

Workplace Safety and Insurance Act related Absences

Policy #: HR.11-08

Sub-Topic: Leaves of Absence

Topic: Health, Safety and Wellness

Applies to: All Employees

Policy Statement and Strategic Plan Linkages

The Town of Newmarket, as the Employer, supports and fosters a healthy and safe workplace. It recognizes that there will be occasions when employees require time away from work to recover from a workplace accident, occupational disease or impairment.

This Policy aligns with Newmarket's Strategic Plan vision of a community well beyond the ordinary, employee mission of making Newmarket even better, and employee core values.

Purpose

This Policy provides a guideline to support employee absences resulting from a workplace accident, occupational disease or impairment through the Workplace Safety and Insurance Act (WSIA).

Definitions

Accident:

- (a) a willful and intentional act, not being the act of the worker,
- (b) a chance event occasioned by a physical or natural cause, and/or
- (c) disablement arising out of and in the course of employment.

Occupational disease:

- (a) a disease resulting from exposure to a substance relating to a particular process, trade or occupation in an industry,
- (b) a disease peculiar to or characteristic of a particular industrial process, trade or occupation,
- (c) a medical condition that in the opinion of the Workplace Safety and Insurance Board (WSIB) requires a worker to be removed either temporarily or permanently from exposure to a substance because the condition may be a precursor to an occupational disease,
- (d) a disease mentioned in Schedule 3 or 4, of the WSIA, or
- (e) a disease prescribed under clause 15.1 (8) (d); under WSIA.

Impairment: a physical or functional abnormality or loss (including disfigurement) which results from an injury and any psychological damage arising from the abnormality or loss.

Workplace Safety and Insurance Board (WSIB): an Ontario government agency responsible for the administration of workplace accidents, occupational diseases or impairments that is

governed by the Workplace Safety and Insurance Act (WSIA) and Regulations of Ontario. The WSIB provides insurance coverage for employees.

Provisions

An employee may be entitled to reimbursement from WSIB for health care and/or lost time claims due to a workplace accident, occupational disease or impairment. This reimbursement is based on WSIB provisions.

The Human Resources Department administers and monitors claims made with the WSIB.

- All premiums for WSIB coverage will be paid by the Employer.
- Employees must report all work-related accidents/injuries immediately to their supervisor.
- All work-related accidents, occupational diseases or impairments must be reported within the timeframes established by the Workplace Safety and Insurance Act and established corporate policy, practices and guidelines. Accordingly, Manager/Supervisors must report these incidents in a timely manner to Human Resources.
- On the day of the workplace related accident/injury, the Employee will be paid regular pay for the rest of the shift that would have been worked if the injury had not occurred.
- Subsequent days lost due to a work-related accident, occupational disease or impairment must be recorded as a WSIB absence.
- Employees not covered under the Employer's sick plan as outlined in Sick Leave Policy #HR.11-04 receive 85% of their wages up to a set maximum, paid directly through WSIB based on WSIB's payment provisions, which are subject to change.
- For employees eligible for the Employer's Sick Leave Policy #HR.11-04, the Employee will be paid 100% of their wages while on an approved claim provided there are sufficient sick leave credits to offset the payment made over and above the payments made by WSIB. Employees are not eligible to receive both Employer sick leave pay and additional WSIB payments. Employees who have received both sick leave pay from the Employer and additional WSIB payments in error will be required to pay back the overpayment to the Employer.
- If an employee eligible for sick leave pay has no sick leave credits remaining, they will receive their payment only from the WSIB.
- Employees eligible for sick leave pay, who are on an approved WSIB absence, will have 15% of the hours deducted from their sick leave bank while on a WSIB related absence.
- All adjudication and payment decisions are made by WSIB and based on WSIB guidelines and policies which can be found on WSIB's website.
- If a WSIB claim is not approved by WSIB, the absence recorded will be amended in accordance with the information provided by WSIB adjudication.

Cross-References

Corporate Procedure

Workplace Safety and Insurance Act related Absences Procedure #HR.11-08-001

Corporate Policy

Emergency Leave #HR.11-07

Definition of Employee Status #HR.1-01

Employee Performance, Counselling and Progressive Discipline Policy #HR.4-01

Return to Work #HR.8-06

Sick Leave #HR.11-04

Termination of Employment #HR.4-03

Vacation #HR.3-01

Other Government Legislation

Employment Standards Act and Regulations

Occupational Health and Safety Act

Ontario Human Rights Code

Workplace Safety and Insurance Act and Regulations

Other References

WSIB Functional Abilities Form

WSIB Form 8

Contact

Human Resources Department or at hr@newmarket.ca

Details

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