since it was first registered, have you ensured that you are still correctly classified?

YES NO N/A

If the nature of your business changes, you must contact us to verify that you have the correct industry classification.

▶ (Section 77 of the Act and policy 22-01-01)

ACTIONS/VERIFICATION

31. Do you accurately calculate your premiums as directed by the WSIB?

YES NO

Based on the size of your payroll, we will direct you as to how and how often you should calculate and pay premiums. When reporting earnings for premium purposes, you must do so according to when they are actually paid.

▶ (Section 88(1) of the Act and policy 14-03-07 and 14-03-09)

ACTIONS/VERIFICATION

32. Do you submit an accurate and timely reconciliation of your workers' earnings for the previous calendar year?

YES NO

If you pay monthly WSIB premiums, you must submit a year-end reconciliation of earnings for each of your accounts by March 31 of the following year.

▶ (Section 78(1 and 4) of the Act and policy 14-03-12)

ACTIONS/VERIFICATION

33. Do you notify us of changes to the amount of your payroll? YES NO N/A

If you have prepaid your premiums for the year, and there is a subsequent change in the amount of your payroll, you must notify us of the change so that we can make sure you have paid the correct premium for your workers' coverage.

▶ (Section 77 of the Act and policy 14-03-09)

ACTIONS/VERIFICATION

34. Do you maintain payroll records correctly? YES NO

You must keep accurate records in Ontario of all wages paid for the current year, and for six prior years, for all your employees – including any subcontractors without workplace insurance coverage.

The WSIB can audit your payroll records and request information supporting your industry classification.

▶ (Section 80 of the Act and policy 14-01-02)

ACTIONS/VERIFICATION

35. Are you maintaining separate payroll records for each of your classification units?

YES NO N/A

If your business activity is classified under more than one classification unit (CU), you must maintain accurate records showing the segregation of your payroll and wage records into each of your separate CUs.

▶ (Section 78(1) and Regulation 175/98 of the Act and policy 14-01-03)

ACTIONS/VERIFICATION

SECTION SIX:

Closing Your Business

36. Have you met your obligations when closing your business? YES NO N/A

Within ten days of the closure of your business, you must tell us:

- why the business has ceased operation
- the date the business closed
- the date your last worker was employed
- your workers' payroll on a completed reconciliation form for the current year up to and including the date of closure, or the date when your last worker was employed
- your workers' payroll for any previous unreconciled year

▶ (Section 76(1&2) of the Act and policy 14-02-05)

ACTIONS/VERIFICATION

37. Have you paid your outstanding account balance after closing your business?

YES NO N/A

If we determine that there is an outstanding account balance after you have closed down your business, you must pay this amount by the end of the month after the month in which the notice of the outstanding balance (the adjustment) was issued.

▶ (Section 76(3) of the Act and policy 14-02-05)

ACTIONS/VERIFICATION

38. Have you ensured that all outstanding Accident Report Forms (Form 7s) have been submitted?

YES NO N/A

You must make sure you have submitted all outstanding Accident Report Forms to the WSIB before you close your business.

▶ (Section 21 of the Act and policy 14-02-05)

ACTIONS/VERIFICATION

The Workplace Safety and Insurance Board
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