

WSIB 101: What you need to know / WSIB 101 : Ce que vous devez savoir

Tuesday, January 20, 2026 from 12:00 p.m. to 1:30 p.m. EST

Speaker:

Andrew Bomé, Staff Lawyer, Hamilton Community Legal Clinic



Land Acknowledgement

CLEO acknowledges that our office is located on the traditional territory of many nations, including the Mississaugas of the Credit, the Chippewa, the Haudenosaunee, and the Wendat. This land is now also home to many diverse First Nations, Inuit, and Métis Peoples. This area of Tkaronto, also known as Toronto, is covered by Treaty 13 signed by the Mississaugas of the Credit and the Williams Treaties signed by multiple Mississauga and Chippewa First Nations.

We acknowledge the ongoing impacts of colonization, anti-Indigenous racism, and white supremacy on which this city and our legal system are built. We are all Treaty people and we commit to working in solidarity towards truth and reconciliation.



CLEO Resources

Steps to Justice – free legal information

- stepstojustice.ca

Guided Pathways – help completing legal forms

- stepstojustice.ca/guided-pathways-home/

CLEO publications – free print resources

- cleo.on.ca

CLEO Connect – training for community workers

- cleoconnect.ca



What can you expect today?

- 90 minutes (1 presenter and 2 Q and A periods).
- The webinar may contain legal information. As a reminder, this is not legal advice. The information is current as of today's date, January 20, 2026.
- Links to the recording, slides, and handout will be sent by email to all registrants within a few days.
- ASL and French interpretation are available today. Subtitles (closed captioning) have also been enabled. To listen to the webinar in French, click the interpretation button at the bottom of your screen and select your language.



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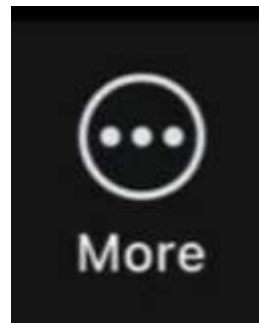
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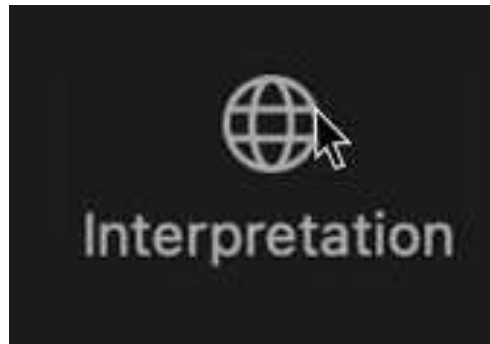
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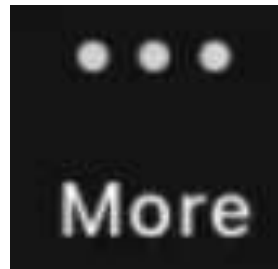


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- Pour suivre ce webinaire en français ou en arabe, veuillez cliquer sur le bouton "interprétation" au bas de votre écran et choisir votre langue.



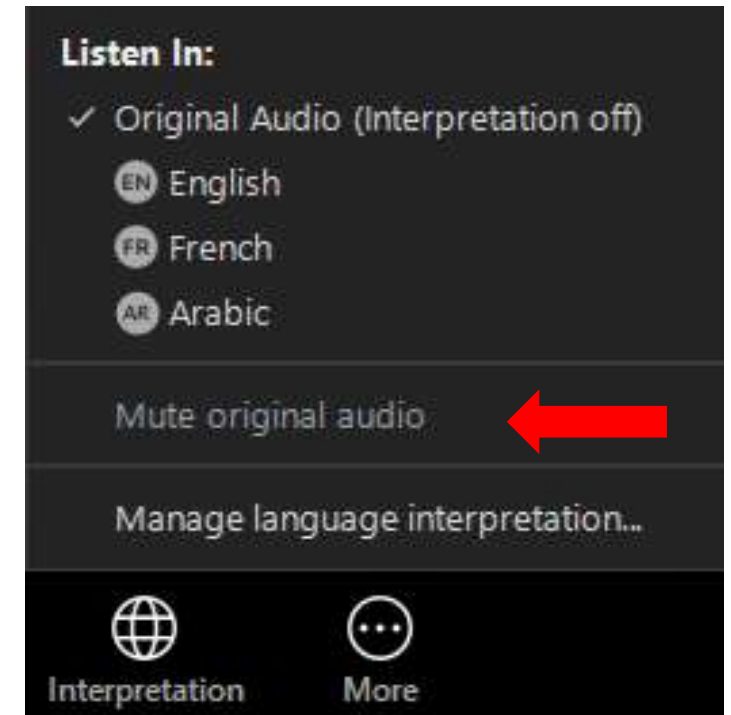
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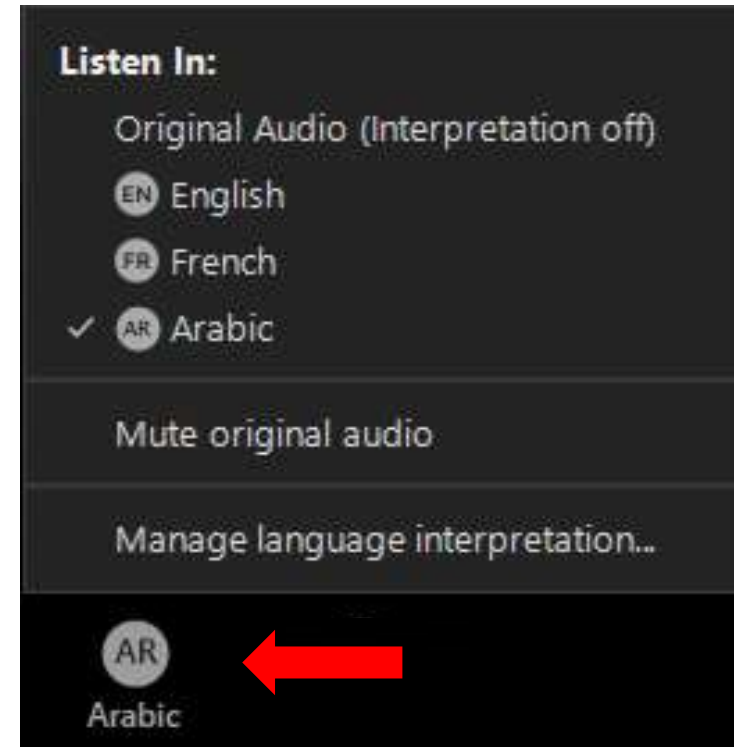
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Andrew Bomé

Staff Lawyer

Hamilton Community Legal Clinic (HCLC)

Workers' Compensation: The Basics

Workers' Compensation: The Basics

Workers' Compensation Definition:

- Payments for income support, health care and other services for disabilities due to workplace injuries.
- Benefits and services for the spouses and children of workers who died due to an accident or work-related disabilities.
- Only workers who work for an employer who has or must have WSIB coverage can get benefits.

Workers' Compensation: The Basics

Definition of an accident is very broad. If something happens and there is even a remote suspicion that it is tied to anything at work, a claim should be made.

Roughly 90% of all accident claims are accepted by the board as being work related.

Fault is never an issue.

Workers' Compensation: The Basics

Earnings basis:

- Benefits are based on all earnings at the time of the injury.
 - This includes overtime.
 - It also can include earnings from second jobs

Workers' Compensation: The Basics

Loss of Earnings benefits (LOE):

- Term for benefits that are paid for lost wages because of an injury; in theory they last if there are lost wages because of an injury.
 - They typically end when an injured worker turns 65, with special rules for workers injured after 63.
- Pay is based on 85% of Net Average Earnings
 - In plain English this is 85% of “take home pay”
- More than 80% of all claims are for less than 2 weeks benefits; these claims tend to go smoothly.

Workers' Compensation: The Basics

- Early and Safe Return to Work (ESRTW)— sec. 40
 - This happens relatively soon in the claim.
- Term for returning to some form of work with the accident employer.
 - This applies to all employers and all workers.

Workers' Compensation: The Basics

Employer Obligations during ESRTW – Sec 40(1):

- The most important thing is that they have to try to give suitable work to the worker that, if possible, pays the same as their regular job.
- In theory: early return to work minimizes the amount of WSIB benefits and lets the worker get back to working as soon as possible. This lets them have all the positive benefits of working.

Workers' Compensation: The Basics

Two problems:

- The “modified” jobs are not real jobs and often demeaning.
- Return to work is often too early before an injured worker has had time to heal.
 - Leads to frequent re-injury.

When an employer offers a job:

- Follow your doctor's advice, but if the job is safe to do, try the job
 - Appeals much easier if you try and fail than if you never try at all.
 - If you don't the WSIB will cut off of all benefits regardless of how disabled you are.

Workers' Compensation: The Basics

Questions?

Workers' Compensation: The Basics

Labour Market Re-entry (LMR)

- Term for returning to some form of work with another employer
- This happens if your employer can't or won't offer you a job.
 - If this happens you get an assessment.
 - The WSIB uses this assessment to decide your re-training.
 - Typically training programs are not really good
 - Sometime if you are young and had a good job, you might get good re-training.

Workers' Compensation: The Basics

- This assessment is also used to pay your long-term benefits.
- Whole goal of this is to identify an alternative career
 - This career has a usual pay level
 - Your long-term benefits are based on this pay level.
- The technical name for this long –term benefit is the Loss of Earnings Benefit (LOE)

Workers' Compensation: The Basics

Calculation of Long Term WSIB benefit:

- The amount of the payments is 85 percent of the difference between:
 - The Worker's net pay at their pre-injury job
 - The net average earnings of the career that the LMR process picks for you
- You get that whether you have a job or not.
- The WSIB will change this when something changes about you until six years after your injury.
 - After this, your LOE benefits can only change in limited circumstances.

Workers' Compensation: The Basics

An example:

Suppose your net pay was \$20.00 per hour; suppose in the new career that the LMR assessment picks has net pay of \$19.00 per hour. This would result in a LOE of the equivalent of \$1.00 per hour or about \$40.00 per week.

- The injured worker can work and get income up to \$19.00 net per hour and not have any deduction from their compensation benefits.
- If you make more than \$19.00 net per hour, they will reduce your benefits.
- However, if you make less than \$19.00 net per hour you don't get an increase to the benefits (not without a really long appeal)

If you can never return to work because of your injury, you get full benefits.

- The WSIB rarely awards this without a long and sometimes difficult appeal.

Workers' Compensation: The Basics

Questions?

Workers' Compensation: The Basics

Non-economic loss award – (NEL)

- Permanent impairment
 - Get a NEL award
 - Lump sum payment based on the level of permanent impairment
 - The WSIB reviews the medical information and determines a percentage impairment.
 - Similar impairments get similar percentages regardless of how the impairment effects the ability to work.
 - You get the benefit regardless of whether you return to work.

Workers' Compensation: The Basics

Non-economic loss award – (NEL)

- Lump sum is a percentage of a fixed amount of money that depends on your age.
 - Currently the base amount is \$75,467.14
 - Adjusted by \$1,677.68 for every year that a worker is above or below 45 years old.
 - Maximum NEL: \$109,117.41 (Workers under 25)
 - Minimum NEL: \$41,926.83 (Workers over 65)
 - You can get the payment as a monthly benefit if the lump sum is greater than \$16,772.16
 - This is not income for the purposes of OW or ODSP.

Workers' Compensation: The Basics

NEL redetermination:

- After one year if your condition worsens, you can ask for a change in the NEL.
- Factors that influence whether the WSIB does this:
 - Changes in your ability to move
 - Complications in your medical condition
 - An increase in your treatment (including changes to your medications)

Workers' Compensation: The Basics

- Do not ask for this more than 6 years after the accident without getting legal advice.
- A redetermination of the NEL can change your long-term benefits.
- In many cases this is the only way to get higher (or full) benefits more than six years after the accident.
 - However, you can get your benefits reduced.
- You need to know the risks before asking

Workers' Compensation: The Basics

Appeal Process: The Adjudicator's decision

- A Worker has at most, 6 months to appeal
- In some cases the limitation date is 30 days.
- Limitation date is always written at the bottom of the decision letter.
- Limitation can be extended but should avoid these types of arguments; just object.

Workers' Compensation: The Basics

Once the decision has been appealed:

- Get the WSIB file
- An appeal readiness form must be drafted with reasons for appeal

Eventually file gets to an Appeals Resolutions Officer (ARO):

- Can appeal the ARO's decision to Workplace Safety & Insurance Appeals Tribunal.
- Have 6 months to ask for an appeal to the Appeals Tribunal

Workers' Compensation: The Basics

Where to get help:

- If you have a union, go to them
 - They do help, and in some cases are the only people who can help
- The Office of the Workers' Advisor
 - They give excellent free advice and representation
 - Contact the office at:
 - » 1 800 435 - 8980 (English)
 - » 1 800 661 – 6365 (French)
- Community Legal Clinic
 - Some, but not all will advise and represent injured workers



Community and legal resources

[Find your community legal clinic](#) or call 1-800-668-8258

Legal Aid Ontario: [How do I apply for Legal Aid?](#)

[Visit Pro Bono Ontario](#) or call 1-855-255-7256

[Ontario Legal Information Centre](#) offers appointments with a lawyer, in English or French.



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QUESTIONS or COMMENTS?

Contact info@cleoconnect.ca