



**Updating the WCB Revolving Program Policy Agenda:
Consultation Follow-Up and Supporting Rationale**

March 06, 2012

A. Background

In May 2011, the Workers' Compensation Board's (the "WCB") initiated a process for compiling a list of potential program policy topics to refresh the Revolving Program Policy Agenda¹. In the WCB context, the term program policy refers to policy that is approved by the Board of Directors pursuant to section 183 of the *Workers' Compensation Act* (the *Act*) and is included in the Workers' Compensation Board's Policy Manual. Program policies include topics such as entitlement, short and long term benefits, prevention, and assessments.

Throughout June and July, the WCB asked staff, our partners in the *Workplace Safety and Insurance System* (WSIS), and stakeholders (as identified on the key stakeholders list maintained by the WCB) to identify possible program policy topics that require review and will assist the WCB and the WSIS to address major service delivery issues and achieve our long-term goals and vision. Overall, 34 distinct (some topics were identified more than once) policy topics were identified through the process for consideration by the Board of Directors, a significant increase over the 19 topics received in 2008.

B. Topics Selected for Inclusion on the Revolving Program Policy Agenda

The topics identified by stakeholders were reviewed to determine if program policy was an appropriate tool for addressing the issue identified. Where it was determined program policy was an appropriate tool, further analysis was undertaken and the Board of Directors Prioritization Framework applied to arrive at the final priority ranking of the issues/topics submitted. Based on this analysis the WCB Board of Directors has approved 12² program policy topics to be included on the Revolving Program Policy Agenda. Generally, the topics were chosen for policy development because policy is considered an appropriate tool for addressing the issues and work on these topics directly supports the achievement of System and Corporate goals/priorities. The following are the topics (grouped according to theme) included on the Revolving Program Policy Agenda:

◀ **Decision Making.**

These program policy development related to these topics will concentrate on outlining/specifying the factors or criteria the WCB will consider when making initial entitlement decisions where a worker experiences a particular type of injury and/or is injured under specific circumstances.

1. General Entitlement - Pre-Existing Conditions (High Priority).

The WCB does not have a policy that outlines how/what the WCB considers when adjudicating initial entitlement where a worker has a pre-existing non-compensable medical condition. The adjudication of these types of claims can be complex. Clear factors/guidelines for the adjudication of these claims will promote transparency, accountability, and consistency.

2. General Entitlement - Time, Place and Activity (High Priority).

The WCB receives numerous information requests every year from employers and other stakeholders concerning whether a worker may be entitled to compensation where an injury occurs during specific times, places, or activities (e.g. worker was on a break when the injury occurred). Program policy outlining the factors/criteria that are to be considered when adjudicating these types of claims supports improved service delivery, transparency, and consistency in decision making.

¹ The WCB maintains a Revolving Program Policy Agenda. That is, once policy development work is complete on a policy item, work begins on a new policy item that has been approved for inclusion on the policy agenda by the Board of Directors.

² The 12 topics were made up of 7 high priority, 3 medium priority, and 2 housekeeping/minor program policy topics.

3. Repetitive Strain Injuries (High Priority).

Repetitive strain injuries are complex to adjudicate because they are not characterized by a single causal event and are often multifactorial in nature. That is, they often arise as a result of a combination of workplace and personal risk factors. Clear factors/guidelines for the adjudication of these claims will promote transparency, accountability, and consistency.

4. Compensability of Stress (High Priority).

In light of a decision released by the Court of Appeal in British Columbia (BC), in conjunction with the BC provincial government's decision to review its legislation in response, the WCB Board of Directors believes it is prudent to review the current approach to stress as a compensable injury in Nova Scotia.

5. Carpal Tunnel Syndrome (Medium Priority).

In general, the current carpal tunnel policy continues to provide valuable adjudication guidance. However, some of the terms/concepts are broad and do not provide sufficient guidance. The intent of policy development is to ensure the WCB's current policy provides sufficient adjudicative direction and is reflective of current medical research on the risk factors for carpal tunnel syndrome.\

◀ **Return to Work:** The program policy topics included in the return to work grouping support safe and timely return to work.

6. Medical Aid - Best Practice Standards (High Priority).

The WCB must make 1000s of medical aid/treatment decisions every year. Existing expert bodies³ have established practice guidelines that are intended to be used to guide treatment for injuries. Using standards such as these, where appropriate, will facilitate the WCB in ensuring injured workers receive timely, appropriate and consistent medical treatment. It also supports administrative efficiency as the WCB would not be required to carry out independent research on individual treatment requests.

7. Return to Work Principles (High Priority).

Safe and timely return to work is a strategic goal of the WCB. Where a worker misses time from work due to a workplace injury, a key component of case management is RTW planning. The WCB does not currently have an overarching policy that communicates the WCB's commitment to safe and timely return to work and provides a high level overview of the RTW process and the responsibilities of the parties involved. Such a policy would contribute to consistency in decision making, understanding of the RTW process by stakeholders and, and public confidence by increasing transparency related to the WCB's approach to RTW.

◀ **Public Confidence:** These topics support the WCB's key strategic goal of increasing public confidence in the WCB as we strive to reduce the financial and human impact of workplace injuries.

8. Privacy of Injured Worker Information (High Priority).

In November 2011 the Nova Scotia Privacy Review Officer concluded a review of the WCB's processes related to responding to breaches of injured worker privacy. The Review Officer made, and the WCB accepted, 21 recommendations intended to improve the WCB's privacy practices related to injured worker personal information. The Review Officers Report provides the WCB an

³ For example, the American College of Occupational and Environmental Medicine (ACOEM) and the American Academy of Orthopedic Surgeons (AAOS).

opportunity to review and improve our approach to the collection, maintenance, and release of injured worker information. As part of responding to the recommendations the WCB will consider whether program policy is required as part of the solutions implemented.

9. Protection of Employer Economic Information (Medium Priority).

While implied, current *Policy 10.3.10 Corporate Information Protection* does not include specific privacy protections for employer economic information. The WCB currently only releases employer information where authorized by legislation. However, it is recognized that including a policy statement that clearly addresses the protection of employer economic information would reinforce the WCB's commitment to the protection of privacy.

10. Criteria for Waiving Penalties for Late Reporting of Payroll (Medium Priority).

There are instances where, in good faith due to extenuating circumstances, an employer may be unable to provide the WCB with the required payroll information in the time frames specified in current policy. Articulating in policy the circumstances under which the WCB may consider waiving a penalty for late reporting of payroll will reflect the WCB's service commitment and will ensure the WCB is able to respond to unique circumstances.

◀ ***Housekeeping/Minor Policy Topics:*** Often minor changes occur in the compensation environment that require small updates to policies. Two housekeeping/minor program policy topics have been included on the program policy agenda:

11. Update WCB department names in policies.

In recent years the WCB has reorganized the way it delivers services. This has resulted in changes to the names of some WCB departments. Housekeeping changes would ensure that policies are updated to reflect new WCB department names.

12. Policy 4.2.4R6 Workers' Travel Expenses for Vocational Rehabilitation - appropriateness of living allowance cap.

Policy 4.2.4R6 includes a \$750 cap on living allowance for those participating in a vocational rehabilitation program that are required to maintain a second residence. WCAT referred an appeal to the Chair of the Board of Directors requesting the Board consider the adequacy of the cap on the living allowance. Reviewing the living allowance cap ensures the rate reflects the consumer market and supports RTW by ensuring injured workers do not suffer undue financial hardship when participating in vocational rehabilitation. Such a review also increases public confidence by demonstrating the WCB is a compassionate and caring organization committed to providing excellent service.

C. Non-policy and Low Priority Program Policy Topics

The remaining 22 topics/issues identified by stakeholders were considered non-program policy in nature and/or low priority program policy topics. This does not mean the issues/topics raised are unimportant or not worthy of consideration. Rather, it was determined policy development is not an appropriate response. Generally, the topics/issues were considered non-program policy in nature and/or low priority program policy topics for one or more of the following reasons:

- Legislation provides clear authority/direction therefore additional program policy is not required.
- Response to the issue/topic requires legislative/regulatory change that is outside Board of Directors' policy making authority.

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- The problem/challenge identified is the result of policy application or process, rather than policy language or requirements.
 - Where appropriate, action is already underway to address the issue.
 - The topic/requested change does not support achievement of System and Corporate goals/priorities.
 - The impact/frequency of issue identified is relatively low.
 - Existing policy approach appears to be appropriate (based on research).
 - The topic has recently been considered and addressed by Board of Directors.
 - Other actions/activities are required before program policy as a tool could/should be considered.

Please see appendix B for a brief description of all of the topics/issues submitted by stakeholders and the rationale for their categorization/prioritization.

D. Next Steps

Completion of Outstanding Program Policy Topics

The WCB will continue to support the process for completing policy development work on the outstanding policy items noise induced hearing loss (NIHL)⁴ and recurrences. In regard to NIHL, the WCB has been working with System partners to identify the issues/problems related to the topic and whether they can be resolved through policy development. Consultation on the draft recurrences policy is complete and the final program policy will be brought forward in early 2012 for Board of Director consideration/approval.

Next Topics for Policy Development

Considering timing, sequencing, previous commitments, and workers' compensation environmental factors, the Board of Directors has determined the next program policy topics scheduled for policy development are:

1. *Compensability of stress.* Based on stakeholder interest and recent developments in BC, the Board of Directors has identified the compensability of stress as an area that should be reviewed. Such a review would include a determination of whether any adjustments in the WCB's approach are required to address potential Charter issues/risks.
2. *Appropriateness of Vocational Rehabilitation living allowance cap.* In October 2011, an appeal on this issue was referred by WCAT to the Chair of the Board of Directors for consideration of the appropriateness of the living allowance cap. The *Act* requires the Board of Directors determine whether changes to the cap are required and implement any policy changes within one year of the date of the appeal referral.
3. *Privacy of injured worker information.* On November 18, 2011 the province's Privacy Review Officer released a report detailing the review of the WCBs privacy practices as relating to injured worker information. The WCB accepted all 21 recommendations, 7 of which the WCB agreed to implement immediately. Part of the analysis of the recommendations will be the consideration of the need for a program policy solution.

⁴ NIHL and recurrences were ranked as a high priority program policy issue during the 2008 program policy issue identification process.

Appendix A: Prioritization Framework

<div>High</div> <ul style="list-style-type: none"> • Policy requires development and/or review due to a ruling of the Courts. • Policy requires development and/or review due to a legislative or regulatory change. • Policy is a component of a project/initiative included in the plan and requires completion to achieve the project outcomes. • Policy supports achievement of a corporate or System goal/priority. • Policy is causing a major service delivery issue. 	<div>Medium</div> <ul style="list-style-type: none"> • Importance to and impact on external stakeholders. • Impact of policy on daily operations. • Recurring appeals or decisions frequently overturned on appeal due to policy interpretation.
	<div>Low</div> <ul style="list-style-type: none"> • Emerging trend in social environment (i.e. changing demographics). • Elapsed time since last revision. • Policy needs housekeeping changes
<p>WCB Goals:</p> <ul style="list-style-type: none"> • Building workplace safety culture • Safe and timely return to work • Skilled and committed team of employees • Excellent and efficient service • Financially stable/sustainable <p>WCB Strategy:</p> <ul style="list-style-type: none"> • Injury Prevention • Safe and timely RTW • Health Care • Public Confidence 	<p>WSIS Goals</p> <ul style="list-style-type: none"> • Improve outcomes for workers/employers • Improve service delivery • Effective governance • Financially sustainable <p>WSIS Strategy</p> <ul style="list-style-type: none"> • Reduce workplace injury • Return to Work • Accessibility of Information/sharing • Issue resolution • Stakeholder consultation

Appendix B: Analysis of Potential Policy Topics, Priority Ranking, and Rationale

A. High/Medium Priority and Housekeeping/Minor Policy Topics Included on the Revolving Program Policy Agenda

Topic/Issue Description	Summary	Rationale for Priority Ranking
<p><u>Return To Work (RTW) Principles (High)</u></p> <ul style="list-style-type: none"> • All stakeholders need to understand and participate in the RTW process to ensure that workers return to work in a safe and timely manner. • A policy to inform stakeholders and guide decision makers ensures consistency and understanding, builds confidence and reduces litigiousness. • Once an injury has occurred, timely follow up from WCB is critically important to safe and timely RTW which is beneficial for both employer and employee. 	<ul style="list-style-type: none"> • Safe and timely return to work is a strategic goal of the WCB. The WCB undertakes RTW planning with workers who miss time from work due to a workplace injury. • The WCB has a number of policies that address various aspects of RTW (e.g. vocational rehabilitation goals, expenses that will be reimbursed), but does not have an overarching policy that communicates the WCB's commitment to safe and timely return to work, a high level overview of the process, and the responsibilities of the parties (worker, employer, service provider, the WCB). • Five Canadian WCB's (NF, YK, NB, ON, NT/NU,) have used program policy to communicate the overall goals of safe and timely return to work and the roles/responsibilities of the various parties. • The Physiotherapy Working Group made recommendations in 2011 for improvements to Direct Access to Physiotherapy. The implementation of these recommendations would be supported by a RTW principles program policy. 	<ul style="list-style-type: none"> • Directly supports the WCB's strategic goal of safe and timely return to work. • Supports public confidence by increasing transparency related to the WCB's approach to RTW. • Builds on the work of the Physiotherapy Working Group.
<p><u>General Entitlement - Pre-Existing Conditions (High)</u></p> <ul style="list-style-type: none"> • There is a lack of factors/criteria for general entitlement decision making related 	<ul style="list-style-type: none"> • Like any other claim for compensation, where a worker with pre-existing medical condition makes a claim for compensation, the WCB must decide if they have suffered a personal injury that arose out of and in the course of employment. • Of particular interest is the requirement for the injury to have arisen out of the employment. That is, is there a 	<ul style="list-style-type: none"> • Supports the achievement of WCB and System goals of improved service delivery, transparency in decision making, and making the right decision the first time. • Linked to two other policy topics recommended for inclusion on the Revolving Program Policy Agenda:

Topic/Issue Description	Summary	Rationale for Priority Ranking
<p>to pre-existing conditions.</p> <ul style="list-style-type: none"> • Clearer guidelines are needed for how entitlement/causation is determined when a worker has a pre-existing non-compensable condition that may/could be causing/contributing current symptoms or disability. 	<p>causal connection between worker's employment and the injury they received? Or, are the symptoms/disability the worker is suffering a result of the continuation of their non-compensable pre-existing condition?</p> <ul style="list-style-type: none"> • The WCB does not have a policy that outlines how/what the WCB considers when adjudicating initial entitlement where a worker has a pre-existing non-compensable medical condition that may/could be causing/contributing to a worker's current symptoms or disability. • As the workforce population ages, the likelihood an injured worker suffers from a pre-existing non-compensable condition increases. • The adjudication of these types of claims can be complex. Clear factors/guidelines for the adjudication of these claims will promote transparency, accountability, and consistency. • Six Canadian WCBs have policy specific to determining entitlement where a worker has a pre-existing non-compensable condition. 	<p>Repetitive Strain Injuries and Carpel Tunnel Syndrome. The WCB is often required to consider the impact of pre-existing non-compensable conditions when adjudicating claims for these types of injuries.</p>
<p><u>Repetitive Strain Injuries (RSI) (High)</u></p> <ul style="list-style-type: none"> • Policy is needed that reflects current medical research in the adjudication of repetitive strain injuries and specifies the criteria/ risk factors that will be considered when adjudicating RSIs. 	<ul style="list-style-type: none"> • Repetitive strain injuries are complex to adjudicate and the volume has remained constant over the last five years. • The WCB accepts approximately 1,500 repetitive strain claims per year. • These injuries are particularly challenging to adjudicate because they are not characterized by a single causal event and are often multifactorial in nature. That is, they often arise as a result of a combination of workplace and personal risk factors. • BC, PEI, NB, and YK use policy to assist in the adjudication of RSIs. The policies address, for example: <ul style="list-style-type: none"> ○ Definition of RSI. ○ Specification of potential work and non-work related risk factors. ○ How an injury date is determined. ○ Factors, positive and negative, that may influence the decision to accept/deny the claim. 	<ul style="list-style-type: none"> • Supports the achievement of WCB and System goals of improved service delivery, transparency in decision making, and making the right decision the first time. • High volume of claims and complexity of adjudication.
<p><u>General Entitlement – In</u></p>	<ul style="list-style-type: none"> • In 2009 the Board of Directors approved <i>Policy 1.3.7</i> – 	<ul style="list-style-type: none"> • Supports the achievement of WCB and

Topic/Issue Description	Summary	Rationale for Priority Ranking
<p><u>the course of Employment: Time, Place, Activity (High)</u></p> <ul style="list-style-type: none"> Policy is required to document and communicate how the WCB makes entitlement decisions where injuries take place under specific conditions or non-traditional circumstances such as parking lots, travelling, and during recreational activities. 	<p><i>General Entitlement – Arising out of and in the Course of Employment.</i> This policy identifies the basic requirements that must be met to be eligible to receive compensation benefits and services.</p> <ul style="list-style-type: none"> <i>Policy 1.3.7</i> provides general direction related to determining if an injury occurred in the course of employment. It does not address specific, but regularly occurring, circumstances that require more in-depth consideration. NB, ON, MB, SK, AB, and BC have policies that specify criteria/factors to be considered when determining if an injury is compensable under specific circumstances. 	<p>System Goals of improved service delivery, transparency in decision making, and making the right decision the first time.</p> <ul style="list-style-type: none"> Contributes to consistency in decision making.
<p><u>Compensability of Stress (High)</u></p> <ul style="list-style-type: none"> The AWCBC⁵ and stakeholders have identified occupational stress as an emerging workplace issue/challenge for workers compensation boards. The approach to the compensability of stress as a workplace injury in Canada may be changing, increasing the risk of a legal challenge to NS's approach to the compensability of stress. In particular: 	<ul style="list-style-type: none"> The WCB has 2 stress policies: 1) <i>Policy 1.3.5 Criteria for Psychiatric Conditions – Occupational Stress</i> and 2) <i>Policy 1.3.6 Compensability of Stress as an Injury Arising out of and in the Course of Employment - GECA</i>. <i>Policy 1.3.5 – Criteria for Psychiatric Conditions- Occupational Stress</i>, provides a framework for adjudicating stress claims where a physical injury precedes the emotional reaction. Currently there is no general policy guiding the adjudication of stress claims (where there is no physical injury) under the provincial legislation. <i>Policy 1.3.6 Compensability of Stress as an Injury Arising out of and in the Course of Employment - GECA</i>. This policy is applicable to federal government claims only and recognizes the differing definition of accident in the <i>Government Employees Compensation Act (GECA)</i> as compared to the definition in the provincial <i>Act</i>. Given recent issues raised by some stakeholders regarding the WCBs approach to stress and existing policies, as well as recent developments in BC, it is prudent to review 	<ul style="list-style-type: none"> Supports the achievement of WCB and System goals of improved service delivery, transparency in decision making, and making the right decision the first time.

⁵ Association of Workers Compensation Boards of Canada.

Topic/Issue Description	Summary	Rationale for Priority Ranking
<p>In 2009 the BC Court of Appeal found that part of the BC WCB's policy on stress as a compensable injury was unconstitutional in that it required workers with purely mental injuries meet a significantly higher threshold for compensation which is not required of those who suffer work-related injuries that are purely physical, or who suffer mental injuries which are linked to physical work-related injuries.</p> <ul style="list-style-type: none"> • NS's approach to the compensability of stress (like that of MB, NB, NL, ON, PE) is similar to that of BC. • There is currently an appeal at WCAT, where the WCB's approach to the compensability of stress is being challenged. 	<p>existing policies to ensure they are consistent with developments in the law.</p>	
<p><u>Medical Aid: Best Practice Standards(High)</u></p> <ul style="list-style-type: none"> • New policy is required to ensure consistency in treatment of workers in RTW and Tiered Services treatment programs. Policy 	<ul style="list-style-type: none"> • The WCB is committed to ensuring injured workers receive effective and appropriate medical aid/treatment. • The WCB must make 1000s of medical aid/treatment decisions every year. • There exist expert bodies, such as the American College of Occupational and Environmental Medicine (ACOEM) or the American Academy of Orthopaedic Surgeons (AAOS) who have established Practice Guidelines that could be 	<ul style="list-style-type: none"> • Supports the achievement of WCB and System Goals of improved service delivery, transparency in decision making, and making the right decision the first time. • RTW is a key strategic theme for the WCB that supports mitigating the human and financial toll of workplace injuries.

Topic/Issue Description	Summary	Rationale for Priority Ranking
<p>should reflect best medical practices.</p> <ul style="list-style-type: none"> More direction and guidelines are required for appropriate treatment for injured workers. There are existing bodies that have identified standards for the effective treatment of workplace injuries and illnesses. 	<p>considered in establishing best practice standards.</p> <ul style="list-style-type: none"> Using standards such as these, where appropriate, would facilitate the WCB in ensuring injured workers receive timely, appropriate and consistent medical treatment. It also supports administrative efficiency in that the WCB would not be required to carry out independent research on individual treatment requests. Given the scope and breadth of this issue, it is anticipated policy development on this topic would require more time than a typical policy development cycle (1 year). 	
<p><u>Privacy of Injured Worker Information (High)</u></p> <ul style="list-style-type: none"> Response to Privacy Review Officer Report. The Review Officer made 21 recommendations in regards to the WCB handling of injured worker personal information. The WCB accepted all of the recommendations. 	<ul style="list-style-type: none"> The WCB is committed to the protection of information provided by both injured workers and employers as part of the WCB's administration of the <i>Act</i>. The Review Officers Report provides the WCB an opportunity to review and improve our approach to the collection, maintenance, and release of injured worker information. It is unclear at this time whether or not program policy will be required to respond to the issues/recommendations contained in the Privacy Review Officer Report recently provided to the WCB. Given the public confidence implications and the need for risk mitigation, the WCB has assigned this topic a high priority ranking. If indeed it is found that policy is required, the WCB will make it a priority area. 	<ul style="list-style-type: none"> Supports the WCB's goal of improving public confidence and making service improvements.
<p><u>Protection of employer economic information (Medium)</u></p> <ul style="list-style-type: none"> Current Policy 10.3.10 <i>Corporate Information Protection</i> implies, 	<ul style="list-style-type: none"> The WCB currently collects and releases employer information in accordance with applicable legislation. As part of the WCB audit process, the lack of an explicit statement regarding the protection of employer economic information in <i>Policy 10.3.10 Corporate Information Protection</i> was identified as a gap. The protection of 	<ul style="list-style-type: none"> Including an explicit reference to the protection of employer economic information would support increases public confidence by increased transparency.

Topic/Issue Description	Summary	Rationale for Priority Ranking
<p>does not include, specific privacy protections for employer economic information.</p> <ul style="list-style-type: none"> • WCB Internal Audit recommends inclusion of explicit reference to the protection of employer economic information proved to the WCB by employers. 	<p>employer information is implied in the policy.</p>	
<p><u>Carpel Tunnel Syndrome(Medium)</u></p> <ul style="list-style-type: none"> • The existing carpal tunnel policy (Policy1.2.4R) does not provide sufficient guidance in the adjudication of these claims and is not reflective of current medical science. 	<ul style="list-style-type: none"> • Between 2006 to 2010, 1,390 claims for carpal tunnel syndrome were accepted by the WCB (approx. 300 claims per year). • In general, the current carpal tunnel policy continues to provide valuable adjudication guidance. However, some of the terms/concepts are broad and could be further refined to provide more guidance. For example, the policy states one of the criteria is “the client’s work involves repetitive flexion and extension of the wrist on fairly full time basis”. This leaves decision makers attempting to define/identify what is “repetitive” and what is meant by “fairly full time basis”. • Carpal Tunnel claims, by their nature, are complex to adjudicate as they do not have a definitive accident date. Rather, these injuries occur gradually over time until they require medical attention and/or are impacting the worker’s ability to perform the functions of their job. • The intent of policy development is to ensure the WCB’s current policy provides sufficient adjudicative direction and is reflective of current medical research on the risk factors for carpal tunnel syndrome. 	<ul style="list-style-type: none"> • Supports the achievement of WCB and System Goals of improved service delivery, transparency in decision making, and making the right decision the first time. • Moderate volume of claims (300 per year).
<p><u>Criteria for waiving penalties for late</u></p>	<ul style="list-style-type: none"> • Accurate data collection is key to the WCB’s ability to 	<ul style="list-style-type: none"> • Contributes to public confidence and

Topic/Issue Description	Summary	Rationale for Priority Ranking
<p><u>reporting of payroll (Medium)</u></p> <ul style="list-style-type: none"> WCB Policy 9.5.1R1Penalty for Late Reporting of Payroll Statements does not provide the WCB the ability to waive a penalty where an employer is late in reporting payroll due to extenuating circumstances. 	<p>administer the provisions of the <i>Act</i>.</p> <ul style="list-style-type: none"> Employers have a duty under the <i>Act</i> to report payroll. However, there are instances where, in good faith due to extenuating circumstances, an employer may be unable to provide the WCB with the required information in the specified time frames. In general, the WCB recognizes that extenuating circumstances can impact ability to meet responsibilities. For example, Policy 4.1.6 VR-Non-Participation – Circumstances Beyond Worker's Control, gives the WCB the ability to continue to pay benefits to a worker who is unable to fulfill the obligations of a VR program to circumstances beyond the workers control where the interruption will not adversely impact the of the VR program. WCB policy 9.5.1R1Penalty for Late Reporting of Payroll Statements outlines the penalties for late reporting. Strict application of the policy provides no flexibility where an employer is not able to report payroll for extenuating circumstances. It is not anticipated there would be substantive financial or administrative impacts as a result of waiving this penalty in limited circumstances. 	<p>improves service by recognizing that employers, like workers, face circumstances beyond their control that may impact their ability to meet obligations.</p>
<p><u>Update WCB department names in policies (Housekeeping/minor policy topic)</u></p> <ul style="list-style-type: none"> In recent years the WCB has reorganized the way it delivers services. This has resulted in changes to the name of some WCB departments. As a result, department 	<ul style="list-style-type: none"> Policy changes would be limited to updating the names of WCB departments and will not change the intent or scope of the policies. 	<ul style="list-style-type: none"> Housekeeping/ minor policy topic. Changes resulting from internal WCB reorganization.

Topic/Issue Description	Summary	Rationale for Priority Ranking
names in WCB policies 3.1.1R2 <i>Calculation of Gross Earnings & 10.3.7R Fraud and Misrepresentation</i> are no longer accurate.		
<p><u>Appropriateness of living allowance cap (Housekeeping/ minor policy topic)</u></p> <ul style="list-style-type: none"> Policy 4.2.4R6 Workers' Travel Expenses for Vocational Rehabilitation includes a \$750 cap on living allowance for those participating in a VR program who must maintain a second residence. WCAT referred an appeal (at the request of WAP) to the Chair of the Board of Directors requesting the Board of Directors consider the adequacy of the cap on the living allowance. 	<ul style="list-style-type: none"> As per the policy, the WCB may authorize a living allowance of up to \$750/month if the worker must maintain a second residence away from their home for the duration of his/her vocational rehabilitation program. The living allowance includes the costs of rent, basic utilities, meals and travel expenses. Both accommodations and other costs intended to be covered by the living allowance have increased (some significantly) since the living allowance was originally implemented. Situations where a worker must pay increased costs associated with a VR program due to the \$750 living allowance cap could result in a barrier to RTW. 	<ul style="list-style-type: none"> Reviewing to determine the appropriateness of the cap on living allowance would not change the intent of the policy. Supports RTW by ensuring injured workers do not suffer undue financial hardship when participating in vocational rehabilitation programs that require the maintenance of a temporary second residence. Increases public confidence by demonstrating the WCB is a compassionate and caring organization committed to providing excellent service.

B. Low Priority Policy Issues (not included on Revolving Program Policy Agenda)

Topic Description	Analysis/Points of Consideration	Rationale for Low Priority Ranking
<p><u>Clarify PMI chart in Policies 1.2.1R and 1.2.1A Guidelines for Automatic Assumption</u></p> <ul style="list-style-type: none"> • Policies 1.2.1R and 1.2.1A specify how claims under S. 35 of the Act will be adjudicated. • The policies require that a chart that specifies lung function ranges be used to assign a corresponding impairment rating. There is overlap between the ranges and it is not clear which impairment rating should be assigned to the worker where their lung function test shows they fall within 2 ranges. • In these instances, the WCB awards the worker the higher value. 	<ul style="list-style-type: none"> • Clarifying the policies would require amending the "Guides for the Assessments of Permanent Medical Impairment". • There are approx. 6 instances per year (1.7% of all lung function tests) where worker's lung function testing results fall within 2 ranges. • Amendments to this policy may be required in the future depending on the outcome of an appeal of a decision to reduce workers' PMI in response to lung function testing that indicates a worker's condition has improved. The PMI chart in the policy could be clarified at that time. 	<ul style="list-style-type: none"> • Small number of claims impacted (6 per year). • If the courts indicate the policy requires change, this issue can be considered as part of policy development.
<p><u>Injury Prevention</u></p> <ul style="list-style-type: none"> • Policy 11.1.1 & 11.1.2 on <i>Priority Employer Program</i> should clarify WCB's role in implementing health and safety systems. • Prevention policies should be developed to 	<ul style="list-style-type: none"> • Preventing the human and financial toll of workplace injury is a strategic goal of the WCB. • The WCB currently has a prevention strategy. The WCB 2012 Business Plan includes an initiative to update, in partnership with other WSIS members, the prevention strategy. • The WCB has various guides, as well as a comprehensive portion of the WCB website, that communicate the WCB's 	<ul style="list-style-type: none"> • The WCB is undertaking an update of the prevention strategy in 2012. • It would be premature to implement prevention policy before this update is carried out. • As part of the update, the need for changes (or new) program policy in the future, will be considered.

Topic Description	Analysis/Points of Consideration	Rationale for Low Priority Ranking
<p>ensure workplace injury prevention is truly the WCB's primary goal.</p> <ul style="list-style-type: none"> Policy 11.1.1 & 11.1.2 on <i>Priority Employer Program</i> are no longer applicable in light of implementation of new service delivery model. 	<p>prevention goals and practical information on preventing workplace injuries.</p> <ul style="list-style-type: none"> The integrated service team (IST) approach to service delivery reflects the philosophy of the PEP program through the provision of prevention and RTW services to large employers. 	
<p><u>PRI/PMI Joint Benefits</u></p> <ul style="list-style-type: none"> Current policy does not clearly define when and in what circumstances Pain Related Impairment (PRI) and Permanent Medical Impairment (PMI) benefits are jointly awarded. This potentially creates confusion and inconsistent decision making. 	<ul style="list-style-type: none"> Policy 3.3.5R <i>Eligibility Criteria and Compensation related to chronic pain</i> distinguishes between the usual pain accounted for by assignment of a PMI and chronic pain as reflected in the award of a PRI. A review of WCAT decisions does not indicate the WCB is inappropriately awarding PRIs where a worker has already been assigned a PMI: <ul style="list-style-type: none"> WCAT consistently rendered decisions where the WCB finds workers' PMIs account for pain experienced by the worker, and PRI is not appropriate. WCAT consistently affirmed WCB's distinction between usual pain reflected in a PMI and chronic pain accounted for in PRI. In 22 of 28 of the decisions where WCB did not assign a PRI in addition to a PMI, WCAT upheld WCB's decisions and found the worker was not entitled to a PRI. 	<ul style="list-style-type: none"> Policy 3.3.5R clearly distinguishes between what is meant by PRI and PMI, and when they should be awarded. A review of WCAT decisions does not indicate confusion about the award of these benefits.
<p><u>Standards for decision making</u></p> <ul style="list-style-type: none"> There is nothing holding WCB decision makers accountable to make decisions in accordance with the 	<ul style="list-style-type: none"> All WCB decision makers are required to comply with the <i>Act, Regulations</i> and program policy. Where the law or policy requires the exercise of discretion, decision makers weigh all the evidence and render a decision. The WCB currently has decision making standards in place. Chapter 1 of the policy manual specifies the standards WCB decision makers must follow when making 	<ul style="list-style-type: none"> Decision making standards are currently in place. The WCB's approach is consistent with other WCB's. Where appropriate, the WCB uses performance management to address any

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<p><i>Act, Regulations, and Board Policies, or that they be consistent with precedent setting appeal decisions.</i></p>	<p>entitlement decisions. In particular, <i>Policy 1.3.7 General Entitlement - Arising out of and in the Course of Employment</i> and <i>Policy 1.4.3 Weighing Conflicting Medical Evidence</i> specify the fundamental decision making framework for entitlement decisions and the consideration and weighing of evidence.</p> <ul style="list-style-type: none"> • The WCB uses a performance management process to address any identified deficiencies in the quality of decision-making by an employee of the WCB. • The WCB reviews WCAT decisions to identify those that may be precedent setting. As well, the WCB implements precedents set in Court of Appeal decisions where appropriate. • Generally, other Canadian jurisdictions take an approach similar to Nova Scotia. That is, the <i>Act</i> and individual policies represent the decision making standards for the board. 	<p>identified deficiencies in decision-making.</p>
<p><u>Apportionment of Temporary Earnings Replacement Benefits</u></p> <ul style="list-style-type: none"> • Current Policy 3.9.11R1 <i>Apportionment of Benefits</i> should be amended to permit case managers to apportion temporary benefits when there is an activation, acceleration or aggravation of non-work injury/illness. 	<ul style="list-style-type: none"> • This issue was considered by the Board of Directors in 2007. At that time it was decided to not apportion TERB due to: <ul style="list-style-type: none"> ○ Potential inconsistency with WCB's goal of safe and timely RTW. It may put undue pressure on workers to RTW before safe to do so because of financial pressures. ○ May not be fair and reasonable: "but for the compensable injury" worker would not be experiencing a temporary earnings loss and would be working. ○ Administratively challenging to implement. The WCB has objective, medically based tools to help inform apportionment of permanent benefits (AMA and PMI Guidelines). These tools are not appropriate for guiding apportionment of TERB, where worker's recovery from injury is still progressing. • No Canadian WCB jurisdiction apportions temporary earnings replacement benefits. 	<ul style="list-style-type: none"> • This issue was addressed in 2007 and a decision made to not apportion TERB. • No Canadian jurisdiction apportions TERB. •
<p><u>Employer Access to Claim Files</u></p> <ul style="list-style-type: none"> • Employers are only 	<ul style="list-style-type: none"> • <i>Policy 10.3.5 Access by Employers to Information Contained in Clients' Claim Files</i> and the <i>Act</i> enables employer to request claim file information relevant to an 	<ul style="list-style-type: none"> • The issue was recently considered and the Board determined policy revision was not required.

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able gain access to claim file information after an appeal to a hearing officer has been initiated.	<p>appealable decision, without having to appeal a decision.</p> <ul style="list-style-type: none"> • This issue was analyzed and reviewed by the Board of Directors in 2007/08. The Board of Directors decided the existing policy was adequate. A new procedure was implemented to support responses to employer requests for claim file information. • As per the <i>Act</i>, the WCB is charged with determining relevancy. Only information indispensable to understanding a decision is considered relevant. There will likely continue to be employers and injured workers who do not agree with the WCB's assessment of what is, or is not, considered relevant. 	<ul style="list-style-type: none"> • The current policy and practice strikes an appropriate balance between worker privacy and employer information needs.
<p><u>Environmental Exposure Injuries</u></p> <ul style="list-style-type: none"> • Policy development on Environmental Exposure Injuries is required to reflect current medical research. 	<ul style="list-style-type: none"> • Environmental Exposure claims usually result from a specific workplace irritant or from exposure to a chemical, particulate or biological irritant; conditions related to environmental exposure can also develop over a period of time. The WCB must determine if there is a casual connection between the symptoms and the workplace exposure. • Those exposures that are considered to be an occupational disease under Appendix C of the Regulations fall under the scope of <i>Policy 1.2.14 General Entitlement - Occupational Disease Recognition</i>. • In the past, the WCB did have a policy on Environmental Exposure (EE). It was rescinded because it was found to exceed standard of proof under s.187 of <i>Act</i>. • Since 2009, WCB has dedicated a Case Manager to adjudicate EE claims, resulting in very low overturn rate at Internal Appeals (1 claim) and no overturns at WCAT in the last 12 months. • Jurisdictionally, like Nova Scotia, most WCBs use either their general entitlement or occupational disease policies to adjudicate these claims. 	<ul style="list-style-type: none"> • The WCB has policy (general entitlement and occupational disease) to guide adjudication of these claims. • In addition, administrative changes such as a dedicated case worker for these claims have improved the quality and consistency of decision as evidence by success at appeal.
<p><u>Opioid Guidelines</u></p> <ul style="list-style-type: none"> • Establish a policy that 	<ul style="list-style-type: none"> • As a result of the research conducted on opioid usage in the NS workers' compensation system and considering the experience in other jurisdictions, the WCB Board of 	<ul style="list-style-type: none"> • The issue was recently considered and the Board determined policy was not

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<p>aligns the WCB with the Canadian Guidelines for the Safe and Effective Use of Opioids for Chronic non-Cancer Pain.</p> <ul style="list-style-type: none"> Current policy on this topic is either non-existent or out-of-date. 	<p>Directors decided in May 2011 that policy is not an appropriate tool at this time.</p> <ul style="list-style-type: none"> In 2010/11 the WCB completed the opioid prescription usage analysis based on quantitative data. The Board discussed options to respond to the results of the research including: working collaboratively with health care partners to promote development of opioid guidelines for NS; education to the physician community; and working with the Prescription Monitoring Program service for investigating inappropriate opioid prescribing. 	<p>appropriate at this time.</p> <ul style="list-style-type: none"> Instead, non-policy solutions are currently being pursued.
<p><u>Stakeholder complaints</u></p> <ul style="list-style-type: none"> New policy required to provide guidelines, rules, and procedures for WCB staff, executive, and Board of Directors regarding identifying and addressing complaints and issues with stakeholders. 	<ul style="list-style-type: none"> Policy 10.3.1R - Quality of Service Delivery, in combination with the WCB Client Relations Officer, addresses complaints by stakeholders while ensuring Board of Directors is aware of level and nature of complaints and their resolutions. The Client Relations Officer tracks complaints and reports to Board of Directors quarterly. In 2011, 32 complaints were made to the WCB. 19 were substantiated complaints regarding issues such as communications with case workers and timeliness. In these instances the WCB identifies and implements an appropriate course of action with a view to preventing communication break-down and improve timeliness of service where possible in the future. Similar to WCB Client Relations Officer role, the majority of other provinces have Fair Practices or Client Services Officers to deal with workers' complaints about the service. 	<ul style="list-style-type: none"> Existing policy and Client Relations Officer position address the issue.
<p><u>Minimum Assessment Rate</u></p> <ul style="list-style-type: none"> Eliminate the Experience Rating process and introduce a minimum assessment rate until the Unfunded Liability is eliminated. 	<ul style="list-style-type: none"> The WCB has a goal of a financially stable and sustainable system. The Board of Directors has a funding strategy designed to achieve full funding of the Boards liabilities between 2019 and 2023. Part of that plan includes the WCB's ability to incent /disincent behavior based on the experience rating process. Removing the WCB's ability to incent positive safety behavior does not support injury prevention, safe and timely return to work, or the eliminating the unfunded liability. The WCB has been carrying out a review of aspects of the rate setting model. The Board has recommended changes to the program to further incent safety behaviors through 	<ul style="list-style-type: none"> Does not support the WCB's injury prevention or elimination of the unfunded liability. The WCB's approach is consistent with that of other Canadian WCBs.

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	<p>assessment rates.</p> <ul style="list-style-type: none"> All Canadian WCB's (with the exception of YK) use experience rating to incent safety behaviors. 	

C. Non-policy Issues (not included on Revolving Program Policy Agenda)

Topic Description	Analysis	Rationale for Non Policy Ranking
<p><u>WCB participation at Appeals</u></p> <ul style="list-style-type: none"> WCB should attend or present at Appeals. Not participating results in lack of clarity of WCB decisions, a lack of relevant evidence for appeal decision maker, and a lack of accountability for WCB. 	<ul style="list-style-type: none"> The WCB is the neutral administrator of the <i>Act</i>. WCB decisions are based on an application of the <i>Act</i> and policy to the facts of an individual claim. The rationale for a WCB decision is contained in the written decision. The WCB will make submissions in relation to an appeal if it is believed a WCAT or Court of Appeal decision could have significant implications for the WCB or the System. The WCB does not believe it is appropriate to advocate on behalf of any one appeal participant. The WCB could be perceived as biased. The WCB's decision to participate (or not) at appeals is a corporate decision, and does not require program policy. 	<ul style="list-style-type: none"> This is a corporate decision rather than a program policy issue. The WCB has the ability to provide information submissions to WCAT and the Court of Appeal where circumstances warrant.
<p><u>Timeliness of implementation of appeal decisions</u></p> <ul style="list-style-type: none"> WCB should have an accountability policy that details specifics of implementation of overturned decisions on appeal. Not having policy on this creates fairness and timeliness issues. WCB is slow to implement decisions 	<ul style="list-style-type: none"> The WCB is committed to the timely implementation of appeal decisions. Appeal decisions take different lengths of time to implement depending on the direction given and how much work is required to affect the outcome required. This makes it difficult to specify a time frame in policy for implementation that will accommodate all situations. The WCB agrees there is an opportunity to improve communication with injured workers regarding the process and timelines for the implementation of appeal decisions. 	<ul style="list-style-type: none"> Given the vast variation in the time required to implement various types of decision, the WCB does not believe policy is the appropriate tool for addressing this issue. The importance of communicating to workers the process for the implementation of appeal decisions will be reiterated with WCB staff.

Topic Description	Analysis	Rationale for Non Policy Ranking
on a regular basis.		
<p><u>Basic Principles for WCB</u></p> <ul style="list-style-type: none"> There should be a separate statement in General Entitlement Policy to clarify basic principles for the Board and in its Policy Manual. Suggested that it include "The Stanhope Manifesto on Workers Compensation" and its 27 principles of 2002 and 2006. 	<ul style="list-style-type: none"> The <i>Act</i> currently embodies the Meredith Principles which provide the basis for workers' compensation legislation in Canada. A change in the foundation upon which the system is built is most appropriately done through legislative change. The Stanhope Manifesto may not be representative of all workers and worker associations/unions or employers. The majority of jurisdictions in Canada do not have specific policies relating to these types of principles. Rather, they (the Meredith Principles or similar) are referenced in background sections of websites to explain the origin of workers' compensation in Canada, and in mission statements. The Meredith Principles are currently on the WCB's website. 	<ul style="list-style-type: none"> Covered by the Meredith principles embodied in the <i>Act</i>. A change in the foundations upon which the system is built should be done through legislative change. Such principles are typically communicated through tools such as websites or annual reports.
<p><u>Injury prevention in Healthcare</u></p> <ul style="list-style-type: none"> Policy should be developed for prevention of specific hazards in the health care sector such as violence aggression and working alone. 	<ul style="list-style-type: none"> The prevention of workplace injuries is a strategic goal for the WCB. The WCB achieves this goal through a variety of means such as financial incentives, social marketing, and working with safety partners such as AwareNS. AwareNS (a WSIS aligned organization) has a "mission to work with stakeholders and partners to promote and improve safety and health in Healthcare and Community Services workplaces, our focus is to promote a culture of workplace safety and well-being that will begin to reverse the trend of injuries and illness within the sector". WCB workplace consultants provide injury prevention advice to large workplace in the province, including advice on violence prevention. AwareNS provides access to a number of violence prevention resources on their website. The WCB and NS Department of Labour and Advanced Education also have injury prevention tools and other resources on their websites. The Government of Nova Scotia approved Violence in the Workplace Regulations in 2007 that strengthen employers' responsibility to protect workers from physical violence and 	<ul style="list-style-type: none"> Regulation, resources, and tools presently exist to support violence prevention and the hazards of working alone. AwareNS has taken on the mission of working with stakeholders and partners to promote and improve safety and health in Healthcare and Community Services workplaces. Opportunities for improving access to prevention tools could be considered when the WCB and the System update the Prevention Strategy in 2012.

Topic Description	Analysis	Rationale for Non Policy Ranking
	threats of physical violence on the job.	
<p><u>Impact Assessment of Restructuring</u></p> <ul style="list-style-type: none"> • Proper assessment of workload distribution should be conducted before any possible WCB reductions in positions or layoffs occur. Impact assessment should include full statement of projected costs and savings. 	<ul style="list-style-type: none"> • Prior to any re-organization of WCB departments or services, the WCB undertakes detailed analysis of the human and financial impacts. These results are presented to the Board of Directors for approval. • The WCB consults with the union representing WCB staff if/when any type of re-structuring is contemplated. • The WCB is required to adhere to the terms of the NSGEU Collective agreement for unionized staff. If such an event were to occur, any job changes/layoffs would occur as per Article 13 of the Collective Agreement (Job Security), specifically 13.04-13.09, which outlines consultation, layoff, placement, etc. 	<ul style="list-style-type: none"> • This is an administrative issue governed primarily by the WCB business planning process and the collective agreement.
<p><u>Appropriateness of cases</u></p> <ul style="list-style-type: none"> • The system should have checks and balances in place to ensure that injured workers in need of support can easily receive it, while ensuring that fraudulent claims do not go unattended. 	<ul style="list-style-type: none"> • The WCB believes there are appropriate checks and balances in place to ensure the WCB accepts claims that meet the requirements in the <i>Act</i> and policy. • The <i>Act</i> and policies specify entitlement and eligibility criteria. Decision makers seek additional information where there is uncertainty surrounding the information provided in support of a claim for compensation. • An employer may provide additional information about a claim, or they may object to a claim if they believe an injury is not work related. In addition, an employer or worker may appeal a decision to accept/deny a claim. • The WCB has an investigations unit. Where evidence is presented that a fraud may have been committed (by a worker or an employer) the WCB will investigate and appropriate action will be taken. 	<ul style="list-style-type: none"> • Existing legislation and policy establish entitlement eligibility criteria. • The WCB has the ability to investigate potential fraud by workplace parties where appropriate.
<p><u>Role of WCB Medical Advisor and other health care consultants</u></p> <ul style="list-style-type: none"> • WCB decision makers are often deferring to Medical Advisors for case management 	<ul style="list-style-type: none"> • WCB practice has been to not include job descriptions of any WCB employee in program policy. • Medical Advisors provide written opinions where asked by a decision maker to provide input on a medical question/issue. The Medical Advisor role is outlined in relevant policies (weighing medical evidence, determination of PMI rating, etc). 	<ul style="list-style-type: none"> • The Role of the WCB medical advisor is outlined in relevant policies and the audiologist consultant acts in a similar role. • The WCB does not believe it is appropriate to place job descriptions in program policy.

Topic Description	Analysis	Rationale for Non Policy Ranking
<p>decisions.</p> <ul style="list-style-type: none"> Medical Advisors have no decision-making authority yet are often citing policy and legislative requirements in their opinions. The role/function of physiotherapist and audiologist consultants has not been communicated to stakeholders. 	<ul style="list-style-type: none"> As suggested in the policy, weighing evidence and decision making is the role of the case worker, not the Medical Advisor. The WCB audiologist consultant acts in a manner similar to a medical consultant, except they specialize in hearing related injuries. No WCB defines the role of the Board Medical Adviser as a standalone policy. The role/function of the physiotherapist as part of Direct Access to Physiotherapy will be more fully communicated to stakeholders as part of the implementation of the recommendations of the Physiotherapy Working Group. 	
<p><u>Quality Improvement, Accountability and Consultation</u></p> <ul style="list-style-type: none"> The WCB requires a renewed commitment to continuous quality improvement and system accountability Improved consultation would ensure that stakeholders have a voice in the utilization of financial & human resource investments. 	<ul style="list-style-type: none"> The WCB's Balanced Scorecard establishes the outcomes the WCB is accountable for achieving. The WSIS also has system performance measures. The WCB also annually conducts a legislative compliance review. The WCB is in compliance with its legislation. Policy 10.3.11 – Policy Consultation, outlines WCB consultation process with stakeholders. WCB will post a draft policy and related background information on WCB web site for stakeholder input. Stakeholders have opportunity to participate in policy issue identification that informs the development of the revolving program policy agenda. The WCB maintains a list of key stakeholders who will be notified that policy consultation is in progress and mailed relevant materials for comment. 	<ul style="list-style-type: none"> This is a corporate governance issue. The WCB has an existing policy consultation policy.
<p><u>Information Management</u></p> <ul style="list-style-type: none"> WCBNS requires policy that clearly directs procedures and processes for consistent information management. 	<ul style="list-style-type: none"> The WCB agrees it is important to ensure that business and injury data are accurately coded into the WCB computer systems. The WCB, as well as stakeholders, depend on this information for planning and budgeting purposes. The WCB recently (September 2011) met with safety associations (including AwareNS) and provided an overview of the types of information the WCB collects and what can 	<ul style="list-style-type: none"> This is an operational/administrative issue. The WCB is communicating with stakeholders on improving information sharing while remaining compliant with applicable legislation.

Topic Description	Analysis	Rationale for Non Policy Ranking
Considering the current fiscal realities, increased accountabilities and demand for evidence based decision making, stakeholders are dependent upon reliable data and information to direct decision making around prevention initiative investments.	<p>(in compliance with applicable legislation) be shared with associations.</p> <ul style="list-style-type: none"> • WCB is currently looking at changing the data coding process to ensure greater efficiency and accountability. Options have been identified, and a recommended action plan will be brought forward in the new year. • The WCB is working toward formalizing an information-sharing agreement for the sharing of information with safety associations that will ensure compliance with the <i>Act</i> and privacy legislation (FOIPOP). 	
<p><u>Employer Accident Reporting</u></p> <ul style="list-style-type: none"> • Current policies 10.1.1R and 10.1.2 are not sufficient. All accidents, not just those involving time loss or medical treatment, should be reported. 	<ul style="list-style-type: none"> • The <i>Act</i> requires reporting where accident occurs and may entitle a worker to compensation. The WCB does not have the legal authority to require an employer to report near misses where there may not be any entitlement to compensation. • No other Canadian WCB requires reporting where there has been no injury. 	<ul style="list-style-type: none"> • The WCB does not have the authority to require reporting of “near misses” where the worker may not be entitled to compensation. • Employers, as part of their internal safety programs, should investigate near misses in an effort to prevent future injuries.
<p><u>Universal Coverage</u></p> <ul style="list-style-type: none"> • The WCB should move to universal coverage. 	<ul style="list-style-type: none"> • Universal coverage can only be achieved through combination of legislative and regulatory change. 	<ul style="list-style-type: none"> • Legislative/regulatory change is required. • This issue is on the list of potential legislative changes.
<p><u>Investigation of injuries during treatment</u></p> <ul style="list-style-type: none"> • A new policy to identify the requirements of Service Providers and the WCB in the 	<ul style="list-style-type: none"> • The WCB agrees that where an injury occurs during treatment, it should be investigated. • Over last 5 years, approx. 18,500 workers received 250,000 physiotherapy treatments. During that time, fewer than 40 workers indicated physiotherapy aggravated an existing injury or that they were otherwise injured during treatment. • In 2010, WCB established a stakeholder led Direct Access to Physiotherapy Working Group in response to concerns 	<ul style="list-style-type: none"> • The WCB believes the issue has been addressed through the implementation of the recommendations of the Physiotherapy Working Group and contract requirements. • The WCB has the ability to remove a service provider from the list of approved service providers if appropriate. • Implementation and monitoring will occur

Topic Description	Analysis	Rationale for Non Policy Ranking
<p>reporting, investigation and implementation of remedial action regarding the occurrence of new and recurrent injuries to injured workers while undergoing treatment and participating in return to work programs.</p>	<p>raised by stakeholders about the program. The Working Group made a series of recommendations for improvements to the program. One of the issues raised was injury of workers while being treated by physiotherapists.</p> <ul style="list-style-type: none"> • WCB project launched in June 2011 to address the recommendations. With regard to the issue of injury during treatment, the project will focus on the implementation of process to identify and track injuries during treatment. • Physiotherapists are governed by the College of Physiotherapy. This governing body considers complaints, conducts investigations, and makes recommendations for discipline where appropriate. • The WCB's contract with physiotherapy providers requires clinics to ensure safe equipment, immediately report all incidents to case worker; and do follow up investigation of any incidents. 	<p>as per the Physiotherapy Contract.</p>