JURISDICTION:  ONTARIO

ENVIRONMENT

Population Size  11,100,300 (1995, Stats Canada)
Labour Force    5,732,000 (1995, Stats Canada)

Demographic and Economic Indicators

Ontario is the second largest province in terms of geographic area in Canada. It is larger than France and Spain combined. It has a vast and varied geography from the Great Lakes, to the barrens, dense forest and lakes of the Northern Shield area and, in the St. Lawrence lowlands, farming and extensive urban development.

The population of Ontario represents 37.5% of the total population of Canada. The population of Ontario grew by over $1 million people in the last ten year period. The growth rate of 1.47 between 1991 and 1995 is slightly above the Canadian average of 1.30 for that same period. Eighty percent of the citizens of Ontario live in urban areas.

Ontario produces 52% of Canada's manufactured goods and 80% of its manufactured exports. One-fifth of Ontario's workforce is employed in the manufacturing industries of automobile production, pulp and paper, wood products, high technology, chemicals and pharmaceuticals, printing and publishing and furniture and textiles. Seventy percent of all jobs are in the service sector, and more significantly, 80% of new jobs created in Ontario will be in the service industries.

The average weekly wage rate in Ontario in 1995 was $607.33 The unemployment rate for Ontario in 1996 was 9.1% up from 8.7% in 1995 (Stats Canada), but still below the national average of 9.7%.
GOVERNANCE & ADMINISTRATION

Nature of System
An exclusive provincial fund.

Principles and Mandate
The recent review of the Ontario workers' compensation system and legislation\(^1\) has established the goals of the system as "prevention of injury and illness first and foremost, return to work when possible, labour market reentry services when needed and compensation as required."

\(^1\) A new *Workplace Safety and Insurance Act (Bill 99)*, was introduced in the Ontario legislature in November 1996. The new Act, which became effective January 1, 1998, makes fundamental reforms to the workers' compensation system in Ontario. Principally, it refocuses the system on the need for injury prevention and on early return to work. It also contains key provisions to restore the financial viability of the system by reducing benefits to a level consistent with other provinces and tightening eligibility requirements for compensability. The new Act also limits the jurisdiction of the Appeals Tribunal, refocuses the relationship between the newly renamed Workplace Safety and Insurance Board and the Workplace Safety and Insurance Appeals Tribunal; abolishes the Occupational Disease Panel (formerly the Industrial Diseases Standards Panel) and narrows and re-focuses the range of services provided by the office of the worker and employer adviser. The new Act is the culmination of a two year-long process of review and consultation.

This reform process follows on substantial reform of the Ontario system introduced just over ten years ago. In response to strong worker dissatisfaction with the Ontario Workers Compensation Board which increased throughout the 1960s and 70s, the government commissioned a study of the Ontario system by Paul Weiler (former chairman of the Labour Relations Board of B.C.). The Weiler report recommended sweeping changes to the system and after intensive negotiation with labour groups, the government enacted a new Act, Bill 101 in the 1985. This legislation dramatically altered the Ontario scheme by liberalizing benefits, establishing the independent Workers Compensation Appeals Tribunal, the Industrial Diseases Standards Panel and the Offices of the Worker and Employer Adviser.
Access to Litigation  

Workers' compensation is an exclusive remedy in Ontario.

In Ontario there is a specific provision allowing a worker to elect to claim benefits or pursue an action against the third party. There is a three month time limit for making this election, but this period can be extended. Where an action is taken, the WCB is subrogated to the rights of the party taking the action. In addition, the Act allows a right of action where a motor vehicle is involved in the accident, even if the driver of the automobile is a worker covered under the Act.

Ontario legislation also provides for a right of action for an employee not covered by the legislation against an employer or a person contracting with a contractor or subcontractor.

Scope of System

Who is Covered?

The Act contains two schedules listing all employments for which coverage under the scheme is compulsory. Schedule 1 employments must be insured through the board, whereas Schedule 2 employments are permitted to self insure. Coverage is elective for sole proprietors, partners, and executive corporate officers. Casual workers, outworkers, and most volunteer workers (in industries listed in Schedules 1 and 2) are exempt.

The percentage of workforce covered by the Ontario system in 1996 was 70.0%. In 1995, 186,000 employers were registered.
**What is Covered?**

All personal injuries "arising out of" and "in the course of" employment are covered under the scheme.

Ontario also provides coverage for occupational diseases, including diseases resulting from exposure to a substance, a disease peculiar or characteristics of a particular trade or occupation, or a medical condition that in the opinion of the board, requires a person to be removed permanently or temporarily from a particular work environment where exposure to a substance could lead to an occupational disease, or particular diseases listed in schedules to the Act.

Under the new legislation, long-standing board policy regarding the compensation of stress claims will be clarified. The only stress claims that will be compensated for are mental stress caused by sudden, unexpected events at work. Board policy will clarify that no benefits will be paid for chronic mental stress claims or for mental stress that is due to an employer's work related decisions or actions.

**Self Insurance**

Schedule 2 employers are entitled to self insure their worker's compensation exposure. Schedule 2 employers currently include: municipal corporations; public utilities; commissions or boards; school boards; any operations pertaining to railways; telephone companies; companies involved in the construction or operation of boats, ships, etc.; express companies in conjunction with railways; companies operating bridges connecting Ontario to another province or state; permanent boards or commissions or the provincial government; and airlines with regularly scheduled international passenger service.
Comparative Review

Ontario

Organizational Framework

With the implementation of the new Act, the Workers’ Compensation Board is renamed the Workplace, Safety and Insurance Board to reflect the board's renewed health and safety orientation and "to return the system to its original mandate as a workplace accident insurance plan" (Press Release, November, 1996, Workers' Compensation Reform).

The board is responsible for all aspects of workers compensation, including compensation and rehabilitation of injured workers and workplace health and safety training and accident prevention\(^2\). The new legislation assigns new responsibilities to the board for injury prevention and occupational health and safety. The board "will not only be responsible for health and safety training and certification, but will also oversee the province's network of Safe Workplace Associations, health and safety clinics and the training centre".

The board has a head office in Toronto and a claims information office, six district offices located throughout the province offering a full range of services and six area offices throughout the province offering information processing and interview services. The Ontario WCB employed 4,373 staff in 1996.

Governance Structure

The WCB Ontario is governed by a board appointed by the LGIC, consisting of: a Chair, the President of the WCB, and a minimum of three and up to seven members who are representative of workers, employers and such others as the LGIC considers appropriate.

\(^2\) The Occupational Disease Panel, which is responsible for investigating possible industrial diseases and developing criteria to determine eligibility for compensation, is eliminated under the new legislation and its functions integrated into the board to ensure better coordination and research into occupational disease and improved decision making in occupational disease claims.
Policy Development

The Ontario WCB has a formal internal policy development and implementation process. The Policy and Communications Division is responsible for the development of board policy. The division, as well as considering proposals from stakeholders, is responsible for generating ideas for policy development. Generally, operational policies are endorsed by the senior management and then put forward to the board of directors for approval.

Accountability

The board is directed under the Act to operate in a financially responsible and accountable manner. Every five years, the board and Minister must enter into an agreement, or memorandum of understanding. The MOU requires the board to prepare and submit to the Minister each year

- a strategic plan which sets out the board's plans for the following five years;
- an annual statement setting out the board's proposed priorities for administering the Act and regulations; and
- an annual statement of the board's investment policies and goals.

The MOU must also address any matter that may be required by order of the LGIC or by a direction of the Management Board of Cabinet. The Minister may also issue policy directions, approved by the LGIC, on matters relating to the board's exercise of its powers and performance of its duties under the Act.

The accounts of the board are to be audited by the Provincial Auditor or an auditor appointed by the LGIC under the Provincial Auditor's direction. The board must also submit to the Superintendent of Insurance an annual report on the insurance fund, and the Superintendent must prepare and submit to the Minister a report on this annual report of the insurance fund. The board must also submit an annual report on its affairs to the Minister which is tabled in the Legislative Assembly.
Performance Assessment

Under the new Act, each year, the board must undertake a review of the cost, efficiency and effectiveness of at least one program. The program review must be performed under the direction of the Provincial Auditor by one or more public accountants licensed under the Public Accountancy Act. The Minister may choose the program for review.

Claims Adjudication Process

The board and its officers are responsible for all aspects of the claims processing, adjudication and management functions.

In every case of work related injury or disease that disables a worker from earning full wages or requiring health or medical care, it is mandatory that an employer submit a report of the accident to the board within three calendar days of learning of the accident.

The new legislation introduces provisions requiring a worker seeking benefits to consent to the release of information about the workers' ability to perform pre-injury or alternative work post injury. This change is designed to promote the objective of cooperation between the worker and employer in achieving early and safe return to work.

The Ontario system also provides for the office of Workers' Advisor and Employers' Adviser. Appointed by the LGIC, the offices of Workers' and Employers Advisor are independent of the WCB. The Advisors provide advice and assistance to workers and employers about the workers' compensation system in the province.

As part of the reforms under the new Act, the office of the Employer Advisor will be refocused on providing services to small employers who may not have the financial resources or the expertise to apply to workers' compensation issues. The office of the Worker Adviser will be refocused as well on providing services to non-unionized workers who may lack the resources to effectively negotiate the claims process. Both of these offices will be subject to a separate review to be complete by January 1999.
**Dispute Resolution**

**Mediation / Conciliation**

1995 legislative amendments provided the board with the authority to offer mediation services where considered appropriate. The new Act maintains this provision as mediation is consistent with the new vision of the board and its role which is to guide and facilitate. The goal is to provide workplace parties with resources and supports to resolve disagreements themselves rather than relying on formal administrative appeal processes.

Workers' and Employers Advisors also play a role in assisting clients with the case adjudication and the appeals process.

**Appeals Process**

There are two levels of appeal in Ontario: an internal appeal process and an external independent appeal process.

The new Act provides that any worker, survivor or employer who objects to a decision of the board may file a "notice of objection" with the board within six months (except return to work or a labour market reentry plan, which must be filed within 30 days). Dispute Resolution Officers will reconsider the decision and may vary, amend or revoke it.

The external level of appeal is to the Workplace Safety and Health Insurance Appeals Tribunal (renamed under the new Act from the Workers' Compensation Appeals Tribunal)\(^3\). The Tribunal is the final level of appeal to which employers and workers may bring disputes concerning workers' compensation matters. The Tribunal only hears appeals from final decisions of the board. The Tribunal may also offer mediation services in appropriate circumstances.

Appeals of board decisions must be filed with the Tribunal

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\(^3\) A particular change to the mandate of the Tribunal under policy under the new legislation, is that it will be clarified that the board has the final say and that the Tribunal will be required to apply and to conform to board policy in all cases. The Tribunal itself is undertaking a review process of its operations. In response to the fact that the workload of the Tribunal exceeds the capacity of the existing staff and resources, the Tribunal began a restructuring process in 1996. Under Phase I, the Tribunal introduced a Case Management Strategy, a Vocational Rehabilitation Strategy and changes to its procedures for scheduling hearings. In Phase II the Tribunal is looking at introducing a four-stream adjudication process: the traditional stream, the modified traditional stream, the alternative hearings stream and the early resolution stream.
within six months and the Tribunal will be required to issue a
decision within 120 days of the hearing.
The Appeals Tribunal has an original and exclusive jurisdiction
to hear cases and determine whether civil actions are barred or
limited by operation of the Act.

An action or decision of the board or the Tribunal is final and is
not open to question or judicial review in a court.
Assessment rates for industry rate groups (in 1997, there were 219 rate groups and 839 industries) set as percentage of $100 payroll are determined by the rate groups’ accident experience.

Ontario has two experience rating programs:
- the New Experimental Experience Rating Plan (NEER), a retrospective plan which applies to all industries except construction. Under NEER a company with a good accident record relative to the industry average gets a refund on its initial assessment (of up to 50%) and those with a poor record are required to pay a surcharge (up to 100%).
- CAD-7, which applies only to the construction industry, applies a calculated formula to assess the claims cost experience of a firm in relation to an aggregate of construction rate groups to apply surcharges (maximum of 80%) or grant rebates (maximum of 40%) on assessments.

The average assessment rate in Ontario in 1997 was $2.85, with a low of $0.21 and a high of $18.14. The maximum assessable earnings rate in 1997 was $56,100.

The Ontario system provides supplemental coverage for all disabilities caused or enhanced due to preexisting disease, condition or disability to the extent determined by the WCB (apportionment usually 50% but may range for 25% to 100% of cost, subject to approval) This coverage is not restricted to permanent disability cases. It is funded through the general Accident Fund.

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4 When NEER was introduced in 1984 it only applied to forest industries; in 1995 it was simplified and applied to all industries except construction.
COMPENSATION

BENEFITS

Claim Rate
Total claims in 1996 amounted to 337,692, in 1995, there were 371,831 claims made and in 1994, 370,444. In 1996, total claims resulting in time loss amounted to 103,080. 388 fatalities were reported and 241 fatalities accepted in 1996.

Medical Aid
Nature of Aid
Medical coverage is comprehensive. The board covers the cost of a comprehensive range of medical services; all health care costs related to an injury or industrial disease are covered.

The board has in-house clinicians who advise adjudication staff on medical issues, perform permanent disability and pension ratings for pre-1990 claims and ensure appropriate clinical care management of claims.

Choice of Provider
The worker has the right of initial choice of health professionals.

The worker also has the right of choice from a roster or list, respecting independent physicians who conduct permanent impairment examinations.

Medical Cost
Containment
Initiatives
Effective April 1, 1990, the WCB adopted the Ontario Ministry of Health Schedule of Benefits Physician Services. As of October 1, 1990, physician services for injured workers are billed directly to OHIP as a work related claim. Payments for medical reports are billed directly to the board. Effective November 1, 1996, processing of pharmaceutical accounts is completed through an external accounts processor system that enables real time decision making regarding drug entitlement and payment.
In announcing the new Act, the minister indicated that the system had failed in meeting its rehabilitation goals and indicated that a key goal of the new legislation is to improve early return to work strategies and effective rehabilitation.

The new legislation will require greater cooperation between workers and employers to "get more workers back to work in a safe and timely manner", including requiring ongoing contact between an employer and an injured worker, obligations on the employer to modify the jobsite or the work to accommodate a returning workers, and introducing financial and other incentives to encourage early return initiatives. A "labour market reentry plan" will be developed for workers who are unable to return to work with their pre-injury employer to help them re-enter the workforce.

The board may provide financial assistance for academic training.

The Act places a requirement on the employer to reemploy a disabled worker when that worker is ready to return to work. An worker must have been employed for a period of one year for this provision to apply to them. Employers of less than 20 workers are exempt from this requirement. An employer must make the necessary accommodations to allow an injured worker to return to work and may provide a temporary work assignment until the worker is fully able to resume their former duties.

The new Act will clarify that the board will only provide limited benefits for workers suffering from chronic pain. Programs for managing pain that last beyond the expected healing time will be offered.
Disability Benefits

**Short-Term Benefits - Temporary Disability**

*Weekly "loss of earnings or wage loss" compensation:*

*Rate:* For TTD, 85% of net average earnings⁵, subject to a set minimum and maximum. For TPD, a proportion of the net income compensation as calculated for total disability is payable in accordance with the degree of disability and effect on earnings capacity (if suitable work is not available the worker is entitled to full compensation provided they cooperate with rehabilitation efforts)⁶.

*Indexed:* Friedland Formula (.75 x CPI) - 1%, maximum indexing factor of 4, minimum of 0.

*Duration:* Term of disability⁷.

*Taxable:* No.

*Employer's Excess / Waiting Periods:* There is a one day waiting period for benefits (the employer must pay wages and benefits for day of injury).

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⁵ Net average earnings are gross wages minus probable income taxes, CPP premiums and UI; lower figure for single, higher figure for married claimant with one child. (Only applies to accidents on or after 4/1/85.

⁶ The new Act reduces benefits to 85% from 90% of pre-injury net average earnings for workers injured after January 1, 1998. The primary objectives of this change are to encourage early return to work and to ensure that, because of our tax system, workers receiving benefits do not end up receiving more than they would at work. (Fact Sheet 5, Ministry of Labour, Enhancing Worker and Employer Self Reliance, November, 1996). The new legislation also tightens eligibility for economic loss benefits, to ensure that workers without a permanent impairment will not receive wage loss benefits.

⁷ By policy, for all accidents after January 1, 1990, involving both temporary and partial disability, after 12 months of disability payments, the worker is compensated on the basis of future loss of earnings from the injury.
**Long-Term Benefits - Permanent Partial and Total Disability**

"Loss of earnings or wage loss" awards or pensions:

**Rate:** Compensation for future economic loss, based on 85% of the difference between net average earnings before the injury and a net average amount the worker could earn in suitable employment or business after the injury up to a set maximum. By policy this pension is subject to review at intervals of two and 5 years.

**Indexed:** In accordance with increases in CPI.

**Duration:** Age 65, at which time, workers receiving future loss of earnings compensation will receive a retirement pension funded by setting aside an amount equal to 5% of every payment made to the worker (worker can match).

**Taxable:** No.

**Offset Against Other Social Security Benefits:** CPP benefits.

**Award for "functional impairment":**

**Periodic (pension or annuity):**

**Lump-sum:** Ontario is a dual award system (introduced effective January 1, 1990). Workers with permanent impairment receive a non-economic loss payment determined by multiplying the percentage of the workers permanent impairment by $51,381.23, and plus or minus $1,142.20 for each year of age the worker is under or over 45 at the time of the injury to a maximum of $74,216.87 and minimum of $28,545.58 (rates under new Act).

**Covers Disfigurement:** No specific legislative provision, but recognized in making payments.

**Impairment Schedule:** AMA Guidelines.

**Supplemental Awards:** The board provides a clothing allowance on an annual basis for prosthetic wearers up to a maximum of $255.55 for upper limb and $511.12 for lower limb (1997 rates).

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8 90% under the former Act.

9 CPI indexing is applied to full permanent disability and Future Economic Loss benefits. All other income benefits are indexed according to the following: 75% of CPI minus 1%, not less than 0, not more than 4%.

10 Unless the worker was 63 years or older at the time of injury in which case the payments continue for two years following the date of injury.
The board also provides a personal care allowance based on the level of care required ($14.29 per hour for skilled care; $8.93 personal care; and $6.85 for basic care).

**Hearing Loss**

Claims for noise induced hearing loss are allowed for workers who spent the equivalent of five years or more working eight hour days in a job where noise levels were at least 90 decibels. In addition, audiograms must show that the pattern of hearing loss is clearly related to noise exposure. Workers receive health care benefits, including provision for hearing aids and devices, if the hearing loss is 22.5 decibels in each ear. Workers receive health care benefits, plus permanent impairment awards for non-economic loss, if the hearing loss is 32.5 decibels or more in one ear and at least 25 decibels in the other or 26.25 in each ear.

**Death Benefits**

**Funeral Expense Benefits**

*Funeral Costs:* A payment of at least $2,077.09 (rate under new Act) is provided to cover funeral costs (this is currently subject to a review); additional payments are available to cover necessary costs associated with transporting the body.

*Emergency Lump-sum:* None.
## Survivor Benefits

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<tr>
<th>Survivor Category</th>
<th>Lump-sum</th>
<th>Pension</th>
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<tbody>
<tr>
<td>Dependent spouse, without children</td>
<td>$55,389.38 base rate subject to an increase of $1,1,384.73 for each year under 40 to a maximum of $83,084.05 and a decrease of $1,388.88 for each year over 40 to a minimum of $27,694.68  (rates under new Act).</td>
<td>40% of the deceased's net average earnings, subject to a 1% increase or decrease for each year under or over 40 and less C.P.P. benefits, available for life. Continues on remarriage.</td>
</tr>
<tr>
<td>Spouse, with children</td>
<td>As above.</td>
<td>85% of the deceased's net average earnings, less C.P.P. benefits, until youngest child reaches 19, then percentage based on spouse's age, available for life. Continues on remarriage.</td>
</tr>
<tr>
<td>Dependent children over 19, surviving parent</td>
<td>None.</td>
<td>When child reaches 19, board, at its discretion, may provide pension equal to 10% of deceased's net average earnings, less C.P.P. benefits, to cover cost of post-secondary education11.</td>
</tr>
</tbody>
</table>

11 But total amount of benefits to spouse and children over 19 years will not exceed 90% of the net average earnings of the worker.
<table>
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<tr>
<th>Dependent children, no surviving parent</th>
<th>Lump-sum as described above.</th>
<th>30% of deceased's net average earnings for one child; 10% for each additional child, less C.P.P. benefits, to a maximum of 85%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other dependents, where no spouse or children</td>
<td>None.</td>
<td>At board's discretion; total of all pensions not to exceed 50% of deceased's net average earnings.</td>
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</table>
HEALTH & SAFETY & PREVENTION

Organization Structure
Agencies Responsible

The Occupational Health and Safety Division, Ministry of Labour, has overall responsibility for occupational health and safety in Ontario and the administration of the *Occupational Health and Safety Act*. The Division is responsible for establishing, communicating and enforcing occupational health and safety standards under the legislation. Workplace health and safety training is the responsibility of the WCB.

The mission of the Ministry is to "advance safe, fair and harmonious workplace practices which are essential to the social and economic well being of the people of Ontario". Consistent with the internal responsibility system, which places a responsibility on all workplace partners to share responsibility for ensuring that the workplace is safe and healthy, the Ministry plays a leadership role in working with employers, employees and others to ensure that responsibilities are met and to take action as appropriate when they are not met.

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13 Prior to the implementation of the new workers compensation legislation, workplace health and safety training was the responsibility of the Workplace Health and Safety Agency.

14 The government of Ontario is presently undertaking a comprehensive review of its occupational health and safety legislation. In February 1997, the Minister of Labour issued a discussion paper on the *Occupational Health and Safety Act*. A key goal of the reform process is to strengthen the Internal Responsibility System to ensure that employers and employees take greater responsibility for health and safety in their workplaces. The process will also review the current roles and responsibilities of parties in workplace safety and consider ways to eliminate red tape. The review of occupational health and safety legislation is seen as a second step or a companion to the new *Workplace Safety and Insurance Act*. 
Comparative Review

Ontario

Source of Funding

The OHS Division is partly funded by employers' assessments through transfers from the workers' compensation fund\(^\text{15}\). In 1996/97 about one-third of the funding for the Division was provided from the accident fund.

Accident Reporting

Employers must report all accidents to the WCB within three calendar days of learning of the accident.

Employers who fail to comply with this requirement are subject to a prescribed penalty, in addition to any penalty imposed by a court for this offense (up to $100,000).

OHS Representatives & Committees

An OHS committees is required,

- for any workplace that regularly employs 20 or more workers;
- where there is a "designated substance" present at the worksite, regardless of the number of workers, (except for construction sites);
- for a construction project where 20 or more workers are regularly employed and where the project is expected to last for three months or more.

In addition, a worksite may be required to establish a committee where a section 20 order has been issued under the Act or on order of the Minister of Labour.

A health and safety representative is required for any worksite that regularly employs between six and 19 workers (and where a OHS committee is not otherwise required).

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\(^{15}\) Prior to the implementation of the new legislation, the government funded the Workplace Health and Safety Agency. Under the new legislation the board will be responsible for funding workplace health and safety training.
Offenses & Penalties

**Contraventions of the Legislation**

*Types of Offenses and Maximum Fines:*
Any corporation found guilty of contravening the act or regulations or failing to comply with an order is liable on conviction to a fine of up to $500,000; any individual is liable to a fine of up to $25,000 AND/OR up to 12 months imprisonment.

*Convictions:*
1995 - Less than $1,000, 117 convictions (15 employers; 85 workers; 17 supervisors); total amount of fines $36,130. Over $1,000 and up to $500,000, 149 convictions (114 employers; 32 supervisors; 3 workers); total amount of fines - $2.28 million.
1996 - Less than $1,000, 34 convictions (nine employers; 12 supervisors; 13 workers); total amount of fines $15,496. Over $1,000 and up to $500,000, 102 convictions (89 employers; 12 supervisors; 1 worker); total amount of fines - $3.1 million.

**Administrative Penalties**
There is no provision for administrative fines in Ontario.

**OHS Legislative Review**
There is no legislated review requirement for the OHS Act and regulations. However, a comprehensive OHS legislative review process is currently underway. The review process is being lead by government, with extensive consultation with all stakeholders and the public.

**Health and Safety and Loss Prevention Initiatives**
Ontario has a safety audit program, the Workwell program that applies assessment surcharges (between 10-75%, to a maximum of $100,00) to firms with particularly poor injury records for their rate group or a history of non-compliance with the Occupational Health and Safety Act. The Ontario legislation also contains provision giving the board power to provide financial incentives to firms that have taken "exemplary measures" to ensure safety in the workplace, though these measures have not been used since 1992.
Established in 1993, the Special Investigations Branch of the WCB is responsible for investigating "internal and external allegations of wrongdoing against the board". By statute the board has the power to take administrative and civil and/or criminal action as appropriate where fraud is established.

On May 16, 1996, the board announced tough new measures aimed at combating fraud by employers, workers, suppliers of goods and services and board staff. The initiatives include zero tolerance for fraud; increasing internal resources dedicated to fraud investigations; using private firms to conduct surveillance to get stronger evidence; and setting up a toll free hotline for people to report cases of suspected fraud.

Statistics on the number of investigations, successful prosecutions and the impact of the board's fraud prevention activities were not available.

Estimates suggest that less than 5% of claims in Ontario are fraudulent.