

**Angela Powell**

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Mr. David Frame, CEC Chair  
Construction Employers Coalition  
c/o OGCA  
180 Attwell Drive, Suite 280  
Toronto, Ontario, M9W 6A9

12/22/2021

Dear Mr. Frame,

Thank you for your November 17, 2021 letter regarding the adjustment deadline in the NEER and CAD-7 policies, documents 13-02-02 and 13-02-06 in the Operational Policy Manual. In particular, you expressed concerns about the fairness of the deadline and proposed policy changes to address your concerns. You addressed your letter to Mrs. Elizabeth Witmer, WSIB Chair, and Mr. Tom Bell, WSIB President and CEO, and they have asked me to respond on their behalf.

The NEER and CAD-7 policies indicate that if an adjustment is first requested by an employer or identified by the WSIB after December 31, 2021, and the adjustment impacts a period considered by the NEER or CAD-7 programs, the relevant NEER or CAD-7 rebates or surcharges will not be adjusted.

You indicated the primary case you are concerned about is the following.

*A request for SIEF is advanced before the deadline; SIEF is granted after the deadline; a request to adjust the experience rating record is denied by the Board...*

To address your concern, you proposed policy changes to allow for the following.

- 1. Where the employer has diligently initiated a SIEF request before December 31, 2021 but a decision by the WSIB or WSIAT is made after December 31, 2021, a retroactive adjustment will be facilitated.*

Your proposal aligns with how we interpret, and intend to apply, the current language in the NEER and CAD-7 policies. As a result, policy changes are not required.

If a SIEF request, or another adjustment request, is initiated *before* the December 31, 2021 deadline, but is not approved until *after* the deadline (by the WSIB or WSIAT), we would consider the adjustment as having been first requested *before* the deadline. The 2019 and/or 2020 NEER or CAD-7 bulk issue rebates or surcharges may then be adjusted, if appropriate.

You also proposed policy changes to allow for the following, related to a different scenario.

2. *Where a SIEF request is triggered by information new to the employer discovered after December 31, 2021 and diligently advanced in a timely manner, a retroactive adjustment will be made.*

The December 31, 2021 deadline provides employers with two years from the introduction of the new premium rate setting model, and more than one year from the issuance of the final NEER and CAD-7 rebates and surcharges, to first request an adjustment.

We believe the current deadline strikes the right balance between the need to give employers an appropriate amount of time to request adjustments, and the need to wind-down the NEER and CAD-7 programs.

I would like to thank you for your interest in this topic.

Regards,

p.p. *Christopher Misura*

Angela Powell  
Vice President, Policy and Consultation Services

CC:

Elizabeth Witmer, Chair  
Tom Bell, President and CEO (A)