



# Policy Development Policy

Final Policy Decision and Supporting Rationale

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## Introduction

The Workers' Compensation Board held a two-month consultation period on proposed changes to the Policy Consultation Policy (10.3.11) which closed on April 28th.

The updated policy 10.3.11, now the Policy Development Policy, states the high-level commitments and guiding principles for policy development overall rather than focussing solely on consultation. The policy will be more in line with the *Workers' Compensation Act s.183* which gives the WCB Board of Directors the authority to develop policy and to engage stakeholders in the process when appropriate. The process for stakeholder consultation is detailed in the WCB Policy Framework. The WCB will communicate all policy updates to stakeholders, regardless of the level of consultation held during the development phase.

This report provides:

- A summary of changes made to the draft policy based on feedback received.
- The final Policy Development Policy (Appendix A).
- The final WCB Policy Framework (Appendix B).
- A summary of responses to feedback received that did not result in changes to the draft policy (Appendix C).

## Feedback Received

There were minimal submissions received during the consultation. The WCB carefully considered all feedback which resulted in one change to the draft policy: The policy now explicitly states that stakeholder consultation will follow the process outlined in the WCB Policy Framework.

For a summary of the WCB's response to feedback received that did not result in changes to the draft policy, please see Appendix C.

## Conclusion

This report concludes policy development and consultation on the Policy Development Policy and WCB Policy Framework.

# Appendix A: Policy Development Policy

**Policy Number: 10.3.11R1**

**Topic: Policy Development**

Section: General Policies

Subsection: Administration

Effective: May 29, 2025

Issued: May 29, 2025

Approved by Board of Directors: XXXX

## 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 considers all relevant information, including stakeholder consultation when appropriate, in making 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.
- Stakeholder Consultation will follow the process in the WCB Policy Framework.

## Application

This policy applies to policies developed on or after May 29, 2025.

## 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](mailto: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**

- 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.

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**Medium Priority**

- 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.

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**Low Priority**

- 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. 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 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 medial 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: Stakeholder Feedback

### Stakeholder Recommendations / Feedback

### WCB Response

It is important that consultation is provided for any change, even spelling updates. If it is only spelling updates or changing reference numbers the stakeholders won't need to submit comments, so it isn't burdensome to stakeholders.

It is important for stakeholders to be aware of changes in policies, including minor updates. However, a full consultation process is not needed to advise of, for example, typos and non-substantive changes. Although reviewing minor changes and not needing to provide comments may not be burdensome to some stakeholders, it still leaves unnecessary inefficiencies in the process. Changes can be made immediately, and stakeholders will be advised of the changes.

Grouping policies together may distract from each separate policy's independent updates, diminish interpretation of any substantive effects of the proposed updates, or may "appear" as being used to misdirect or overwhelm stakeholders with a certain grouping of policies when placed strategically together.

The WCB aims to package policies together for consultation that address similar themes or issues to make the consultation less overwhelming. At times it may not be possible to have all policies in a package be part of the same theme, as different priorities arise. However, when the Board determines stakeholder consultation is required for a package of policies it will be clearly communicated.

Recommendation to establish a Policy Consultation Committee that can help screen the proposed updates from WCB Nova Scotia and provide input:

- Policy Workplan and priority rating;
- Where WCB Nova Scotia must follow the current two-stage consultation process in the existing Policy 10.3.11;
- Where WCB Nova Scotia may be exempt from Policy 10.3.11 because the updates have been reviewed by committee and are only of a housekeeping nature;
- Where WCB Nova Scotia can group policy consultations.

This is the role of the WCB Board of Directors, an additional committee with the same mandate for policy work would be redundant and there are no plans to establish such a committee.

However, stakeholders are always welcome to provide input into any issues that should be included in the annual policy workplan as detailed in the WCB Policy Framework. Providing input on policy issues is welcome and can be provided to the WCB at any time, including directly to the policy team at [policy@wcb.ns.ca](mailto:policy@wcb.ns.ca).



**Stakeholder Recommendations / Feedback**

**WCB Response**

Establish a Worker Advisory Group that must be consulted on all policy changes before being finalized.

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Please see the above response.

Extend the minimum consultation period from 30 days to 60 days.

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30 days is a minimum length and policy consultations that require more time can be adjusted accordingly. A 30-day minimum is in line with most other jurisdictions across the country.

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Inquire if additional webinars are required. Only two public consultation sessions will place constraints on the resources of worker stakeholder groups.

We have not proposed limiting consultation to only two sessions. This is only the minimum number to be held when consulting. If more webinars are required, more will be held.

In addition to planned webinars, stakeholders are welcome to contact the policy team with questions at any time.

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The new policy says nothing about a requirement to notify 'key stakeholders' about a consultation in progress.

This statement is not needed in policy. The Policy Framework that details the process for consultation does state:

*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.*

Policy consultation opportunities will continue to be communicated widely. We encourage all stakeholders to [subscribe](#) to our policy updates to ensure they receive all notifications.

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**Stakeholder Recommendations / Feedback**

**WCB Response**

We are particularly concerned with the suggestion that the Board of Directors be given full discretion over when and how to consult with stakeholders given the recent developments in how Board members are appointed.

The Board’s authority to have full discretion over when and how to consult with stakeholders is set out in Section 183 of the Act. Concerns about how Board members are appointed are out of scope of the policy. However, we will share this concern with the Board.

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Most of the jurisdictions that do not require mandatory consultation, including Alberta, British Columbia, and Ontario, have “Advisory Committees” of stakeholders who are involved in the development and approval process.

The Board has considered the various stakeholder consultation processes across the country and has determined the proposed process is most appropriate for WCBNS at this time.