



Guidelines for Workplace Insurance for Postsecondary Students of Publicly Assisted Institutions on Unpaid Work Placements

Ministry of Advanced Education and Skills Development

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The following guidelines apply to workplace insurance claims relating to all injuries/diseases incurred by Student Trainees in publicly assisted postsecondary institutions on Unpaid Work Placements with Placement Employers.

1. Definitions

Approved Program: a postsecondary program offered by a Training Agency that is funded through the Ministry's operating grant.

Benefits: workplace safety and insurance benefits that are provided under the *Workplace Safety and Insurance Act (WSIA)*, including health care, early and safe return to work, work re-integration, loss of earnings benefits, loss of retirement income benefits, non-economic loss benefits and survivor benefits, and, where the case so requires, the analogous benefits provided under the predecessor legislation, the *Workers' Compensation Act*.

Chubb Insurance of Canada: Chubb Insurance is a private insurance company retained by the Government of Ontario.

Eligible claim: a claim to the WSIB for benefits made by a Student Trainee or by the survivors of a Student Trainee for an accident arising out of or in the course of the Student Trainee's participation in an Unpaid Work Placement with a Placement Employer.

Ministry: the Ministry of Advanced Education and Skills Development.

Placement Employer: the employer with whom the Student Trainee is placed by a Training Agency to receive training as part of the requirements of his or her Approved Program.

Student: A postsecondary student enrolled in an Approved Program at a Training Agency as identified in Appendix A.

Student Trainee: a postsecondary student engaged in an Unpaid Work Placement with a Placement Employer.

Training Agency: a postsecondary educational institution identified in Appendix A.

Unpaid Work Placement: an Unpaid Work Placement that is part of a Ministry Approved Program offered by a Training Agency.

WSIA: *Workplace Safety and Insurance Act, 1997*.

WSIB: Workplace Safety and Insurance Board.

2. Relevant Statutory and Regulatory Framework

The WSIA governs the provision of Benefits with respect to accidents incurred in Ontario workplaces. See MAESD's Questions and Answers for the definition of "accident" under the WSIA. The WSIA is administered by the WSIB. The *WSIB Operational Policy Manual* sets out the WSIB's policies relating to its decisions about workplace insurance coverage for unpaid trainees, placement employers' rights and obligations, premiums, benefits, and other related workplace safety and insurance issues.

The full content of the *WSIB Operational Policy Manual* is available on line at www.wsib.on.ca.

Relevant WSIB documents with respect to unpaid student placements include:

Subject	Chapter-section-subject
Individuals on Unpaid Training Placements	12 - 04 - 04
Who is an Employer?	12 - 01 - 01
Coverage for Unpaid Trainees	12 - 04 - 05

As specified in the WSIA, an employer that is in a compulsory covered industry or has applied for coverage must ensure that insurance coverage is in place as required under the WSIA. A specific exception is made for the Placement Employer providing Unpaid Training Placements to Student Trainees placed by a Training Agency as part of certain government funded training programs.

Training Agencies must comply with a number of statutory and regulatory requirements in administering the Postsecondary Student Unpaid Work Placement Program. In particular, they are subject to the *Freedom of Information and Protection of Privacy Act* (FIPPA) and the *Ontario Human Rights Code* (OHRC).

Training Agencies considering a placement in another province or territory of Canada should review applicable legislative requirements, including compensation insurance programs and coverage, in advance of arranging the placement.

Training Agencies must comply with all applicable legislative requirements in administering the Postsecondary Student Unpaid Work Placement Program, whether the placement is in or outside Ontario.

Training Agencies should be aware that Placement Employers also have legislative requirements with which Placement Employers must comply. The legal obligations of Placement Employers are independent of the legal obligations of Training Agencies. The legal obligations of Training Agencies do not in any way derogate from the legal obligations of Placement Employers.

3. Ministry Coverage (WSIA and Chubb Insurance)

The Government of Ontario, through the Ministry, pays WSIB for the cost of benefits it pays to Student Trainees enrolled in an Approved Program at a Training Agency during Unpaid Work Placements with employers who are either compulsorily covered (Schedule 1 or Schedule 2 employers) or have voluntarily applied to have WSIB coverage.

The Ministry also covers the cost of private insurance with Chubb Insurance for Student Trainees enrolled in an Approved Program at a Training Agency during Unpaid Work Placements with employers that are not required to have compulsory coverage under the WSIA.

The Government of Ontario provides such coverage to encourage the participation of employers in providing Unpaid Work Placements for Student Trainees as part of Ontario publicly assisted postsecondary education and training programs.

The *WSIB Operating Policy Manual* states it is the Placement Employer's responsibility to contact the Training Agency to determine whether the WSIB insurance costs are funded by the government. Training Agencies are required to ensure that Ontario Placement Employers with which they are placing Student Trainees are aware of whether there is coverage of the WSIB insurance costs for such students and are aware of relevant WSIB reporting procedures in the event of an accident.

4. Eligibility for Ministry coverage (WSIA and Chubb Insurance)

A Placement of a Student Trainee is considered an Unpaid Work Placement for the purposes of the Ministry paid WSIA Benefits or Chubb insurance coverage if it meets the following criteria:

1. The Placement is unpaid. The Placement is considered to be unpaid even if the Student Trainee receives one or more of the following types of payment:
 - Social assistance benefits (e.g., through Ontario Works Program);
 - Training allowances;
 - Honoraria;
 - Reimbursement of expenses; and,
 - Stipends or any money paid to the Student Trainee by the Training Agency.
2. The Placement, which may be required or optional, is part of an Approved Program, includes a formal assessment component, and successful completion of the placement is recognized by the Training Agency for the purposes of the completion of the Approved Program.
3. The Placement is authorized by the Training Agency.
4. The Placement is a non-classroom activity.

- Any in-class portion of a training program that occurs at the Training Agency is not an Unpaid Work Placement.

5. Ineligibility for Ministry coverage (WSIA and Chubb Insurance)

The following types of placements are not eligible to receive Ministry covered Benefits or Chubb Insurance coverage:

1. Placements for which a Student Trainee is paid a salary;
 - A Student Trainee on a placement who receives payment or wages from the Placement Employer is considered to be a worker and must be provided with workplace insurance coverage paid for by the Placement Employer as is any other worker employed by the Placement Employer.
2. Placements with a Training Agency listed in Appendix A;
 - This includes Student Trainees who, as part of their Approved Program, do unpaid research or other work for their Training Agency.
3. Placements outside of Ontario (international and other Canadian jurisdictions), in the case of Ministry covered WSIB Benefits.
 - Exception: A Student Trainee in this situation would still be eligible for the Ministry-covered costs of private insurance with Chubb Insurance.
4. Placements in the country of primary residence of the international Student Trainee.
 - A Student Trainee in this situation would not be eligible for Ministry coverage of WSIB Benefits or the costs of private insurance with Chubb Insurance.

6. Student Safety (WSIA and Chubb Insurance)

Training Agencies must use due diligence to ensure that Student Trainees are not placed in unsafe working environments. This includes, when arranging Unpaid Work Placement for Student Trainees, that an evaluation of the safety practices of the potential Placement Employer is conducted.

7. Pre-placement Responsibilities

Prior to Student Trainees commencing an Unpaid Work Placement, the Training Agency is responsible for:

- Informing Student Trainees that if they have an accident while on an Unpaid Work Placement while enrolled in an Approved Program, the Training Agency will disclose personal information relating to the Unpaid Work Placement and any WSIB claim or Chubb Insurance claim to the Ministry;
- Informing Student Trainees that they are eligible to make a claim for Benefits in the event of an accident incurred while in an eligible Unpaid Work Placement;
- Ensuring that the Placement Employer understands the coverage available to Student Trainees on Unpaid Work Placements;
- Confirming whether the Placement Employer has WSIB coverage during the period of the Unpaid Work Placement; and,
- Ensuring that the Placement Employer, if it has WSIB coverage, is aware of WSIB reporting procedures in the event of an accident.

When confirming Unpaid Work Placements with the Placement Employer the Training Agency must provide the following information prior to the Student Trainee's placement:

- Student Trainee full name;
- Specific days when the Student Trainee will be at the Placement Employer's worksite; and,
- Student Trainee acceptance of the conditions of the Unpaid Work Placement.

When the Training Agency is placing multiple Student Trainees with the same Placement Employer, the Training Agency may provide a list of Student Trainees to the Placement Employer along with the following:

- Specific days when each Student Trainee will be at the Placement Employer's worksite; and,
- Confirmation that Each Student Trainee has been made aware of the conditions of the Unpaid Work Placement.

Note: The Postsecondary Student Unpaid Work Placement Workplace Insurance Claim Form can be accessed from [the Ontario Central Forms Repository](#).

8. Postsecondary Student Unpaid Work Placement Workplace Insurance Claim Form

If a Student Trainee incurred an accident while on an Unpaid Work Placement, the Training Agency, the Student Trainee and the Placement Employer must complete (and sign) the Ministry's *Postsecondary Student Unpaid Work Placement Workplace Claim Form* in order to make a WSIB claim, including:

- Confirmation of the Training Agency;
- Confirmation of the Placement Employer; and
- The Student Trainee's signature indicating consent to the indirect collection of personal information by the Ministry;
 - The signature of a parent or guardian is required to indicate consent if the Student Trainee is under 16 years of age.

Note: this consent is specific to the disclosure of personal information for the purposes of a WSIB claim and is not for other purposes.

9. Reporting Procedures and Claims for WSIB

Placement Employers are required to report any accident in compliance with the *WSIB Operating Policy Manual*, 15-01-02, "Employer's Initial Accident Reporting Obligations."

- Any accident, however minor, that a Student Trainee suffers in relation to an Unpaid Work Placement, should be reported by the Student Trainee to the Placement Employer (immediate supervisor) and to the appropriate contact person in the Training Agency.
- Information must include when, where, and how the work-related accident occurred.
- Accidents requiring only first-aid do not have to be reported to the WSIB but a record of the details should be kept by the Training Agency in the event that a report is required in the future.

10. Reporting a Work-Related Accident to WSIB:

- Within three days of learning of a work-related accident the Placement Employer must complete WSIB Form 7 *Employer's Report of Injury/Disease* and send it to the Training Agency. The Form can be accessed by visiting the WSIB website at www.wsib.on.ca
- The Form must be then submitted by the Training Agency to WSIB within seven business days of learning of a work-related accident.
- Reporting is required when a Student Trainee experiences an accident while on an Unpaid Work Placement that:
 - Requires medical attention by a health care professional for which there is a fee for service (this could include a physician, dentist, chiropractor, hospital, etc.);
 - Results in lost time from work beyond the date of the work-related accident;
 - Requires modified work for more than seven calendar days; and/or
 - Results in exposure to communicable disease.

Detailed instructions and guidelines for completing Form 7 *Employer's Report of Injury/Disease* are included with the Form on the WSIB website at www.wsib.on.ca

All Training Agencies have been assigned a unique firm number to be used in all correspondence with the WSIB.

Attention to detail at the time of reporting helps eliminate later difficulties and unnecessary delays resulting from the WSIB's need to request routine information.

11. Completion of the WSIB Form 7 Employer's Report of Injury/Disease and Letter of Authorization to Represent the Placement Employer for WSIB

Completion of Form 7 *Employer's Report of Injury/Disease* is the joint responsibility of the Placement Employer and the Training Agency.

- Under the WSIA, the Placement Employer is considered to be the “employer” for unpaid trainees.
- As such, the Placement Employer must authorize the Training Agency to act as the representative with WSIB for the claim being submitted. A sample Letter of Authorization to Represent the Placement Employer is provided in Appendix C.
- The Letter of Authorization to Represent the Placement Employer must accompany Form 7 *Employer's Report of Injury/Disease*.

12. Distribution of WSIB Form 7 Employer's Report of Injury/Disease

Completed signed copies of Form 7 *Employer's Report of Injury/Disease*, a *Letter of Authorization to Represent the Placement Employer* and the *Postsecondary Student Unpaid Work Placement Workplace Insurance Claim Form* must be distributed to the following parties:

- WSIB;
- The Student Trainee; and,
- The Ministry (See Section 19, Ministry Contacts).

13. WSIB Penalties for Late Filing

- The completed Form 7 *Employer's Report of Injury/Disease* along with a Letter of Authorization to Represent the Placement Employer and the *Postsecondary Student Unpaid Work Placement Workplace Insurance Claim Form* must be completed by the Placement Employer and submitted to the Training Agency within three days of learning of the work-related accident.
- The Form 7 *Employer's Report of Injury/Disease* must be submitted by the Training Agency to WSIB within seven business days of learning of the work-related accident.
- WSIB may impose a \$250 penalty for each separate incident of late submission, incomplete information, not reporting on a pre-approved version of this form, and/or failing to provide a copy of the completed Form 7 *Employer's Report of Injury/Disease* to the Student Trainee.
- Failing to comply with reporting requirements is a provincial offence.
- Training Agencies should not delay submitting Form 7 *Employer's Report of Injury/Disease* while waiting for more detailed information.
 - For example, if statements from witnesses are not finalized or available by the deadline date for submission, incomplete reports may be filed to comply with the seven-day requirement. Additional pertinent information can be forwarded in a letter as soon as possible after the work-related accident.
- The completed Form 7 can be submitted to WSIB by facsimile/courier to ensure the seven-day time limit is met.
 - If sent by facsimile a hard copy of the Form 7 must be sent by mail to WSIB as follow-up.
- If there is a delay that can be justified the Training Agency must explain the circumstances in a letter to WSIB who may choose to waive the late fee.

14. Action Following the Filing of a Claim to WSIB

Following the submission of a claim, WSIB will determine whether the accident is work-related and whether Benefits should be paid to the affected Student Trainee.

- Once a claim is approved, the affected Student Trainee will continue to receive Benefits until they have recovered to the point where he or she can return to the Approved Program.
- The Student Trainee may still be in receipt of Benefits after he or she returns to the Approved Program, if there is any ongoing impairment.
- Any Benefit entitlement paid by WSIB to Student Trainees as a result of claims submitted utilizing the firm numbers assigned to Training Agencies will be charged to the Ministry.
- The Ministry will pay such invoices centrally.
- All communications regarding the claim will be forwarded to the identified contact in the Training Agency as per usual WSIB processes if the Placement Employer's Letter of Authorization to Represent the Placement Employer is attached to the Form 7 *Employer's Report of Injury/Disease*.
- The Training Agency assumes the role of the Placement Employer for the Student Trainee's claim.
 - Once entitlements have been granted, it is important that a designated individual within the Training Agency contact WSIB on a regular basis.
 - After a claim is allowed, WSIB periodically requires information to confirm continuing entitlement to Benefits. Copies of these forms on their use are available from WSIB and are available at www.wsib.on.ca.
- Either the Student Trainee or the Training Agency as the authorized agent of the Placement Employer, can appeal any decision made by WSIB. Information on the appeal process is available from WSIB at www.wsib.on.ca.
- Information on the completion of other WSIB forms and processes can be found in the WSIB's Operational Policy Manual available from WSIB as a subscription or online at www.wsib.on.ca.

15. Managing Claims to WSIB

The Training Agency is required to maintain contact with all parties involved throughout the duration of a claim, including WSIB, the affected Student Trainee and his/her treating health care professional, and the Placement Employer.

The goal is to minimize the impact of the work-related accident on the Student Trainee for safe return to the Approved Program.

Some modification of the Approved Program and/or precautions taken in the workplace may be necessary to accommodate the Student Trainee if there are ongoing limitations/restrictions.

16. Chubb Insurance of Canada Claims

Not all Placement Employers in businesses/workplaces are required to have WSIB coverage. Placement Employers may not have WSIB coverage if the business is classified as being non-compulsory covered under the WSIA.

In the event a work-related accident with a Placement Employer is not covered by WSIB, Student Trainees are provided with insurance coverage through Chubb Insurance. This includes benefits for accidental death or injury, and medical/dental benefits to treat an accidental injury.

17. Reporting Procedures and Data Collection for Chubb Insurance Claims

Any work-related accident, however minor, to a student in a work placement must be reported by the Student Trainee to the Placement Employer and to the appropriate contact person in the Training Agency.

Detailed instructions regarding the Chubb Insurance claims process can be obtained from Chubb Insurance by contacting 1-877-772-7797 and quoting policy number SG 10 28 45 01.

18. Chubb Insurance Data Collection

For the purpose of determining insurance premiums, each year Training Agencies are required to file with the Ministry the total hours of Unpaid Work Placement by Approved Program with Placement Employers not covered under the WSIA and the total number of Student Trainees involved. It is necessary to indicate the applicable industry where the Unpaid Work Placement occurs.

The Ministry requires this information by semester and contacts the Training Agencies shortly after the end of each semester (January, May and September).

- Note: data relating to international postsecondary students are to be reported separately from domestic postsecondary student data.

19. Ministry Contacts

For administrative matters relating to forms and process please contact:

Lilian Priess
Colleges Finance Unit
Postsecondary Finance and Information Management Branch
Ministry of Advanced Education and Skills Development
7th Floor Mowat Block
900 Bay Street
Toronto, ON
M7A 1L2
Telephone (416) 325-9733
Email lilian.priess@ontario.ca

APPENDIX A: Training Agencies for the Purposes of these Guidelines

Universities

Algoma University

Brock University

Carleton University

University of Guelph

Hearst University

Lakehead University

Laurentian University

McMaster University

Nipissing University

Northern Ontario Medical School

Ontario College of Art & Design University

University of Ottawa

Queen's University

Ryerson University

University of Toronto

Trent University

University of Ontario Institute of Technology

University of Waterloo

University of Western Ontario

Wilfrid Laurier University

University of Windsor

York University

Colleges

Algonquin College of Applied Arts and Technology

Cambrian College of Applied Arts and Technology

Canadore College of Applied Arts and Technology

Centennial College of Applied Arts and Technology

Collège Boréal d'arts appliqués et de technologie.

Collège d'arts appliqués et de technologie La Cité collégiale.

Conestoga College Institute of Technology and Advanced Learning

Confederation College of Applied Arts and Technology

Durham College of Applied Arts and Technology

Fanshawe College of Applied Arts and Technology

George Brown College of Applied Arts and Technology

Georgian College of Applied Arts and Technology

Humber College Institute of Technology and Advanced Learning

Lambton College of Applied Arts and Technology

Loyalist College of Applied Arts and Technology

Mohawk College of Applied Arts and Technology

Niagara College of Applied Arts and Technology

Northern College of Applied Arts and Technology

St. Clair College of Applied Arts and Technology

St. Lawrence College of Applied Arts and Technology

Sault College of Applied Arts and Technology

Seneca College of Applied Arts and Technology

Sheridan College Institute of Technology and Advanced Learning

Sir Sandford Fleming College of Applied Arts and Technology

APPENDIX B: List of Requirements and Sources

Name of Form	Source / Contact
<i>Postsecondary Student Unpaid Work Placement Workplace Insurance Claim Form</i>	See section 19 of Guidelines – Ministry Contacts
WSIB Form 7 – <i>Employer’s Report of Injury/Disease</i>	Workplace Safety and Insurance Board www.wsib.on.ca
Sample Letter of Authorization to Represent the Placement Employer	See APPENDIX C
Chubb Insurance	Claims.A_H@chubb.com OR Toll Free Number: 1-877-772-7797 Fax: 416-368-0641

APPENDIX C: Sample Letter of Authorization to Represent the Placement Employer

Insert University/College letterhead

Letter of Authorization to Represent Employer

This section is to be completed by the Training Agency:

Please be advised that the following Training Agency (university/college) will serve as the Employer's representative in matters pertaining to WSIB in this work related injury/disease.

Training Agency _____

Address _____

City, Province _____

Postal Code _____ Firm # _____

Contact Person _____ Telephone # _____

This section is to be completed by the Placement Employer:

_____, the unpaid training participant is claiming that
(Training Participant)

he/she/other suffered a work related injury or disease on _____ while on an
(Date)
unpaid work placement with our company.

Company Name: _____

Address _____

City, Province _____

Postal Code _____ Firm # _____

Contact Person _____ Telephone # _____

(Placement Employer's Authorization Signature)

(Date)

Note: This form is to be attached to Form 7 and sent to the WSIB.