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Subject: **Workplace Safety and Insurance Coverage for Students in Work Education Programs**

Application: District Office Managers
Directors of Education
Principals of Secondary Schools
Principals of Provincial Schools

Reference: This memorandum replaces Policy/Program Memorandum No. 76A, September 27, 2000.

Introduction

The Education Act states that the Minister of Education may “prescribe the conditions under which and the terms upon which pupils of boards shall be deemed to be workers for the purposes of the insurance plan established under the *Workplace Safety and Insurance Act, 1997*, deem pupils to be workers for those purposes and require a board to reimburse Ontario for payments made by Ontario under the insurance plan in respect of such a pupil”.¹

This memorandum provides direction to school boards and schools concerning coverage under the Workplace Safety and Insurance Act (WSIA), 1997, for students, including adult learners, who are participating in various work education programs (also referred to as experiential learning programs) where the student is considered a worker. Such programs encompass short-term opportunities such as work experience, longer-term opportunities such as cooperative education, and the work placements that may comprise all or part of some students’ individualized programs in Supervised Alternative Learning (SAL).

Students participating in work education or experiential learning programs must be at least fourteen years of age. Before a student is placed with an employer, school boards must determine whether the student will be covered for Workplace Safety and

1. Education Act, R.S.O 1990, subsection 8(1), paragraph 9.

Insurance Board (WSIB) benefits by the Ministry of Education or the placement employer. In most cases, coverage for these students is provided by the ministry, but school boards, with the assistance of placement employers, must ensure that the requirements of the WSIB are properly adhered to both prior to and during the work placements.

Coverage Provided under the Workplace Safety and Insurance Act

In all types of work education programs, businesses and community agencies collaborate with school boards to provide students with rich learning opportunities. Because the emphasis of these programs is on educational experience rather than productivity, **students do not normally receive wages** from the placement employer. (Expense allowances or honoraria paid to students are not considered wages for the purposes of Workplace Safety and Insurance Board benefits.)

Students who participate in work education or experiential learning programs and who **do not** receive wages are considered, for the purpose of coverage under the WSIA, to be employees of the Ministry of Education once the Work Education Agreement (WEA) form is completed and the work placement begins (see the section “Obtaining WSIA Coverage”, below).

If students **do** receive wages when participating in work education or experiential learning programs, the placement employer is considered to be the employer under the WSIA, and is responsible for providing WSIA coverage. A WEA form must be completed for these students, and school boards must indicate in the appropriate section of the form that the employer, not the ministry, is providing the WSIA coverage.

Note that if the placement employer is one of the few types of businesses that is not required to register for WSIA coverage, such as a bank,² the student is still covered under the WSIA, since the student is considered to be an employee of the ministry for this purpose. A WEA form must also be completed for these students.

Conditions of WSIA Coverage Provided by the Ministry of Education

In addition to the general conditions of coverage stated above, the following conditions

2. Most businesses in Ontario that employ workers must register with the WSIB, but there are some exceptions, such as banks. For more information, see the WSIB website.

apply when the ministry provides WSIA coverage:

- Students are covered during the time that they are performing the duties assigned to them under the supervision of the placement employer.
- Students are covered when their work placement is located on school board property, and when they are supervised by teaching or non-teaching staff members (e.g., teachers, building custodians, electrical maintenance supervisors, audio-visual technicians, or purchasing officers).
- Students who participate in the Ontario Youth Apprenticeship Program (OYAP) and who are not paid an hourly wage or salary are covered. If an OYAP student is on an employer's payroll, the employer assumes responsibility for the student's WSIA coverage.
- Students whose work placement is outside the province – for example, students participating in international cooperative education – are covered for up to six months while at their work placement in the host province or country. If the work placement continues beyond six months, the school board must send a written request to the WSIB for approval of an extension of coverage. A copy of this request must be sent to the ministry.
- Students are covered if they are required to travel as part of their learning and if travelling is considered an assigned duty during their work placement.
- Students are generally covered while they are being transported from the work placement to receive health care as the result of a work-related injury or disease.
- Students are generally **not** covered while they are travelling to and from the work placement.³
- Students are **not** covered during the time they are in training for, or are participating in, individual or team sports. Amateur or professional athletes are **not** covered under the WSIA.

Obtaining WSIA Coverage

The WEA form **must be completed for all students** participating in work education or experiential learning programs. For students who are not receiving wages or are not covered by their employer, the completion of this form establishes an understanding that the Ministry of Education is responsible for covering WSIB benefits. For students who are receiving wages and are covered by their employer, the completion of the form establishes that the employer is responsible for providing WSIA coverage. School

3. Since students are generally not covered in such instances, school boards should provide students involved in these programs and their parents with information regarding student accident insurance.

boards must use a separate WEA form for each individual student.

The student must sign the WEA form, indicating consent to the conditions of coverage set out in the form. The consent of a parent⁴ is also required if a student is under eighteen years of age.⁵ The teacher and the placement employer must also sign the WEA form.

WSIA coverage arranged through the ministry applies only to the hours and dates stated in the WEA form. In cases where the student and/or placement employer wish to modify the hours or dates set out in the WEA form, a note must be appended as an addendum to the form to ensure that the necessary WSIA coverage remains in place for the student. The note must be signed by the teacher, the student, the student's parents (if the student is under the age of eighteen), and the placement employer. The signed note is required **before** the student begins the new schedule at the work placement.

Workplace Safety and Insurance Board Benefits

Under the WSIA, employees who have sustained a workplace injury or contracted a disease are eligible to receive benefits, such as compensation for their loss of earnings and their permanent impairments, and health care and rehabilitation services. More information on these benefits can be found on the WSIB website.

Students are entitled to **loss of earnings benefits** if they sustain an injury or contract a disease during a work placement (whether paid or unpaid) and if this injury or disease causes them to lose time from the work placement and/or a part-time job unrelated to the placement. The WSIB calculates loss of earnings benefits as follows:

- **Unpaid work placements – benefits are based on the minimum wage.** Most students participating in work education programs do not receive wages; however, the deemed rate of pay for calculating loss of earnings benefits is the general hourly rate established by minimum wage legislation.
- **Paid work placements – benefits are based on actual wages.** If a student

4. In this memorandum, *parent(s)* refers to parent(s) and guardian(s).

5. Parental consent is necessary despite the fact that the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), 1990, gives students who are sixteen years of age and older the right to the protection of their personal information.

receives wages from a placement employer, the actual wages are used to calculate the loss of earnings benefits.

- **Part-time employment – benefits are based on actual wages.** If the work-related injury or disease results in the loss of wages from a part-time job not connected with the work education program, the student is also entitled to compensation for the hours missed at that part-time job, based on the actual rate of pay for the part-time job. Details regarding the student's part-time job must be provided to the WSIB (i.e., the rate of pay and the number of hours worked weekly).

Ministry of Education Reporting Procedures and Claims

The following reporting procedures are with respect to situations in which the ministry provides coverage for WSIB benefits. In cases where an employer provides coverage for WSIB benefits (i.e., for a student who is an employee of the placement employer and is receiving wages), the employer must follow the steps required of an employer reporting a workplace injury or disease.

A student who sustains an injury or contracts a disease, however minor, during the work placement component of a work education or experiential learning program should report the injury or disease to the placement employer and the appropriate teacher with full details, including the time, place, and precise circumstances under which the injury was sustained or the disease contracted. A work-related injury or disease requiring only first-aid treatment does not have to be reported to the WSIB, but a record of the details must be kept by the school board.

If medical treatment beyond first aid is required from a health care professional, or if the injury or disease results in loss of time from the work placement, the school board representative must send a report (as specified below) to the WSIB. Because accident reporting procedures call for students' social insurance numbers, it is recommended that all students involved in work education or experiential learning programs where the student is considered a worker have a social insurance number.

Employer's Report of Injury/Disease (Form 7)

In the case of a workplace injury or disease requiring health care from a medical professional and/or resulting in lost time from work, the school board representative must submit the WSIB Employer's Report of Injury/Disease (Form 7) to the WSIB. The form must be submitted **within three (3) business days** of the student reporting the injury or disease to the school, and received by the WSIB **within seven (7) business days** of the student's report to the school. The school board representative must also submit a copy of the WEA form when the school board representative reports the injury

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or disease to the WSIB. The Form 7 report, along with a copy of the WEA form, must also be sent to the ministry and the student.

There is a fine for late filing of a Form 7 report, and the school board is responsible for paying the fee. If the school board does not pay the late filing fee, the ministry will be required to pay it and will seek to recover the fee directly from the school board.

The school board representative who completes Form 7 must ensure that:

- the Ministry of Education is identified as the employer, and the **firm number 250379-FJ** is indicated;
- the worker information refers to the student participating in the work education or experiential learning program, and the job title matches the job title on the WEA form;
- the name and address of the placement employer, as well as the name and telephone number of the placement supervisor, are included;
- the name of the school board and the name, address, and phone number of the school are included in the “Branch” section.

If all the pertinent information is not available at the time the Form 7 report is submitted, the phrase “details to follow” should be entered in the applicable places. As soon as all the details have been obtained, the report should be resubmitted.

A Form 7 report can be submitted to the WSIB in a hard copy or electronic format. When requesting **hard copy** versions of the form from the WSIB, the school board representative should identify the ministry as the employer and cite the **firm number 250379-FJ**. Once the form is completed, it must be mailed or faxed to the WSIB, and copies must be provided to both the student and the ministry. An **electronic** version of the Form 7 report can be submitted to the WSIB through the online services section of its website. Note that a hard copy of the electronic version must be given to the student, and another copy must be sent to the ministry, either as a fax or scanned email attachment.

Health Professional’s Report (Form 8)

If a student requires health care as a result of a workplace injury or disease, the WSIB Health Professional’s Report (Form 8) must be completed. It is the responsibility of the health professional to complete a Form 8 report and submit it to the WSIB. The ministry must be identified as the employer, and the **firm number 250379-FJ** must be entered on the report. Use of Form 8 will ensure that the WSIB does not record the claim as one made by the placement employer or the school board.

Worker's Report of Injury/Disease (Form 6)

In the case of a workplace injury or disease requiring health care, the student must complete the WSIB Worker's Report of Injury/Disease (Form 6). By completing a Form 6 report, the student is filing a claim for benefits, and also consenting that his or her health professional can disclose to the placement employer personal health information regarding the student's ability to return to work. The student must send a copy of the report to the school board representative, who must forward a copy to the ministry. Note that if the student does not submit a Form 6 report, the WSIB will issue only up to two weeks of benefits (e.g., health care or loss of earnings benefits).

Head Offices

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Tel: 416-325-2547
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Fax: 416-325-2552
www.edu.gov.on.ca/eng/about/contact.html

Workplace Safety and Insurance Board
200 Front Street West
Toronto, ON M5V 3J1
Tel: 416-344-1000 or 1-800-387-0750
TTY: 1-800-387-0050
Fax: 416-344-4684 or 1-888-313-7373
www.wsib.on.ca

Ministry of Education Data Collection

The ministry requires school boards to submit annually the total number of work placement hours from September 1 to August 31 (the school year) for which the **Ministry of Education** has provided WSIA coverage for students participating in each of the following:

- cooperative education
- work experience
- work placements as part of their individualized programs in Supervised Alternative Learning (SAL)

The total number of work placement hours reported should be based on the cumulative data from all the participating students. It is important that the hours reported are the actual hours during which a student was at a work placement.

In addition, school boards must report the total number of hours for which **placement employers** (not the Ministry of Education) have provided WSIA coverage.

Where WSIA coverage was provided by the ministry, the ministry also requires school boards to report annually the names of the students for whom Form 7 reports were filed with the WSIB and the dates of the work-related injury or disease for each student.

A request for this information will be sent to school boards in early September. This information must be supplied by early November of the same year.

Additional Safety Concerns

Concern has been expressed about students who are participating in work placements where they may be exposed to infectious diseases. Such workplace environments include, but are not limited to, hospitals, laboratories, dental offices, ambulance service areas, veterinary offices, and nursing homes. These workplace environments are not consistent in requiring vaccinations against various diseases. In addition, requirements for tuberculosis testing of persons working in a range of workplace environments may not be consistent.

Vaccinations or tests may be required by some placement employers in order for the student to participate in a work education or experiential learning program. The student and parent, if appropriate, must be made aware of the placement employer's requirements. The student and parent, if appropriate, must decide if they are willing to adhere to the requirements as specified by the placement employer prior to the start of the work placement. If the student and parent, if appropriate, do not agree to adhere to the requirements of the work placement employer, another work placement must be arranged for the student.

For further information related to ensuring the health, safety, and well-being of students who are participating in work education or experiential learning programs, school boards should refer to *The Ontario Curriculum, Grades 11 and 12: Cooperative Education, 2018*.