

# Experience Rating Q&A

**1. When is the new program change for fatalities being applied?**

The new program change on fatalities is being applied as of March 10, 2008, the date of the announcement.

**2. How do you determine responsibility? Are there exceptions to this new program change?**

Employers are considered responsible for the health and safety of their employees, including in the event of a fatality. Exceptions may be considered on an individual basis. All decisions made by the WSIB are appealable.

**3. If a fatality occurs, for what year will the loss of rebate — if the company is eligible — be applied?**

Workplaces responsible for a workplace fatality will not be eligible for a financial incentive for the year in which the fatality occurred. The costs associated with the workplace fatalities will continue to impact the different experience rating programs as before.

**4. If programs like NEER and CAD-7 are retrospective, why are you penalizing the company during the year it occurred, rather than the year experience rating counts it?**

This new program change for our experience rating programs is an initial step by the WSIB to better align with our five-year strategic plan as outlined in *The Road to Zero*. Given our zero tolerance for workplace fatalities, eliminating the rebate in the year the event occurred is the only acceptable response. This philosophy is consistent with the WSIB's other prevention incentive programs like Safety Groups and the Safe Communities Incentive Program. The costs associated with the workplace fatalities will continue to impact the different experience rating programs as before.

**5. The MAP program is prospective. In what year will the rebate ineligibility apply?**

The experience rating program for small business, MAP, will not be impacted by this program change. The MAP program already has a feature where workplaces which experience a traumatic workplace fatality are charged an increase to the rates they pay the WSIB. Businesses which are a participant in our MAP experience rating program receive a 25% rate increase where a workplace fatality occurs.

**6. What is involved in a review of Experience Rating? What have you done so far?**

The Experience rating review will align the WSIB's experience rating programs with the *Road to Zero*. The review will make recommendations to modernize and strengthen the program, in areas such as: accounting for legislative non-compliance, creating a process to validate workplace health and safety performance, and a long-term plan to directly tie all of our incentive programs to proactive health and safety initiatives.

(over)

To date, the WSIB has acknowledged a commitment to this review as part of our five-year strategy as outlined in the Road to Zero. The WSIB has also implemented a zero tolerance response to traumatic workplace fatalities with our existing health and safety incentive programs of SCIP and Safety Groups. This zero tolerance feature is also present in our design of our new workplace Accreditation Program which is currently being designed with plans to pilot in the spring of this year.

**7. What is the timeline on the review?**

The review of our experience rating programs is underway and necessary changes will be made over the next 12 months that will focus on the alignment with the WSIB's *Road to Zero*. The review will focus on substantive experience rating design issues.

**8. How will employer and worker stakeholders be engaged in this review?**

The WSIB will initiate a regular communication of the review of our experience rating programs utilizing our website and our e-newsletter. As the review progresses the WSIB will solicit input and feedback from both employers and labour.

**9. What issues have you identified with the Experience Rating program?  
What areas are you looking into as part of the review?**

The issues we will be looking at for experience rating will include:

- Alignment with the *Road to Zero*
- Compliance with the *Occupational Health and Safety Act and the Workplace Safety and Insurance Act*
- Validation of information reported by workplaces and used in the calculation of experience rating refunds
- Review windows for our experience rating programs (NEER is currently three years and CAD-7 is currently five years)
- The objectives of SIEF and the impact it has on experience rating
- Develop appropriate recommendations for moving forward which are consistent with the WSIB's vision in the Road to Zero.