



In Focus

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The Newsletter of the Workplace Safety and Insurance Appeals Tribunal

Error in Board Policy Package – Voluntary Experience Rating

The Workplace Safety and Insurance Board has notified the Tribunal of an error in the Board policy package on Voluntary Experience Rating (VER).

Pursuant to the *Workplace Safety and Insurance Act*, the Board has been identifying which policies it considers to be applicable to the subject matter of appeals at the Tribunal. For ease of administration, the Board has compiled policy packages which relate to specific types of issues under appeal. For appeals involving VER issues, the Board had been identifying Policy Package #156.

Due to an oversight at the Board, two policies were included in Policy Package #156 which had actually been rescinded. The two policies, *Operational Policy Manual Documents 08-05-03 and 08-05-06*, were rescinded and superseded by Administrative Minute #1 dated September 29, 1997.

The changes introduced by Administrative Minute #1 are significant. The Minute imposes time limitations on VER appeals. It states that no appeals of VER refunds and surcharges will be considered unless they have been “launched” before August 30, 1997. VER appeals launched after August 30, 1997 and received by the Board by September 30, 1997, must be limited to the 1992 VER issue. The Administrative Minute appears to further restrict the scope of VER appeals so that, for those appeals which the Board considers as falling within the above limitations, the Board will only consider whether the actual VER issue is correct. The Minute provides that, as of October 1, 1997, the Board will not hear new appeals involving VER issues of refunds and surcharges.

The Board has discontinued Policy Package #156, and replaced it with Policy Package #163.

The Board provided a list of all Tribunal appeals where the Board had identified Policy Package #156 after January 1, 1999. The parties and Panel members involved in those appeals were notified of the new package by the Tribunal Counsel Office.

However, the Board could not identify which appeals it had identified as applying to Policy Package #156 for the period prior to January 1, 1999. The Tribunal was also not able to identify which VER appeals the Board had identified as applying to Policy Package #156 for the period prior to January 1, 1999. In view of that, Tribunal Counsel Office has provided all Tribunal Panel members with a package of the new VER materials and an explanation of the reason for the change.

For a copy of the new VER package, contact Dan Revington, senior lawyer, Tribunal Counsel Office at (416) 314-8834.

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