

## Ask an Expert

As featured in the June/July 2010 issue of *The Employer's Voice*

### Question:

**Debbie, Pulp & Paper Mill, Northern Ontario**

I would like to know what the cost implication would be for a recurrence versus a new claim with respect to NEER.

### Answer:

**Michael Zacks, Director (A) and General Counsel, Office of the Employer Adviser (OEA)**

In response to your question about what the cost implication would be for a recurrence versus a new claim with respect to NEER there are two possible situations depending on whether you were the original accident employer, or whether another company was the original accident employer, and you are the reoccurrence employer.

In the first case the NEER outcome depends on the date of the initial accident. If it's outside the 3 year window, then there are no NEER cost consequences to you. It would be in your interest to characterize the new injury as a reo in this scenario. If the reo is in the three year window of the original accident, then you will bear the costs until the window closes.

Secondly, if you are not the original accident employer but the reo employer, and the accident is characterized as a reo, you have no NEER costs at all. All the costs fall on the original accident employer. As such you would also not have a reemployment or RTW obligation under the WSIA, but would have to be concerned about human rights obligations.

If the current incident is characterized as a new accident then you have all the ongoing NEER costs, but may be able to claim some level of SIEF if there was a pre-existing condition from a prior employment relationship.