

Policy Background Paper:

Policy Consultation Policy

February 12, 2025

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1. Background & Purpose

Section 183 of the *Workers' Compensation Act* (the Act) gives the WCB Board of Directors the authority to develop policies to support the neutral administration of the Act. S.183(3) states the Board of Directors may invite submissions from interested parties before adopting a policy. In 2004, the Board adopted a "Policy Consultation Policy" (10.3.11) which detailed the process the Board would follow for stakeholder consultations. The process is further detailed in the WCB Policy Framework document.

An unintended consequence of Policy 10.3.11 was that it resulted in the policy development process being unnecessarily lengthy and cumbersome due to a requirement to complete a minimum 30-day stakeholder consultation on all policy changes whether they were minor or substantial. The Board is proposing a change to Policy 10.3.11 in order to facilitate a more efficient policy development process and an improved stakeholder consultation process that focusses on substantial policy changes. This policy update does not change the Board's commitment to stakeholder consultation when it is appropriate.

A jurisdictional scan of other Boards across the country was completed to identify their policy development processes. The processes vary from no consultation to consultation with specific groups, to open consultation for any interested parties. The detailed scan can be found in Appendix C.

The purpose of this paper is to provide an overview of the changes proposed to the Policy (Appendix A) and an opportunity for stakeholders to provide feedback.

2. Policy Changes

As is currently written, Policy 10.3.11 is procedural in nature and focusses solely on Stakeholder Consultation. It requires the Board to consult with Stakeholders for all policy changes. The result is that even minor policy changes (i.e. spelling corrections) are required to be posted for a minimum of 30 days on the WCB website. This makes the policy process unnecessarily lengthy and wastes the time of stakeholders who do not need to be consulted on these changes. The updated policy 10.3.11 will focus on the Policy Development process overall and state the high-level commitments and guiding principles for policy development. The policy will be more in line with the *Act* which gives the Board the authority to develop policy and to engage stakeholders in the process when appropriate. The details of how we will meet the commitment to stakeholder consultation will be detailed in the WCB Policy Consultation Framework.

What is changing?

In the new process as detailed in the Policy Framework (Appendix B), rather than standalone policy topics being worked on one at a time, packages of policies will be grouped together. The Board will decide which policy packages will require stakeholder consultation. Policy consultation will not typically be undertaken for:

- Non substantive policy changes, meaning the changes do not affect the rights or responsibilities of injured workers or employers.

- Policy changes that are legally required by the legislature or justice system.
- Issues that have already been the subject of a previous consultation.

In addition, there will no longer be two stages of consultation which were 30 or 60 days in length. Instead, with each policy package that the Board has identified as requiring stakeholder consultation, a background paper and proposed draft policy will be published on the corporate website for a minimum of 30 days and two public consultation sessions open to any interested parties will be held.

What is not changing?

The Board's commitment to consulting with stakeholders remains unchanged. The process changes are to support a more efficient and effective policy development process overall.

3. Providing Your Comments

We are interested to hear your comments on this proposed policy change. We appreciate all feedback provided, however please note that requirements contained in the *Act* cannot be changed through policy.

You can participate and share your feedback in a few different ways:

1. **Attend one of our policy webinars.** If you subscribe to our Policy notification list you will receive an invitation. If not, please sign up here [Policy Subscription](#). The first webinar will be held on **March 6th, from 3 p.m. to 4 p.m.** At the webinars you can provide your thoughts and feedback on the policy, and identify gaps and areas where further clarity is needed. We will capture all this input and consider it as part of our final policy drafting.
2. **Make a written submission with your feedback on the proposed new policies.** You can send the submission to our policy email Policy@wcb.ns.ca, or send it in hard copy in the mail to:
 Policy Department
 WCB of Nova Scotia
 PO Box 1150, Halifax NS B3J 2Y2

You can always reach us at Policy@wcb.ns.ca with questions. The paper is also available at www.wcb.ns.ca. Feedback must be received no later than the closing of the consultation period April 28, 2025.

Appendix A: Draft Policy

Policy Number: 10.3.11

Topic: Policy Development

Section: General Policies

Subsection: Administration

Effective: January 1, 2004

Issued: November 18, 2004

Approved by Board of Directors: November 9, 2004

Preamble

Section 183 of the Workers Compensation Act (the Act) gives the WCB Board of Directors the authority to develop policies to support the neutral administration of the Act. Policies are a tool used by the Board to support consistent interpretation of the legislation and regulations; and to provide a framework for decision-making that supports quality and consistency in the administration of the Act. The Board of Directors considers all relevant information, including stakeholder consultation when appropriate, to make policy decisions.

Policy Statement

1. Policy Development Guiding Principles

The WCB Board of Directors is committed the following principles:

- Policy decisions will be evidence based.
- Policies will be understandable using plain language.
- Policies will be easily accessible.
- Policies will be comprehensively implemented across the organization.

2. Commitment to Stakeholder Consultation

The Workers' Compensation Board, a stakeholder representative Board, is committed to a policy development framework that provides for appropriate consultation with stakeholders. The Board of Directors will determine the need for and nature of stakeholder consultation.

Application

This policy applies to policies developed on or after XXXX.

References

Workers' Compensation Act (Chapter 10 of the Acts of 1994-95), (as amended), Section 183.

Appendix B: WCB Policy Framework

WCB policies adopted by the Board of Directors (the “Board”) under S. 183 of the *Workers’ Compensation Act* (the “*Act*”) are formal statements of the Board’s position on a given issue and are followed in the application of the *Act* and *Workers’ Compensation General Regulations*. Policies approved by the Board are binding on both the WCB and the Workers’ Compensation Appeals Tribunal (WCAT). This means they become part of the legal framework and have the force of law. Policy topics include, for example, entitlement, short and long-term benefits, and assessments.

The WCB uses a policy framework that ensures we identify the topics that require policy development and is consistent with our commitment to transparent policy development.

Development of the Annual Policy Work Plan

WCB Nova Scotia uses an Annual Policy Work Plan to guide the work of the WCB’s Policy Team.

Throughout the year, the WCB’s Policy Team monitors the environment and records possible topics for the work plan. Topics typically come from:

- Legislative or regulatory changes.
- Strategic priorities and initiatives.
- Day-to-day application of policy and/or procedure.
- Emerging trends, changes or advances in current knowledge.
- Appeals or court proceedings.

In addition to topics identified through environmental monitoring, individuals and organizations can also identify topics for possible consideration by the Policy Team. This can occur through, (for example) communicating issues or topics to members of the Board during engagement activities. Potential policy topics can also be highlighted through WCB staff and management interactions with stakeholders, employers, and System partners. As well, stakeholders can provide input [online](#) or in writing to:

Email: policy@wcb.ns.ca

Mail: Policy
Workers’ Compensation Board of Nova Scotia
PO Box 1150
Halifax, Nova Scotia B3J 2Y2

The topics identified throughout the year are researched and analyzed by staff to identify the scope and nature of the issues as well as possible responses, one of which may be policy development. Once this work is complete, the Board will review the proposed work plan in light of their prioritization criteria (below).

High Priority	<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 plans and requires completion to achieve the project outcomes.
Medium Priority	<ul style="list-style-type: none"> • Policy supports achievement of a corporate or System goal/priority. • Policy is causing a major service delivery issue. • 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.
Low Priority	<ul style="list-style-type: none"> • Emerging trend in social environment (i.e. changing demographics) • Elapsed time since last revision • Policy needs housekeeping changes

The Board will approve the Annual Policy Work Plan in the fall for the upcoming year. Typically, the work plan will contain 3 to 4 packages of themed policies to be worked on throughout the year. The Board will determine if public consultation is required for each package. 3 to 6 items including a mix of high-priority items as well as items that support on-going maintenance of the Policy Manual. Recognizing that a time sensitive high-priority policy issue could emerge during the year, the Board always maintains the ability to adjust the Annual Policy Work Plan to allow for a timely response.

Stakeholder consultation on specific policy topics

The WCB will seek stakeholder input during the development of new or revised policies. As the initial step in the policy consultation process, the Board of Directors will determine whether a 1 Stage or 2 Stage consultation process is required. The Board will consider the following criteria in making this decision:

1. Policy development impact on policy intent. This includes whether or not policy revisions are editorial (typos) or more substantive (e.g. the policy no longer applies to a particular group of workers or employers).
2. Impact on the System, workers, and employers. This includes financial impact; impact on worker entitlement and benefits; and impact on employer assessment rates.

3. Stakeholder interest in, or ability to influence, policy outcome. In considering this criterion, the Board will strive to balance stakeholder interest in a particular policy topic with their ability to influence policy outcomes. For example, while stakeholders may be very interested in a particular policy topic, they may have limited ability to impact policy content if the Court has directed the changes.

1 Stage Consultation

A1 Stage consultation approach consists of:

- A draft policy and background document will be posted on the WCB website for a period generally ranging from a minimum of 30 to a maximum of 90 calendar days allowing for stakeholder submissions. Considering the nature of the policy issue and policy environment, the Board may choose a longer consultation period.
- A notification will be sent to those who subscribed to the “Policy Consultation List” that a minor policy item has been posted to the website and consultation is in progress. (In accordance with Policy 10.3.11 the WCB maintains a list of key stakeholders. Stakeholder can subscribe to the list at any time by simply clicking [SUBSCRIBE](#) and adding their contact information.
- The Workers’ Advisors Program (WAP) and the Workers’ Compensation Appeals Tribunal (WCAT) will be notified that a minor policy has been posted to the website and consultation is in progress. Where the policy item is prevention/safety related, the Occupational Health and Safety Division (OHS) of the Department of Labour and Advanced Education (LAE) will also be notified.
- Input provided by stakeholders and WAP/WCAT/OHS will be shared with and considered by the Board as they make a final policy decision.
- To complete the consultation process a consultation summary document highlighting the key points raised by stakeholders and WAP/WCAT/OHS, as well as the WCB’s response, will be posted to the WCB website and directly shared with all those that participated in the consultation sessions.

2 Stage Consultation

A2 Stage consultation consists of:

Stage 1 – Small Stakeholder Working Group

- In the development/review of any major policy topic, the WCB will establish a small stakeholder working group of 4-6 individuals representing the key stakeholder groups. The stakeholder working group will provide an opportunity for stakeholders to interact and to

identify, clarify and discuss their issues/concerns related to the policy topic under development/review. Stakeholders' input will help inform the scope of the policy review on the specific topic.

- Prior to the working group meeting an issue background document for the policy topic will be shared with working group members.
- Copies of the issue background document will be sent to WAP, WCAT and OHS (if the policy item is prevention/safety related) and their input encouraged.

Stage 2—Stakeholder Input re: Draft Policy

- Considering the input gathered during stage 1, the WCB will conduct a review of the policy topic and will prepare a draft policy. During this stage of the consultation process stakeholders will have an opportunity to provide input on the draft policy. The Board of Directors will consider this input when making its final policy decision.
- A draft policy and background document will be posted on the WCB website for a period generally ranging from 30 to 90 calendar days allowing for stakeholders submissions. Considering the nature of the policy issue and policy environment, the Board may choose a longer consultation period.
- Notification of the draft policy and background paper will be sent to those individuals who have subscribed to the “Policy Consultation List” for input. (In accordance with *Policy 10.3.11—Policy Consultation* the WCB maintains a list of key stakeholders. Stakeholder can subscribe to the list at any time by simply clicking [SUBSCRIBE](#) and adding their contact information.
- A copy of the draft policy and background document will be sent to WAP, WCAT and OHS (where policy item is prevention/safety related) and their participation encouraged.
- Input provided by stakeholders and WAP/WCAT/OHS will be shared with and considered by the Board of Directors to arrive at a final policy decision.
- To complete the consultation process a consultation summary document highlighting the key points raised by stakeholders and WAP/WCAT/OHS as well as the WCB's response will be posted to the WCB website.

Stakeholder consultation on specific policy packages

The WCB Board of Directors will identify policy packages that require stakeholder consultation. Consultation is not typically undertaken for:

- Non substantive policy changes, meaning the changes do not affect the rights or responsibilities of injured workers or employers.
- Policy changes that are legally required by the legislature or justice system.
- Issues that have already been the subject of a previous consultation.

When deemed appropriate, the WCB will seek stakeholder input during the consultation phase of each themed package of policies being worked on. Each consultation will include, at a minimum:

- A written background document and proposed draft policies published on our corporate website.
- 2 public consultation presentations open to any interested parties.

Consultation Details:

- Draft policy language being proposed/amended and background rationale will be posted on the WCB website for a minimum of 30 calendar days allowing for participant submissions. Considering the nature of the policy issue and policy environment, the Board may choose a longer consultation period.
- Notification will be sent to ALL those who subscribed to the “Policy Consultation List”, as well as a much broader list of employer and labour groups that the Board maintains that a package of policies has been posted to the website and consultation is in progress.
- As part of the notification above, all participants will be invited to sign up to participate in a presentation and Q&A session with the Policy team to discuss the proposed package of policies.
- The WCB maintains a list of key participants. Participants can subscribe to the list at any time by simply clicking [SUBSCRIBE](#) and adding their contact information. Each consultation notification will include a reminder to subscribe to the distribution list.
- Additionally, packages of policy consultation documents and information sessions will be promoted on our corporate website and social media platforms for greater awareness.
- The Workers’ Advisors Program (WAP), the Workers’ Compensation Appeals Tribunal (WCAT), and the Occupational Health and Safety Division (OHS) of the Department of Labour, Skills and Immigration (LSI) will be notified that a package of policies has been posted to the website and consultation is in progress. Separate input sessions will be held with these system partners to discuss and gather input on each consultation.

- Feedback/comments collected at the information sessions as well as any written submissions received prior to the consultation deadline will all be considered by the Policy team in making the final policy recommendation to the Board of Directors for approval.
- Once the final policy recommendation is approved by the Board of Directors, a consultation summary document highlighting the key points raised by all participants, as well as the WCB's response will be posted to the WCB website and shared with all participants.
- In keeping with the need for a continuous improvement approach, we will learn, adjust, and improve the process as we go and will look to continually increase participation recognizing that some topics draw more interest than others.

Appendix C: Jurisdictional Scan

	Structure Overview (committee?)	Formal Policy or Framework for Policy Development	Workplans	Stakeholder Consultation	Minimum Consultation Period	Are policy topics packaged in groups or managed one at a time?
BC	Policy & Practice Consultative Committee (met 9 times in 2024) Responsible for: Stakeholder consultation processes; Stakeholder perspectives on priority issues; Identifying Stakeholder issues; Receive updates on key initiatives; Share relevant information with their communities. Committee meeting minutes are displayed publicly online.	Framework: Policy Development Framework	<ul style="list-style-type: none"> WorkSafeBC currently maintains four workplans: <ul style="list-style-type: none"> Compensation and Occupational Disease Policy Assessment Policy Occupational Health and Safety (OHS) Policy OHS Regulation Policy workplans set out priorities for a 3-year period. Draft workplans are published on the website for public review and comment and shared internally. Policy group revises the workplan based on feedback received. Then approved by Board. 	Issue Development & Pre-Consultation (<i>optional, depends on a number of considerations. PPCC decides who to consult</i>) Public Consultation (Discussion Paper & Draft Policy published on the external website) occurs in most circumstances. For minor projects, or for time sensitive projects, there may be no posting of a Discussion Paper and Draft Policy. In these situations, there will usually be limited consultation with PPCC during one of their meetings.	There is no minimum consultation period, depends on the project. In some cases, there is no public consultation (there will be limited consultation with PPCC at one of their meetings).	During the Issue Analysis phase, policy issues are divided into subject areas. Any interrelationships between issues are identified to determine whether the issues should be combined or addressed separately.
AB	Senior management approval is required before items go forward to the Board of Directors' Policy Committee. Final approval is given by the Board of Directors.	Framework: Policy Development & Consultation Process	Policy workplan is multi-year, rolling (2 years); ask for external* input on plan every two years. <i>*The use of the term 'external' instead of 'stakeholder' is purposeful. AB is</i>	Board of Directors and its Policy Committee determine the need for and nature of policy consultation. Consultation is not usually undertaken for policy changes that are:	60 days is the norm, but they are often extended to 90 days and have been as little as 30 days to accommodate legislative changes.	One topic at a time is most common but the process is flexible and topics may be combined or presented concurrently.

			<p><i>moving away from using the term ‘stakeholder’ to de-colonize language. (The origin of the term ‘stakeholder’ refers to colonizing settlers in North America staking their claim on lands occupied by Indigenous peoples. Many Indigenous people have said that the term hurts them, as it reminds them of past wrongs that happened to their ancestors.).</i></p>	<ul style="list-style-type: none"> • Non-substantive, meaning the policy amendments do not affect the rights or responsibilities of either injured workers or employers. • Legal imperatives, in which the Legislature or justice system has directed that a change or amendment to a policy be made. • Consultation is not normally carried out for issues which have already been the subject of a previous consultation 		
SK	No Policy committee	<p>Formal Policy: Policy Directives Policy</p> <p>Board authorized to develop policy directives without consultation. The requirement is to inform by making them public.</p>	<p>Policy priority setting includes discussing issues within the Legal & Policy team and with management and Executives. Policy priorities are also discussed with the full time Board Members through the monthly Executive Committee meeting of which the Assistant Director of Legal and Policy is an attendee.</p> <p>New policies or policy amendments may arise from items identified by the Board, items identified by staff, strategic priorities of the WCB, legislative or regulatory changes, court decisions, emerging issues and trends, and regular policy review and evaluation.</p>	<p>No consultation required.</p> <p>The 2006 Committee of Review (legislative review) recommended that policy drafts be posted, and stakeholders consulted. That recommendation was not accepted.</p>	NA	Appear to do one topic at a time.
MB	No Policy committee	No policy or framework		No consultation is required / only inform of changes. Stakeholders	NA	One topic at a time.

				<p>can sign up to be informed of changes.</p> <p>Although not required Manitoba does sometimes choose consult with external organizations representing Labour and Business on specific policy topics prior to making changes</p>		
ON	<p>Chair's Advisory Committee</p> <p>Policy development can rely on Chair's Advisory Committees for input.</p>	<p>Framework: Framework for operational policy development and renewal</p>	<p>Each year the WSIB reviews and prioritizes all identified policy issues based on a number of factors including</p>	<p>Consult when deemed necessary. Balance need for input with importance of timely development. Can be targeted consultation with specific committees / groups or Broad Public Consultation.</p>	60 to 120 days	
NB	<p>Policy Consultation Committee</p> <p>This is an internal committee with representation from multiple departments aimed at gathering operational issues and insights on how our policies are used by the business.</p>	<p>Formal Policy: Governance- Policy Development Policy Governance- Stakeholder Engagement Policy</p>	<p>Policy agenda set annually but can be modified anytime.</p>	<p><i>Board decides if consultation is necessary.</i> Governance- Stakeholder Engagement Policy</p> <p>The Board of Directors identifies specific issues for stakeholder engagement and consultation during the annual strategic planning and risk assessment process.</p> <p>Consultation website is set up.</p>	30 days	<p>While it is possible for more than one policy to be posted for consultation at the same time, each would have their own landing/survey page. The topics aren't 'combined'.</p>

PEI	No Committee	Formal Policy: Policy Development & Maintenance Policy	<p>Policies reviewed at minimum every 5 years.</p> <p>New policies or policy amendments may arise from the following:</p> <ul style="list-style-type: none"> • Items identified by the Board of Directors • Strategic priorities of the WCB • Legislative or regulatory changes • Court decisions • Emerging issues and trends • Stakeholder concerns or recommendations • Regular policy review and evaluation • Any other relevant circumstance 	<p>Consultation is required for any new program policies and any substantive amendments to current program policies.</p> <p>From Policy: The WCB is committed to the consultation process related to policies that directly impact employers, workers, and dependants. The WCB will provide stakeholders with an opportunity to participate in the consultation process related to policy changes that directly impact them. 14. All program and governance policies are available on the WCB website. Operational policies will be provided to the public upon request</p> <p>Policy Consultation</p>	30 days but can be longer if the item is contentious.	Usually posted separately unless the amendments are dependent on changes in another policy.
NL	Ad hoc Policy Working Group may be formed to develop specific policies as needed. No formal Policy Committee.	Policy Framework	WorkplaceNL establishes a Policy Plan annually, to identify policy work ongoing or expected for the calendar year. Departments are responsible for identifying policy issues and assist in assigning priority to policy work. The Policy Plan defines the operating plan for the Policy Office, and is refreshed	Required to consult with our primary stakeholders when there are substantial changes to existing or new client services policies where opportunity exists to influence the outcome before it is finalized. This is usually when there is an impact to benefit entitlement. Not required to	<p>2-4 months typically required to complete stakeholder engagement.</p> <p>Generally provide six weeks for</p>	One topic at a time.

			as necessary in response to new external or internal issues or changing priorities.	consult for housekeeping changes where there is no change in policy intent and no opportunity for stakeholders to influence the final outcome.	stakeholders to provide written feedback after a draft copy of the proposed policy changes are shared with them.	
NWT/ NU	No committee.	Formal Policy: Policy Development Policy (00.01) Stakeholder Engagement for Policy Development Policy (00.07)	Comprehensive Policy Review Plan: Policy priorities are identified and presented to the Governance Council on an annual basis and are developed with input from program area staff and WSCC stakeholders. Policy prioritization includes consideration of identified policy issues and when a policy was last reviewed (policies reviewed at minimum once every 10 years).	Can decide when to consult. The WSCC engages stakeholders in the policy development process when: it identifies issues that will directly affect workers and/or employers. The WSCC also engages stakeholders when an issue is identified that will affect stakeholder interaction with the WSCC. To ensure that stakeholders do not become disengaged or fatigued with the work of the WSCC over time, the WSCC will not engage stakeholders when considering only nonsubstantive changes to policy, changes to policy that only affect the internal operations of the WSCC, or changes which are required as a result of a court decision or legislative requirement	30 calendar days	One topic at a time.
YK	No committee.	Formal Policy: Policy Development Process Policy (1.2)		Board can determine if consultation is needed. During the development or amendment of any policy that directly impacts stakeholders, and before the policy is approved by the	No minimum	Appear to do one topic at a time.

				board of directors, the board may consult with stakeholders to determine their needs, concerns, and perspectives with respect to the policy.		
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