

Employment Update: The WSIB's New 3–Business Day Deadline for Reporting Accidents

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On September 26, 2023, Ontario's Workplace Safety and Insurance Board ("WSIB") updated its policy entitled, Employers' Initial Accident-Reporting Obligations (Document No. [15-01-02](#)) to align with the legislative 3-day requirement for employers to report accidents under the *Workplace Safety and Insurance Act, 1997* ("WSIA"). The WSIA specifically requires employers to notify the WSIB within three (3) days of learning of an accident, if the worker seeks health care or results in them not being able to earn full wages.

As a result, effective September 29, 2023, the new reporting deadline provides: "the WSIB must receive an employer's complete accident report within three (3) business days after the employer learns of the reporting obligation." (Business days are defined as Monday to Friday, and do not include statutory holidays).

The WSIB previously allowed employers some latitude, only requiring the submission of an accident report within seven (7) business days of learning of a reportable accident. This flexibility was to permit additional time for reports to be received by regular mail. Most employers are no longer submitting their accident reports by mail, and therefore the seven (7) business day rule is no longer needed.

Employers should also be aware that there are administrative penalties for non-compliance. At the initial entitlement stage of a claim, the WSIB will levy either a late reporting penalty of \$250, or for those accidents reported after more than 30 calendar days, a penalty of \$1,000. Delays due to inefficiencies in the employer's administrative processes are not a valid reason for lateness.

In addition, failing to notify the WSIB within three (3) business days of learning of an accident is also an offence under the WSIA, for which employers may be prosecuted. The maximum penalty under the WSIA on conviction for corporations is \$500,000. Individuals may face a penalty on conviction of up to \$25,000 and/or six months imprisonment.

Employers covered under Ontario's workers' compensation regime therefore need to comply with this new three (3)-business day reporting deadline, in order to avoid penalties or potential prosecution.

If you have any questions, or for more information, please contact [Jack B. Siegel](#), [William Anderson](#) or [Sarah Mills](#) of Blaneys' [Labour and Employment Group](#).

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