

To WSIB or Not to WSIB?

In the Winter 2005 issue of *OCEA News*, we published an article about WSIB Insurance. This article serves as an important follow-up on the topic.

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HERE IS A SKILL-TESTING CO-OP QUESTION: WHO PAYS THE WORKPLACE SAFETY AND INSURANCE BOARD (WSIB) INSURANCE IN co-op programs? Answer: It depends. If you're surprised by this answer, read this article very carefully. The well-being of your students may rely on your understanding of WSIB coverage and your diligence.

The WSIB rule-of-thumb

The rule-of-thumb for WSIB coverage is straightforward. If a student is paid, the employer covers the cost of WSIB insurance; if the student is not paid, coverage is provided by the Ministry of Education.

However, some industries are not required by law to have WSIB coverage. In this case, Policy/Program Memorandum (PPM) 76A indicates that if the business is not required to have WSIB insurance, the Ministry of Education will cover the cost of the coverage for the duration of the co-op placement, even if the student is paid.

Who doesn't have WSIB insurance?

Industries that are not required by law to hold WSIB coverage include businesses such as barbering and shoe-shining establishments, veterinary offices, dental clinics, funeral homes, photography studios, and taxidermy shops. However, although not required, some of these businesses may choose to have the insurance anyway. ...So never assume anything. Ask the employer if they have WSIB insurance.

What to do with paid work placements

Work placements that are required by law to have WSIB insurance and who are paying students must cover the WSIB insurance. But don't be fooled: in a workplace such as a hairdressing salon, the business may have a WSIB number for correspondence purposes only. Having this number is not proof that payment is being made.

To be sure that coverage is in place, a teacher should ask for an employer's "WSIB Clearance Certificate" which states that an employer is currently covered and in good standing with the WSIB.

When is payment not a salary?

As OYAP teachers know, students are often paid an honorarium. Does the payment qualify as a salary, and who is responsible for WSIB coverage?

Thankfully, the answer to this question is straightforward: if the honorarium is less than \$500 in money or goods (including products, bus tickets, etc.) the WSIB coverage is provided by the Ministry of Education. If the amount of money or goods exceeds \$500, the employer takes on the responsibility for WSIB coverage.

When else does a salary matter?

Under the Apprenticeship and Certification Act, a student in industries such as the hair styling trade are restricted from performing certain skill sets unless they are paid. Without being paid a salary, your student will be able to complete limited tasks. This rule may apply to other trades as well.

What to do if the employer refuses to have WSIB Insurance?

If an employer is required by law to have WSIB insurance and refuses to pay it, they are clearly breaking the law. People convicted under the Workplace Safety and Insurance Act can be subject to a fine of up to \$25,000 and/or six months in jail for each offence. Corporations convicted under the Act can be fined up to \$100,000 for each offence. And people who commit a fraud exceeding a value of \$5,000 can be sentenced to imprisonment for up to 10 years. Penalties may also include fines, probation, and/or an order to pay full restitution.

If the employer refuses to pay WSIB insurance, it is unwise for a co-op teacher to use the place of employment for paid or unpaid placements. If you encounter this situation, make it very clear to the employer you will not be able to approve them as a co-op placement for ANY student, since they refuse to obey the law. Document this situation as required within your board, to ensure other co-op teachers do not use the placement. Teachers should consult with their principals about further action or reporting.

How to ensure a student is "covered"

When completing Work Education Agreement (WEA) forms, teachers should indicate who is paying the WSIB coverage. If the Ministry of Education is paying, the appropriate box should be checked, and if the employer is paying, the opposite box should be checked. The appropriate hours of work that will be covered must also be indicated on the WEA.

Just as co-op teachers must ensure that their students have an understanding of health and safety before they enter the workplace, they themselves must understand the liability issues surrounding workplace insurance coverage. Make sure that you don't let your co-op or OYAP students inadvertently work without WSIB coverage.

For more information on paid co-op, see "Paid Co-op" on page 6.

For more information on WSIB insurance, visit:
www.wsib.on.ca

For more information on PPM 76A, visit:
<http://www.edu.gov.on.ca/extra/eng/ppm/76a.html>

For more information on restricted skill sets, visit:
http://www.elaws.gov.on.ca/DBLaws/Regs/English/990565_e.htm

For more information on cooperative education policies and procedures, visit:
<http://www.edu.gov.on.ca/eng/document/curriculum/secondary/coop/cooped.pdf>

Who doesn't have WSIB coverage?

There are a few industries that do not have to register with the WSIB. These include:

- Banks, trusts and insurance companies
- Computer software developers
- Private health care practices (such as those of doctors and chiropractors)
- Trade unions
- Private day cares
- Travel agencies
- Clubs (such as health clubs)
- Photographers
- Barbers, hairdressing salons, and shoe-shine stands
- Taxidermists
- Funeral directing and embalming

However, businesses and organizations in these industries can still choose to insure their workers with WSIB insurance. To be sure your students are covered, make sure you discuss WSIB coverage with the employer during your placement assessment, before the student starts work.

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