

Legislative
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68 ELIZABETH II, 2019

Bill 119

An Act to amend the Workplace Safety and Insurance Act, 1997 in respect of compensation for loss of earnings

Mr. W. Gates

Private Member's Bill

1st Reading May 27, 2019

2nd Reading

3rd Reading

Royal Assent



**An Act to amend the Workplace Safety and Insurance Act, 1997
in respect of compensation for loss of earnings**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1 Section 43 of the *Workplace Safety and Insurance Act, 1997* is amended by adding the following subsection:

No earnings after injury

(4.1) The Board shall not determine the following to be earnings that the worker is able to earn in suitable and available employment or business:

1. Earnings from an employment that the worker is not employed in, unless the worker, without good cause, failed to accept the employment after it was offered to the worker.
2. Earnings from a business that the worker does not carry on.

Commencement

2 This Act comes into force on the day it receives Royal Assent.

Short title

3 The short title of this Act is the *Respecting Injured Workers Act (Workplace Safety and Insurance Amendment), 2019*.

EXPLANATORY NOTE

In calculating the amount of payments to an injured worker, the *Workplace Safety and Insurance Act, 1997* considers the earnings that a worker is able to earn in suitable and available work. Currently, the Workplace Safety and Insurance Board may decide that a worker is able to earn amounts that they are not actually earning, on the basis of suitable and available work they do not actually have. The amendments would prevent that from happening unless the worker refused employment in bad faith.