

**Construction Employers Coalition
(for WSIB and Health & Safety and Prevention)**



April 23, 2020

Ms. Elizabeth Witmer, Chair
Workplace Safety & Insurance Board
200 Front Street West
Toronto ON M5V 3J1

& Mr. Tom Teahen, President & CEO
Workplace Safety & Insurance Board
200 Front Street West
Toronto ON M5V 3J1

Dear Ms. Witmer and Mr. Teahen:

Reference: Considerations for employer relief due to the COVID-19 national emergency

On April 9, 2020 Ontario Premier Ford announced the creation of the new “**Ontario Jobs and Recovery Committee**” (OJRC). The CEC has developed a preliminary list of suggestions and initiatives available to the WSIB that we believe are thematically consistent with the OJRC mandate.

We are asking that the Board robustly consider our suggestions and we would welcome the Board’s response prior to the CIAC telephone conference scheduled for May 5, 2020.

All current WSIB programs, protocols and policies are designed within the construct of a normally functioning economy. The post-COVID-19 economy will be anything but normal. As businesses and workers face this fast-moving and unprecedented health and economic crisis, it is necessary that the Board adjust at the same pace. We are confident that it will.

Proposal 1: Cancel 2020 experience rating surcharges: The WSIB plans on issuing final 2020 experience rating surcharges (CAD-7 and NEER). We ask that those surcharges be cancelled.

Proposal 2: Delay implementation of Rate Framework (RF) transition plan: Many employers are slated for Year 2 RF premium increases (one risk band). We ask that the 2020 RF policy (no upward risk band movement; maximum earned downward movement) be extended to at least 2021. No premium rates should increase in 2021. Earned decreases should be applied in the same manner as RF Year 1 (2020). 2022 (RF Year 3) premium rate transition policy protocols should be reviewed and decided in mid-2021.

Proposal 3: Waive 50% of 2020 WSIB premiums for smaller employers: We recommend that the WSIB adapt and adopt the policies of Alberta (deferral of 2020 premiums to 2021; 50% waiver of 2020 premiums for small employers) and Manitoba (return 2019 surplus funds to employers). We request that a specific policy proposal adapting these proposals be urgently developed for discussion with the Chair’s Advisory Committees (CAC) by mid-June, 2020.

Proposal 4: Delay collection of past-due accounts: As a result of past WSIB audit and verification activities, WSIB collection actions should be suspended without interest until at least 2021 as appeal and advocacy action is presently impossible. Moreover, cash flow realities render payment near impossible, especially for those employers contributing under an agreed payment plan.

Proposal 5: An examination of the impacts of COVID-19 in extending loss-of-earnings benefits: We ask the Board to strike an immediate emergency CAC sub-group to examine the impacts and remedies of claims that but for the COVID-19 crisis, would likely have been brought to closure. COVID-19 has reduced, delayed or stopped medical follow-ups, delayed return-to-work programs, and

rendered expected offers of employment impossible, all of which has and will result in extending loss-of-earnings benefit payments indefinitely.

Regards,

A handwritten signature in black ink, appearing to read "David Frame". The signature is fluid and cursive, with the first name "David" being more prominent than the last name "Frame".

David Frame, CEC Chair

Distribution: Members of the Ontario Jobs and Recovery Committee