

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

1ST SESSION, 44TH LEGISLATURE, ONTARIO
4 CHARLES III, 2025

Bill 86

**An Act to enact the Meredith Act (Fair Compensation for Injured Workers), 2025
and to repeal the Workplace Safety and Insurance Act, 1997**

Co-sponsors:

MPP L. Vaugeois

MPP W. Gates

MPP J. West

Private Members' Bill

1st Reading December 8, 2025

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill repeals the *Workplace Safety and Insurance Act, 1997* and enacts the *Meredith Act (Fair Compensation for Injured Workers), 2025*. The *Meredith Act (Fair Compensation for Injured Workers), 2025* establishes a scheme for compensating workers who have sustained a workplace accident or developed a workplace disease. The Act also contemplates the provision of services to assist injured workers with rehabilitation and retraining. The Act is to be administered by the Workers' Compensation Commission of Ontario. A Tribunal, known as the Workers' Compensation Appeals Tribunal of Ontario, is established to hear disputes arising from the administration of the Act. Provisions respecting the transition between the two Acts are provided for.

**An Act to enact the Meredith Act (Fair Compensation for Injured Workers), 2025
and to repeal the Workplace Safety and Insurance Act, 1997**

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

**PART I
INTERPRETATION, PURPOSES AND PRINCIPLES**

Interpretation

1 (1) In this Act,

“Commission” means the Workers’ Compensation Commission of Ontario continued under section 23; (“Commission”)

“dependant” has the same meaning as in Part III of the *Family Law Act*; (“personne à charge”)

“injured worker” means a worker who has been injured in a workplace accident or who has been afflicted by a workplace disease; (“travailleur blessé”)

“regulations” means the regulations made under this Act; (“règlements”)

“Tribunal” means the Workers’ Compensation Appeals Tribunal of Ontario continued under section 38; (“tribunal”)

“worker” means a person providing labour or services to an employer in the context of an employer-employee relationship; (“travailleur”)

“workplace accident” means any incident that occurs while a worker is performing work for an employer and that results in harm to the worker that is not trivial in nature; (“accident du travail”)

“workplace disease” has the meaning ascribed to it in subsection (3); (“maladie professionnelle”)

“workplace injury” means an injury sustained in the context of a workplace accident. (“lésion professionnelle”)

Employer-employee relationship

(2) For the purposes of this Act,

- (a) an employer-employee relationship exists between a worker and an employer if both parties have entered into an employment contract, either written, verbal or implied; and
- (b) an individual who performs work for an employer as a co-op student, apprentice, learner or volunteer is deemed to be in an employer-employee relationship with the employer.

Workplace disease

(3) A disease afflicting a worker is a workplace disease for the purposes of this Act if it is reasonable in the circumstances to conclude that the worker’s working conditions were a significant contributing factor to the worker developing the disease, on the basis of,

- (a) relevant scientific data and statistical evidence;
- (b) information about what a worker may have been exposed to while performing work for the worker’s employer; and
- (c) a presumption that exposures are additive unless proved otherwise.

Permanently injured worker

(4) An injured worker is a permanently injured worker for the purposes of this Act if it is reasonable in the circumstances to conclude that the worker will be unable to resume performing the same work that the worker performed prior to the workplace injury or onset of the workplace disease because of the effects of the workplace injury or the workplace disease.

Fund

(5) The Commission shall maintain a fund into which is paid employer premiums. All compensation under this Act, expenses of the Commission and costs of administering this Act and any other payments required to be paid under or in relation to this Act shall be paid out of that fund.

Purpose

2 (1) In light of the historic trade-off in which workers relinquished their rights to pursue a civil claim through the courts in exchange for access to timely no-fault compensation for losses arising from workplace accidents and workplace diseases, the principal purpose of this Act is to provide compensation and benefits to injured workers and surviving family members of deceased workers and to assure the rehabilitation, education and training of injured workers and their family members.

Other purpose

(2) It is also a purpose of this Act to enable the collection and analysis of information about workplace health and safety, workplace injuries and workplace diseases and the dissemination of this information, including among the Government of Ontario, government agencies and other governments, as well as officers of health, coroners and the public.

Principles

3 The following principles shall be observed in interpreting and applying this Act:

1. Compensation must be proportionate to the degree of loss of earnings and intangible losses.
2. Compensation must be provided to injured workers quickly without the need for a civil claim.
3. The purpose of compensation is to, at a minimum, put injured workers in as close to a position as they would be in but for the workplace injury or workplace disease in order to prevent them from being a burden on their families, friends or the community at large.
4. All monies and assets of the Commission are to be considered a public trust for the benefit of current and future injured workers for the purposes of the common law and any other Acts.
5. Injured workers are to enjoy security of payment.
6. Compensation is to be paid to injured workers without regard to the fault or negligence of any person and without regard to an injured worker's pre-existing medical condition, weakness or susceptibility to harm, whether known or unknown.
7. The administration of the compensation program and the system of appeals of compensation decisions shall be independent and free from interference from the executive branch of government, similar to the independence and freedom from interference from the executive branch enjoyed by the judicial branch.
8. Administration of the compensation program and the resolution of any disputes arising from the administration of the compensation program is the exclusive responsibility of the Commission and the Tribunal, respectively, both of which are independent.

PART II COMPENSATION AND SECURITY OF EMPLOYMENT

Definition

4 In this Part,

“deceased worker” means a worker whose death is attributable to a workplace accident or a workplace disease.

Entitlement to compensation

5 (1) The Commission shall provide an injured worker with the compensation to which the injured worker is entitled under this Part and in the amounts determined under this Part.

Same

(2) Compensation shall be provided promptly to an injured worker.

Same

(3) For greater certainty, an injured worker's entitlement to a given type of compensation does not impact on the injured worker's entitlement to other types of compensation.

Notifications re entitlement

6 (1) An employer shall notify the Commission of a workplace accident or of the onset of a workplace disease of which the employer is aware as soon as reasonably possible in the circumstances.

Same

(2) Upon being notified of a workplace accident or the onset of a workplace disease, the Commission shall promptly forward a copy of the notice to,

- (a) the relevant injured worker, if the Commission was notified by the employer;
- (b) the relevant employer, if the Commission was notified by the injured worker; and
- (c) the workplace health and safety committee or representative, if any.

Confidentiality

(3) The information contained in a notice shall not be disclosed by an employer, injured worker, workplace health and safety committee or workplace health and safety representative, with the exception of information that may indicate the commission of an offence under the *Criminal Code* (Canada) or a violation of the *Occupational Health and Safety Act*.

OHSA violation

(4) The Commission shall forward any information contained in a notice that may indicate a violation of the *Occupational Health and Safety Act* to the Ministry of Labour, Immigration, Training and Skills Development.

Offence

(5) If the information contained in a notice may indicate the commission of an offence under the *Criminal Code* (Canada), the Commission shall promptly determine if there are reasonable grounds to believe that the offence has been committed and, if there are, shall promptly forward the information to the appropriate police service.

No reprisal

(6) No person shall take any measure that would adversely affect an individual because the individual provided information about someone's possible entitlement to compensation under this Act.

Notification to police

(7) If the Commission becomes aware of a person having taken a measure described in subsection (6), the Commission shall refer the matter to the appropriate police service.

Disclosure by committee or representative

(8) A workplace health and safety committee or a workplace health and safety representative may disclose information to the Commission about a possible workplace accident or workplace disease that may give rise to entitlements under this Act, despite anything to the contrary in the *Occupational Health and Safety Act*.

Lost earnings

7 (1) An injured worker is entitled to compensation in the form of payments representing the injured worker's lost earnings during a given period resulting from the workplace injury or workplace disease.

Amount of lost earnings

(2) Payments representing lost earnings for a period of time shall be in the amount equivalent to 90 per cent of the amount calculated by,

- (a) determining the worker's deemed income for the period;
- (b) subtracting from the worker's deemed income for the period any earnings from work; and
- (c) subtracting from the amount determined under clause (b) any tax that would be payable if the compensation were income from work.

Deemed income

(3) The worker's deemed income for a period of time shall be determined on the basis of an assumed annual income of the greater of the following amounts:

1. The total amount of earnings from employment as declared in the worker's tax return filed for the year preceding the period in question.
2. The average amount of earnings from employment as declared in the worker's tax returns filed for the five years preceding the period in question.

Tax returns not filed

- (4) If the worker has not filed a tax return for the previous year, the Commission shall,
- (a) provide interim benefits at a rate calculated by the Commission;
 - (b) promptly offer assistance to the injured worker to file tax returns; and
 - (c) promptly refer the worker to a list of qualified persons who may assist with the preparation of tax returns.

List

- (5) The Commission shall maintain a list for the purposes of clause (4) (c).

Change to tax return

- (6) In the event of a change to a tax return, the worker's deemed income shall be recalculated and the amount of payments in respect of lost earnings shall be recalculated accordingly.

Indexation

- (7) If the worker is permanently injured following a workplace accident or the onset of a workplace disease resulting in a loss of earnings, the payment representing lost earnings shall be indexed to the Consumer Price Index maintained by Statistics Canada effective January 1 of each year, except the indexation shall not result in the amount of payments being reduced.

Regulations

- (8) The regulations may provide for additional details about the manner in which payments representing lost earnings are to be indexed under subsection (7).

Notice to Commission

- (9) The injured worker and the injured worker's employer shall inform the Commission of any changes to the injured worker's earnings within 30 days following the change.

Overpayment

- (10) Any overpayment resulting from a recalculation under subsection (6) or a change in earnings referred to in subsection (9) constitutes a debt owed to the Commission and may be recovered by the Commission.

Cessation of payments

- (11) Compensation representing lost earnings shall cease,
- (a) once the injured worker's earnings are equal to or exceed the injured worker's deemed income;
 - (b) on the day on which the injured worker attains 70 years of age, if the worker was 65 years of age or older on the date of the workplace injury or the onset of the workplace disease, subject to subsection (12);
 - (c) on the day that is the fifth anniversary of the date of the workplace injury or onset of the workplace disease, if the worker was 65 years of age or older on that date, subject to subsection (12); or
 - (d) the day on which the worker is no longer impaired as a result of the workplace injury or workplace disease.

Same

- (12) In the situations described in clauses (11) (b) and (c), compensation representing lost earnings shall cease at a later date determined by the Commission if the Commission is of the opinion that, based on the evidence before it, the worker would have continued to work at least until that later date determined by the Commission.

Interim compensation

- 8** (1) If the Commission is unable to determine a worker's entitlement to compensation in the form of payments for lost earnings within 15 days after having received information notifying the Commission of the worker's potential entitlement, the Commission shall provide interim compensation until the worker's entitlement is established.

Same

- (2) Interim compensation under subsection (1) is not recoverable by the Commission except in cases of fraud resulting in a conviction of an offence under the *Criminal Code* (Canada).

Compensation in kind

- 9** (1) An injured worker is entitled to compensation in the form of the payment of insurance premiums, for the benefit of the injured worker and, if applicable, the injured worker's dependants, necessary to maintain at least the same health insurance coverage that the injured worker and their dependants benefitted from at the time of the workplace accident or the onset of the workplace disease.

Cessation of payment of insurance premiums

- (2) Payment of insurance premiums for the benefit of the injured worker and, if applicable, their dependants shall cease,
- (a) once the injured worker returns to work;
 - (b) at the moment at which the injured worker would have ceased to be a member of the insurance plan because of retirement;
or
 - (c) once the injured worker's employer-employee relationship is severed in accordance with this Act.

Non-taxable benefits

(3) If the injured worker was receiving non-taxable benefits as part of their compensation from the employer, the employer shall continue to provide such non-taxable benefits for the duration of the injured worker's employment until the worker returns to work.

Pension contributions

10 (1) An injured worker is entitled to compensation in the form of pension contributions paid on behalf of the injured worker to any employer pension plan of which the injured worker is a member.

Cessation of contributions

- (2) Pension contributions paid on behalf of the injured worker cease,
- (a) once the injured worker stops receiving compensation representing lost earnings;
 - (b) on the day on which the injured worker attains 70 years of age, if the worker was 65 years of age or older on the date of the workplace accident or the onset of the workplace disease, subject to subsection (3); or
 - (c) on the day that is the fifth anniversary of the date of the workplace accident or the onset of the workplace disease, if the worker was 65 years of age or older on that date, subject to subsection (3).

Same

(3) In the situations described in clauses (2) (b) and (c), pension contributions on behalf of the injured worker shall cease at a later date determined by the Commission if the Commission is of the opinion that, based on the evidence before it, the worker would have continued to work at least until that later date determined by the Commission.

CPP contributions

11 (1) Subject to the *Canada Pension Plan* or any other federal statute, an injured worker is entitled to compensation in the form of Canada Pension Plan contributions paid on behalf of the injured worker.

Cessation of contributions

- (2) Canada Pension Plan contributions paid on behalf of an injured worker cease,
- (a) once the injured worker stops receiving compensation representing lost earnings; or
 - (b) once the injured worker begins receiving Canada Pension Plan payments.

Commission pension plan

12 (1) The Commission shall establish a pension plan for which permanently injured workers without an employer pension plan are eligible and shall pay compensation to such injured workers who opt in to the pension plan in the form of pension contributions equal to at least 17 per cent of the injured worker's lost earnings.

Payments out of the plan

(2) Payments to members of the pension plan shall be paid monthly and shall commence once the member stops receiving compensation in the form of payments for lost earnings due to their age.

Transfer to Commission's pension plan

(3) If the employment relationship between an injured worker and the injured worker's employer is severed by declaration of the Tribunal under this Act and if the injured worker was a member of a pension plan by virtue of their employment, the commuted value of the pension shall be transferred to the Commission's pension plan and the Commission, acting in the stead of the employer, and the injured worker shall continue to contribute to the plan as the employer and injured worker would have contributed to the employer's pension plan had the workplace injury or workplace disease not occurred.

Conflict

(4) In the case of a conflict between subsection (3) and the *Insurance Act* or any other Act, subsection (3) prevails.

Intangible loss, pain and suffering

13 (1) A permanently injured worker is entitled to compensation in the form of payments for intangible loss, pain and suffering.

Same

(2) The compensation under subsection (1) shall be considered compensatory and not remedial.

Amount of compensation

(3) The Commission shall determine the amount of compensation to which an injured worker is entitled, which must be proportionate to the degree of loss or suffering of the injured worker, including the physical losses experienced by the injured worker, the pain experienced by the injured worker, all physical and mental sequela and any other relevant social or contextual factors.

Cessation of payments

(4) Compensation under subsection (1) shall only cease once the pain, suffering or loss associated with the workplace injury or workplace disease itself ceases.

Benefits to dependants or estate

14 (1) If a workplace accident or workplace disease results in the death of a worker, the Commission shall pay to the deceased worker's dependants or, in the absence of any dependants, to the deceased worker's estate reasonable and customary funerary expenses.

Same

(2) If the deceased worker has dependants, the deceased worker's dependants are entitled to,

- (a) compensation in the form of payments for lost earnings for the period determined by the regulations;
- (b) education, training or retraining, as if the dependant were a permanently injured worker, to enable the dependant to earn a living equivalent to that of the deceased worker; and
- (c) payment for intangible loss, pain and suffering equivalent to the deceased worker's deemed annual income for the purposes of subsection 7 (3).

Volunteers, etc.

15 In the case of an injured worker or a deceased worker who is or was not remunerated, the Commission shall impute a reasonable amount of income to the injured worker for the purposes of determining the injured worker's entitlement to compensation under this Part or the deceased worker's dependants' entitlement to compensation under this Part.

Security of employment

16 (1) An injured worker's employment shall not be considered to have been interrupted, suspended or terminated for the sole reason that the injured worker has suffered a workplace injury or acquired a workplace disease and, for greater certainty, the injured worker's employer shall accommodate the injured worker up to the point of undue hardship, as required by the *Human Rights Code*.

Duty to accommodate

(2) For greater certainty, a dispute between an injured worker and their employer as to the injured worker's terms of employment or accommodation or what constitutes undue hardship in the circumstances shall not impact on the benefits payable by the Commission under this Act.

Mediation

(3) If the injured worker and their employer consent to it, the Commission may refer any dispute referred to in subsection (2) for mediation by a qualified independent mediator.

Commission's determination

(4) If a mediated settlement cannot be reached, the Commission may settle the dispute and issue a decision that is binding on the injured worker and the employer.

PART III REHABILITATION AND TRAINING

Medical coverage

17 (1) For the purposes of this section, a diagnostic service, treatment, medication or medical device is medically appropriate if it is recognized as safe and effective by the relevant government agencies and professional colleges.

Payment

(2) The Commission shall pay for any medically appropriate diagnostic service or treatment for an injured worker if the service or treatment is not covered by the Ontario Health Insurance Plan.

Policies

(3) The Commission shall develop policies governing payments for medically appropriate diagnostic services and treatments for injured workers that are not covered by the Ontario Health Insurance Plan and update those policies at least once every three years.

Medication and medical devices

(4) The Commission shall cover the cost of any medically appropriate medication prescribed for an injured worker or medical device for an injured worker if it may assist the injured worker in, to the extent possible, regaining the same health status that the injured worker had prior to the workplace injury or the onset of the workplace disease.

Private insurance

(5) Despite subsection (4), if the cost of the medication or medical device is covered under a health insurance plan of which the injured worker is a member, the Commission is only required to cover the cost of any amount not covered by the health insurance plan.

Education and retraining

18 (1) The Commission shall provide a program of education and retraining to every permanently injured worker.

Purpose

(2) The purpose of a program of education and retraining is to put the injured worker in at least as good a position in the labour market as the injured worker was prior to the workplace injury or the onset of the workplace disease.

Development of program

(3) In developing a program of education and retraining for an injured worker, the Commission shall take into consideration labour market demand and the injured worker's aptitudes, abilities and preferences.

Labour market demand

(4) In assessing labour market demand, the Commission shall take into consideration the following:

1. Patterns of seasonal work of the injured worker.
2. All local or regional labour markets to which the injured worker may have access.
3. Any other factors, including economic, social or geographic factors, relevant to determining how best to place the injured worker in at least as good a position as the injured worker was in prior to the workplace injury or the onset of the workplace disease.

PART IV APPEALS

Mandate

19 (1) The mandate of the Tribunal is to hear any disputes arising from the administration of this Act by the Commission, including disputes over any perceived delay in the Commission's decision-making and over whether any policy, guideline or practice established by the Commission is consistent with this Act.

Right of appeal

(2) An injured worker or an employer may appeal to the Tribunal any decision of the Commission affecting them.

Same

(3) In the context of an appeal under subsection (2), the injured worker or employer may challenge the validity of any policy, guideline or practice that has been established by the Commission and applied in making the decision under appeal on the basis that it is inconsistent with this Act.

HRTO

(4) An injured worker may elect to appeal a decision made by the Commission under subsection 16 (4) to the Human Rights Tribunal of Ontario if the only dispute at issue concerns the duty to accommodate under the *Human Rights Code*.

Powers of Tribunal

(5) After giving the injured worker and the employer an opportunity to be heard, the Tribunal may do any of the following:

1. Order the Commission to do anything that the Commission is authorized to do under this Act, including to provide interim compensation under section 8.
2. Order that a policy, guideline or practice of the Commission is invalid and may therefore no longer be applied by the Commission.

Same

(6) If the dispute involves a matter under the jurisdiction of the Lieutenant Governor in Council, the Commission may only make recommendations to the Lieutenant Governor in Council.

Process for appeals

20 (1) If an appeal is commenced before the Tribunal, the Commission shall promptly send the following to the injured worker to whom the appeal relates or to their representative:

1. Any communication between a decision-maker and any other person that relates to the decision under appeal.
2. A copy of any document used by the decision-maker in reaching the decision and preparing the reasons for the decision, including any policy, guideline or practice relied on by the decision-maker.
3. Any other document or information in the possession of the Commission that is relevant to the decision under appeal.

Failure to provide

(2) Any failure to provide information under subsection (1) shall give rise to an adverse inference in favour of the injured worker.

Appeals respecting the duty to accommodate

21 (1) In an appeal respecting the duty to accommodate an injured worker under the *Human Rights Code*, the Tribunal shall accept the opinion of a qualified medical practitioner, including any recommendations about workplace accommodations, as dispositive of the medical facts at issue.

Undue hardship

(2) If the Tribunal determines that the injured worker cannot be accommodated without undue hardship, the Tribunal may declare that the employment relationship has been severed without just cause, in which case the injured worker shall be paid such compensation as required by the agreement or agreements governing their employment, the common law or any applicable statute.

Interpretation

(3) Nothing in this Act shall be construed to prevent an injured worker from seeking a remedy in any other forum for alleged improper dismissal or to limit the remedies available to the injured worker in such a circumstance.

PART V COMMISSION AND ADVISORY OFFICES

Definition

22 In this Part,

“personal information” has the same meaning as in the *Freedom of Information and Protection of Privacy Act*.

Commission

23 (1) The body corporate known as the Workplace Safety and Insurance Board is continued under the name Workers’ Compensation Commission of Ontario in English and Commission de l’indemnisation des travailleurs de l’Ontario in French.

Powers

(2) The Commission has the capacity, rights and powers of a natural person for the purposes of carrying out its functions and may retain such officers and employees and such assistance as it considers necessary.

Auditor General

(3) The accounts of the Commission shall be audited by the Auditor General annually.

Commission’s functions, including establishment of employers’ premiums

24 (1) The functions of the Commission are to,

- (a) administer this Act and ensure the prompt delivery of compensation under this Act;
- (b) gather, analyse and disseminate information on workplace injuries and workplace diseases, including epidemiological, occupational and demographic data related to patterns of workplace injuries and workplace diseases; and
- (c) monitor developments in the scientific and medical understanding of workplace injuries and workplace diseases with a view to ensuring that the Act is administered in a manner that reflects the latest advances in health sciences and other relevant disciplines.

Premiums for employers

(2) The Commission shall determine the total amount of the premiums to be paid by employers with respect to each year in order to maintain a fund out of which is paid compensation under this Act, the expenses of the Commission, costs of administering this Act and any other payments required to be paid under or in relation to this Act.

Apportionment among classes, etc.

(3) The Commission shall apportion the total amount of the premiums among the classes, subclasses and groups of employers and shall take into account the extent to which each class, subclass or group is responsible for, or benefits from, the costs incurred under this Act.

Premium rates

(4) The Commission shall establish rates to be used to calculate the premiums to be paid by employers in the classes, subclasses or groups for each year.

Same

(5) The Commission may establish different premium rates for a class, subclass or group of employers in relation to the risk of the class, subclass or group. The rates may vary for each individual industry or for individual workplaces.

Method of determining premiums

(6) The Commission shall establish the method to be used by employers to calculate their premiums. The method may be based on the wages earned by an employer's worker.

Bases for calculation

(7) The Commission may establish different payment schedules for different employers for premiums to be paid in a year based on such factors as the Commission considers appropriate.

Obligation of employers

(8) Despite subsections (2) to (7), the Crown in right of Ontario is not required to pay any premiums as an employer to the Commission unless the Legislature has appropriated funds for that purpose.

Policies, etc.

(9) The Commission may establish any policies, guidelines or practices that it considers necessary for the proper functioning of the Commission, provided that the policies, guidelines or practices are consistent with this Act and made available to the public.

Same

(10) If a particular policy, guideline or practice is relevant to a particular decision before the Commission, the Commission shall ensure that the injured worker and their employer are made aware of the policy, guideline or practice.

Standard of decision-making

(11) In making a decision respecting entitlement or the amount of compensation under this Act, the Commission shall give the injured worker or other person seeking compensation under this Act the benefit of reasonable doubt.

Clear record-keeping

(12) The Commission shall ensure that any communication between a decision-maker and any other person that relates to a decision to be made by the Commission is stored in the file of the injured worker to whom the decision relates or, in the case of an oral communication, that an accurate record of the oral communication is made and stored in that file.

Provision of information to the Commission

25 (1) Subject to subsection (3), the Commission may request that any person provide information that it requires for the purposes of fulfilling its functions.

Response to request

(2) A person who receives a request by the Commission shall promptly provide to the Commission any information requested by it that is within the person's custody or under the person's control, unless prevented from doing so by operation of law.

Extent of information

(3) The Commission may not request and shall not collect any personal information unless it is reasonably necessary for the purposes of performing its functions.

Conflict

(4) Where the Commission requests information from a medical practitioner, the medical practitioner's determination as to what personal information is reasonably necessary is binding on the Commission.

Redactions

(5) If a medical practitioner decides to redact information from a record in order to respond to the Commission's request, the medical practitioner shall consult with the patient on the scope of the redactions before disclosing the redacted record to the Commission.

Additional requests

(6) If, after a medical practitioner has responded to a request from the Commission, the Commission requires additional information from the medical practitioner, the Commission is limited to seeking clarification on the basis for a particular diagnosis or prognosis or the basis for the recommended course of treatment.

Clarification re health conditions

(7) If, in responding to a request from the Commission, a medical practitioner includes information about a health condition that is relevant to, but does not arise from, the workplace injury or the workplace disease, the medical practitioner shall explain the relevance of the health condition.

Same

(8) The duty to provide information to the Commission under this section applies despite anything to the contrary in the *Occupational Health and Safety Act*.

Application to Superior Court

26 If any information or document that is required under this Act to be provided to the Commission is not so provided, the Commission may apply to the Superior Court of Justice for such relief as may be required in the circumstances, including an order requiring a person to provide the information or document to the Commission, and the Commission is entitled to the costs of its application.

Reporting to other entities

Report to Minister

27 (1) The Commission may provide any information to the Ministry of Labour, Immigration, Training and Skills Development that, in the opinion of the Commission, should be provided to the Ministry because an investigation may be warranted or because it reflects an anomalous pattern of workplace injuries or workplace diseases or unusually high rates of workplace injuries or workplace diseases in a particular workplace, in workplaces of a particular employer or in a particular industry or type of employment.

Report to police

(2) If the Commission has reason to believe that any person may be engaging in a form of fraud that is punishable under the *Criminal Code* (Canada), the Commission may refer the matter to the appropriate police service, but only after having given any implicated party an opportunity to seek counsel and make representations before the Commission.

Same

(3) If the Commission refers a matter to a police service under subsection (2) or decides not to do so after having given an implicated party an opportunity to seek counsel and make representations, the Commission shall inform the party that the matter has been referred to the police service or that the Commission has decided not to refer the matter to the police service, as the case may be.

Report re threats or retaliation

(4) If the Commission has reasonable grounds to believe that an employer has contravened a provision of the *Criminal Code* (Canada) referred to in subsection (5), the Commission shall promptly refer the matter to the relevant police service.

Same

(5) Subsection (4) applies with respect to the following provisions of the *Criminal Code* (Canada):

1. Section 217.1.
2. Subsection 425.1 (1).
3. A provision that replaced either of the provisions referred to in paragraphs 1 and 2, as they read on the day this subsection came into force.

Personal information

28 The Commission shall not use any personal information collected for the purposes of performing its functions if other information will serve the purpose of the use and shall not disclose any of that information except as necessary to perform its functions or if required to do so by operation of law.

Medical evidence

29 (1) The Commission may require a medical opinion from a medical practitioner with whom the injured worker does not have an existing relationship (referred to in this section as the “second opinion”), subject to the following conditions:

1. The choice of specific medical practitioner to provide the second opinion is that of the injured worker.
2. All costs for obtaining the second opinion shall be paid for by the Commission.
3. The second opinion shall not be given without there having been an in-person examination of the injured worker by the medical practitioner giving the second opinion and any other follow-up examinations or other due diligence that a reasonable medical practitioner would undertake before giving such an opinion and without the medical practitioner having reviewed the initial medical practitioner’s complete records.
4. The second opinion shall be restricted to a diagnosis, prognosis or recommended course of treatment or to health conditions that are relevant to the workplace injury or workplace disease.

Communication of opinion

(2) The medical practitioner providing the second opinion shall first provide the opinion to the injured worker and then inform the medical practitioner with whom the injured worker had an existing relationship of the opinion and provide any supporting medical records before finally informing the Commission of the second opinion.

Request by Commission

(3) The Commission may request additional information from the medical practitioner who provided the second opinion but only to clarify the basis for any particular diagnosis or prognosis or the basis for any recommended course of treatment.

Clarification re health conditions

(4) If, in communicating a second opinion to the Commission, the medical practitioner includes information about a health condition that is relevant to, but does not arise from, the workplace injury or the workplace disease, the medical practitioner shall explain the relevance of the health condition.

Payments

30 The Commission shall pay any medical practitioner under this Act at the same rates as provided for under the *Health Insurance Act* and may not request any sort of contribution from the injured worker.

Governance

31 (1) The Commission shall be governed by a board of Commissioners.

Composition of board of Commissioners

(2) In addition to a Chairperson, the board of Commissioners shall consist of,

- (a) six representatives of workers;
- (b) six representatives of employers; and
- (c) a general worker representative, who must be or have been an injured worker, and a general employer representative.

Appointment

(3) The Commissioners shall be appointed by the Lieutenant Governor in Council, with the exception of the Chairperson, who shall be selected in accordance with section 32.

Representative of workers

(4) The representatives of workers shall be drawn from recognized workers organizations, such as unions, federations, congresses, councils of unions, worker advocacy or research or support groups, to represent workers from the industries listed in subsection (7).

Representative of employers

(5) The representatives of employers shall be drawn from the recognized businesses and associations of businesses and trade associations operating or representing businesses that operate in the industries listed in subsection (7).

List

(6) The Commission shall establish a list of recognized workers organizations for the purposes of subsection (4) and recognized businesses, associations of businesses and trade associations for the purposes of subsection (5) and identify the industry listed in subsection (7) with which each is associated.

Industries

(7) The industries mentioned in subsections (4) and (5) are the following:

1. Manufacturing.
2. Construction.
3. Transportation.
4. Health services.
5. General services, including government and public sector services.
6. Mining, forestry, fishing and agriculture.

Candidates with industry support

- (8) The Lieutenant Governor in Council shall appoint a candidate to the Commission if the candidate is,
- (a) put forward collectively by all recognized workers organizations or by all recognized workers associations associated with a given industry listed in subsection (7); or
 - (b) put forward collectively by all recognized businesses, associations of businesses and trade associations or by all recognized businesses, associations of businesses and trade associations associated with a given industry listed in subsection (7).

Other candidates

- (9) In determining whether to appoint other candidates to the Commission, the Lieutenant Governor in Council shall,
- (a) give preference to candidates that,
 - (i) can demonstrate experience with workers' compensation systems as an injured worker, and
 - (ii) can demonstrate the greatest degree of support from or ability to represent their relevant constituency or, in the case of the general worker representative, workers more generally; and
 - (b) have regard to whether or not a given candidate is an injured worker or has experienced a workplace injury or workplace disease.

Tribunal

- (10) The Tribunal may hear any dispute over a candidate's degree of support from or ability to represent a given constituency.

Recommendations to Minister

- (11) After deciding a dispute under subsection (10), the Tribunal shall advise the Lieutenant Governor in Council of its recommendations and the reasons for the recommendations and within seven days after doing so shall publish the recommendations and reasons on its website.

Chairperson

- 32** (1) The Chairperson of the board of Commissioners shall conduct and participate in all meetings of the board but may not vote, except in the event of a tie vote, in which case the Chairperson shall have the deciding vote.

Selection

- (2) The Chairperson shall be selected unanimously by all of the Commissioners. If however the Commissioners cannot agree on a candidate, each Commissioner may put forward a candidate to the Chief Justice of Ontario, who shall select a candidate to be the Chairperson.

Terms of Commissioners

- 33** (1) Commissioners shall serve terms of 3 years and may be reappointed.

Non-revocable

- (2) An appointment, once made, may not be revoked.

Initial Commissioners

- (3) In any given year, the terms of one third of the Commissioners shall expire and, for this purpose, the Lieutenant Governor in Council may appoint the initial Commissioners for terms of less than three years, despite subsection (1).

Vacancies

- (4) Any vacancy on the board of Commissioners shall be filled promptly in the same manner as the Commissioner whose absence created the vacancy, and the replacement Commissioner shall serve the balance of the term of their predecessor.

Chief executive officer

34 The board of Commissioners shall hire a chief executive officer responsible for the day-to-day operations of the Commission, on such terms and conditions as the board considers appropriate, and the chief executive officer shall be responsible to the board of Commissioners.

Obligations of board and CEO

35 The Commissioners and chief executive officer shall perform their duties in a manner consistent with the purposes of this Act and the principles it articulates.

Meetings

Quorum

36 (1) At a meeting of the board, quorum is constituted if,

- (a) a majority of the Commissioners are present; and
- (b) the number of worker representatives and employer representatives are equal.

Meetings

(2) The board of Commissioners shall meet at the times and in the manner that the board considers appropriate but must do so at least 10 times in a given calendar year.

Rules of procedure

(3) The board of Commissioners shall establish procedural rules governing its meetings and shall follow Robert's Rules of Order for any matter not covered by its procedural rules.

Records of meetings

(4) The board of Commissioners shall ensure that accurate minutes of each of its meetings are prepared and posted on the website of the Commission.

Exceptions

(5) The board of Commissioners may remove from the minutes before posting them on the Commission's website,

- (a) any information of a personal nature;
- (b) information respecting ongoing contract negotiations;
- (c) information that is subject to solicitor-client privilege; and
- (d) any other information that the Commission is not legally authorized to publicly disclose.

Re-posting

(6) The board of Commissioners shall ensure that any minutes are reposted on the website of the Commission if,

- (a) information had been removed from the minutes under subsection (5); and
- (b) the reasons for which the information was removed from the minutes are no longer applicable.

Offices of the Worker and Employer Advisers

Office continued

37 (1) The Office of the Worker Adviser is continued. Its functions are to,

- (a) provide advice in respect of this Act to injured workers and their survivors and represent them in their dealings with the Commission;
- (b) educate workers and the public at large about injured workers, the system of compensation for injured workers and workplace accidents and workplace diseases; and
- (c) issue public recommendations to the Commission on trends and patterns among injured workers and problems they face.

Same

(2) The Office of the Employer Adviser is continued. Its functions are to,

- (a) provide advice in respect of this Act to employers with fewer than 20 employees and represent them in their dealings with the Commission;
- (b) educate employers and the public at large about injured workers, the system of compensation for injured workers and workplace accidents and workplace diseases; and
- (c) issue public recommendations to the Commission on trends and patterns among small employers and problems they face.

Costs

(3) The Commission shall pay the costs that may be incurred by each office in performing its functions and ensure that funding for the office is sufficient to meet the following service standards:

1. For the Office of the Worker Adviser, no injured worker should wait more than 15 days for a meeting with a qualified lawyer or paralegal upon requesting such a meeting.
2. For the Office of the Employer Adviser, no employer should wait more than 15 days for a meeting with a qualified lawyer or paralegal upon requesting such a meeting.

PART VI TRIBUNAL

Tribunal

38 The Workplace Safety and Insurance Appeals Tribunal is continued under the name Workers' Compensation Appeals Tribunal of Ontario in English and Tribunal d'appel en matière d'indemnisation des travailleurs de l'Ontario in French.

Composition of Tribunal

39 (1) The Tribunal shall be headed by a Chief Adjudicator appointed by the Lieutenant Governor in Council.

Qualifications of Chief Adjudicator

- (2) In order to be appointed as the Chief Adjudicator, an individual must have at least 10 years experience as,
- (a) a judge of the Superior Court of Justice with managerial responsibilities;
 - (b) a labour relations arbitrator;
 - (c) a decision-maker in an administrative law context with managerial responsibilities; or
 - (d) some combination of the positions set out in clauses (a) to (c).

Nominees for position of Chief Adjudicator

(3) The Lieutenant Governor in Council shall appoint the Chief Adjudicator.

Nominees for position of Adjudicator

(4) The Chief Adjudicator shall appoint individuals as Adjudicators.

Age limit

(5) The Chief Adjudicator and the Adjudicators shall not serve past the age of 65.

Exception

- (6) Despite subsection (5), the Chief Adjudicator or an Adjudicator may serve until the age of 70 with,
- (a) in the case of the Chief Adjudicator, the approval of the Lieutenant Governor in Council and the support of the majority of Adjudicators; and
 - (b) in the case of an Adjudicator, the approval of the Chief Adjudicator.

External activities prohibited

(7) The Chief Adjudicator and other Adjudicators shall not engage in any other employment or perform any other remunerated activities.

Allegation against Adjudicator

(8) In the event of a credible allegation that an Adjudicator is unable or unwilling to execute the duties of an Adjudicator in a competent, timely or unbiased manner, the Chief Adjudicator shall strike a panel of Adjudicators to investigate the allegation, which shall prepare a report on the allegation and make recommendations on next steps to the Chief Adjudicator.

Decision of Chief Adjudicator

- (9) The Chief Adjudicator shall review the report and determine what action is necessary to respond to the allegations, which may include,
- (a) declaring that the allegations do not warrant any further action;
 - (b) requiring the Adjudicator to undertake remedial education on any relevant topic;
 - (c) providing reasonable accommodation for an Adjudicator's disability; or
 - (d) disciplining the Adjudicator, including suspending the Adjudicator or terminating the Adjudicator's appointment.

Allegation against Chief Adjudicator

(10) In the event of a credible allegation that the Chief Adjudicator is unable or unwilling to execute the duties of the Chief Adjudicator in a competent, timely or unbiased manner, the Lieutenant Governor in Council shall strike a panel of Superior Court Judges, based on the recommendations of the Chief Justice of Ontario, who shall investigate the allegation, prepare a report on the allegation and make recommendations on next steps to the Lieutenant Governor in Council.

Decision of Lieutenant Governor in Council

(11) The Lieutenant Governor in Council shall review the report and determine what action is necessary to respond to the allegations, which may include,

- (a) declaring that the allegations do not warrant any further action;
- (b) requiring the Chief Adjudicator to undertake remedial education on any relevant topic;
- (c) providing reasonable accommodation for the Chief Adjudicator's disability; or
- (d) disciplining the Chief Adjudicator, including suspending the Chief Adjudicator or terminating the Chief Adjudicator's appointment.

Compensation

(12) For administrative purposes, the Chief Adjudicator,

- (a) shall be considered a Deputy Minister and is entitled to the same compensation as a Deputy Minister; and
- (b) shall report directly to the Attorney General.

Duties of Chief Adjudicator

40 The Chief Adjudicator shall,

- (a) determine the times and places at which and the manner in which all appeals are conducted; and
- (b) establish practices and procedures for appeals and ensure that they are published on a website of the Tribunal.

Funding

41 (1) The Chief Adjudicator shall prepare an annual budget for the operation of the Tribunal and present it to the Attorney General. The Attorney General shall forward the budget to the Commission, which shall provide the necessary funds.

Auditor General

(2) The accounts of the Tribunal shall be audited by the Auditor General annually.

PART VII MISCELLANEOUS

No cause of action

42 No action or other civil proceeding for negligence may be commenced by an injured worker or by a surviving family member of an injured worker against the injured worker's employer in connection with the workplace injury or workplace disease.

Provision of information

43 Every injured worker and every employer shall promptly report to the Commission any workplace accident or the onset of a workplace disease or any information that leads them to suspect that a workplace accident has occurred or that an individual has acquired a workplace disease.

Employers to report employment

44 If an employer enters into an employer-employee relationship with a worker, the employer shall register that fact with the Commission within 15 days after entering into the relationship if, in accordance with the worker's conditions of employment, the worker is to receive compensation in the form of a salary or other benefits that would result in the worker receiving or expecting to receive,

- (a) compensation in an amount equivalent to at least 100 dollars in any 30-day period;
- (b) compensation in an amount equivalent to at least 600 dollars in any six-month period; or
- (c) compensation in an amount equivalent to at least 1,200 dollars in any 12-month period.

Regulations for reporting system

45 (1) The Commission shall, by regulation, establish a system for the reporting, by workers and employers, of accidents, injuries or diseases occurring in the workplace or other circumstances that may suggest an unsafe workplace.

Scope

- (2) Without limiting the generality of subsection (1), the system shall provide for the reporting of,
- (a) accidents requiring the delivery of first aid;
 - (b) accidents necessitating subsequent medical interventions of any nature; and
 - (c) accommodations or other changes to a worker's duties for reasons related to the worker's health, even if the health issue does not stem from the worker's occupation.

PART VIII TRANSITION

Definition

46 In this Part,

“predecessor Act” means the *Workplace Safety and Insurance Act, 1997*.

Transition to this Act

47 (1) Injured workers who are receiving benefits under the predecessor Act on the day this Act comes into force shall have their cases reviewed and a decision made as to entitlement to compensation under this Act, except that, if it is determined that an injured worker is entitled to a greater amount of compensation under the predecessor Act, the injured worker shall remain entitled to that amount of compensation, despite the provisions of this Act and the repeal of the predecessor Act.

Same

(2) Until an injured worker's case is reviewed under subsection (1), the injured worker shall remain entitled to compensation under the predecessor Act and, despite the repeal of the predecessor Act, its provisions continue to apply to the extent necessary.

Schedule

(3) The reviews under subsection (1) shall begin no later than the first anniversary of the day on which this Act comes into force and, between each subsequent anniversary, at least 20 per cent of the overall number of required reviews must be completed, with all reviews completed no later than the sixth anniversary of the day on which this Act comes into force.

Oldest cases first

(4) Cases for review shall be prioritized based on their age, with the oldest cases given the most priority.

Continued application of WSIA

(5) Sections 15 and 15.1 of the predecessor Act, along with Schedules 3 and 4 to that Act, continue to apply, with necessary modifications, for the purposes of this Act until the regulations under subsection (6) are made.

Regulations

(6) The Lieutenant Governor in Council shall, by regulation, restate the content of sections 15 and 15.1 of the predecessor Act, along with Schedules 3 and 4 to that Act, for the purposes of this Act.

References to the *Workplace Safety and Insurance Act, 1997*

48 (1) Subject to subsection (2), in any Act or regulation, other than this Act or a regulation made under this Act, references to,

- (a) the predecessor Act are deemed to be references to this Act;
- (b) the Workplace Safety and Insurance Board are deemed to be references to the Commission; and
- (c) the Workplace Safety and Insurance Appeals Tribunal are deemed to be references to the Tribunal.

Same

(2) If applying the rule in subsection (1) to a provision in an Act or a regulation would lead to a result that is not reasonably intended, the provision shall be interpreted so as to best facilitate the transition between the predecessor Act and this Act.

Regulations

49 (1) The Lieutenant Governor in Council may make regulations as the Lieutenant Governor in Council considers necessary for the implementation and administration of this Act, including anything in this Act referred to as being done by regulation.

Notice

(2) If the Lieutenant Governor in Council makes a regulation under subsection (1), the Lieutenant Governor in Council shall publish an explanation of how the regulation promotes the principles of this Act.

PART IX
REPEAL, COMMENCEMENT AND SHORT TITLE

Workplace Safety and Insurance Act, 1997

50 The *Workplace Safety and Insurance Act, 1997* is repealed.

Commencement

51 This Act comes into force on the first anniversary of the day on which this Act receives Royal Assent.

Short title

52 The short title of this Act is the *Meredith Act (Fair Compensation for Injured Workers), 2025*.