

# OHNIG Newsletter

## Legislative Update for Ontario Occupational Health Nurses



The Occupational Health Nurses Interest Group (OHNIG) remains committed to supporting continuing education and fostering the professional growth of Occupational Health Nurses across Ontario.

The following legislative update provides a concise overview of upcoming regulatory changes and amendments under the Workplace Safety and Insurance Act (WSIA). Staying informed about these developments will help strengthen your practice, support informed decision-making, and promote the best possible outcomes in your daily work.

The Government of Ontario announced important proposed changes to the Workplace Safety and Insurance Act in April this year.

### ➤ **Amendments to the Workplace Safety and Insurance Act (WSIA)**

#### **Extension of mandatory Workplace Safety and Insurance Board (WSIB) coverage to workers**

The Ministry of Labour, Immigration, Training and Skills Development announced it will be suggesting legislation to extend mandatory WSIB coverage to workers employed in all privately operated residential care facilities, retirement homes, and group homes in Ontario.

This would include, but may not be limited to, personal support workers, registered nurses, social workers, occupational therapists and operations staff. The present WSIA exempts privately-owned facilities from its scope but requires public facilities to maintain coverage.

#### **Increase wage replacement benefits**

A previous Conservative government reduced the wage replacement from 90% to 85% based on actuarial data, which concluded that 90% of net average earnings, non-taxable, was equivalent to about 93-94% of

gross earnings, which was seen as a disincentive to return to work. The wage replacement change would increase loss-of-earnings benefits (LOE) from 85% to 90% of pre-injury net average earnings. This represents the first increase to income replacement benefits that would be seen in 30 years.

### **Extension of eligibility for loss-of-earnings benefits to older workers**

Currently, a worker's LOE ceases at age 65 or, if the injury occurred from age 63 onwards, up to 2 years. The LOE for older workers would remove the automatic end to LOE for workers at age 65 from the Act. For workers between the ages of 63 or 65, or within two years of their injury (depending on the age of the worker at the time of the injury), workers would be allowed to make a request to continue LOE benefits past age 65. Such a request would trigger an assessment by the WSIB of whether the worker is in fact likely to continue working past age 65 in suitable and available employment. This change would affect only LOE, as older workers have been eligible for other benefits, including health care benefits, rehabilitation services in some cases, retirement pension awards, non-economic loss awards, etc.

### **Potential implications**

As Ontario navigates ongoing economic uncertainty, the government is advancing measures to protect workers and strengthen financial security in the event of workplace injury. This proposed expansion also reinforces the importance of a proactive, well-structured approach to Return-to-Work (RTW) planning.

Key implications to consider include:

- Potential increases in WSIB premiums and overall claim costs
- Broader coverage requirements across newly included sectors
- Increased complexity in managing claims involving older workers
- Added pressure on RTW and workplace accommodation programs

### **Moving Forward**

These legislative developments highlight the evolving regulatory landscape in which Occupational Health Nurses practice. As these proposed amendments are not yet law, close monitoring of the progress of the legislation is essential, and if passed, focus on the following actions:

- ✓ Monitor legislation via the [Legislative Assembly of Ontario](#)
- ✓ Watch for further guidance from the Workplace Safety and Insurance Board regarding how they will assess a worker's intent to continue working past the age of 65
- ✓ Conduct cost impact modelling (LOE increase + extended durations)
- ✓ Identify newly covered worker groups within your operations
- ✓ Review and revise RTW and accommodation policies if needed
- ✓ Engage Finance and HR to adjust 2026–2027 budgets and forecasts accordingly

Your expertise in documentation, prevention strategies, exposure management, and organizational policy will continue to be essential in navigating these changes.

OHNIG remains committed to supporting you through education, dialogue, and shared learning as we adapt to these important updates together.

