

# Saskatchewan Workers' Compensation Board

## 2022 Committee of Review Report Recommendations

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\* For proposed legislative amendments, see concordance table: [Bill 138 SBS \(wcbask.com\)](http://wcbask.com)

### **Recommendation #1 - Student Coverage**

Make legislative changes to cover work-based learning programs providing workers' compensation benefits to students.

*Status update – Proposed Legislative change in Bill 138 SBS.*

*Assuming the bill passes, this will prompt policy update. While the MOU will no longer be needed, Ministries of Education & Advanced Ed would still need to provide WCB with authorized learning institutions.*

### **Recommendation #2 - PFI**

Increase the minimum and maximum awards payable for permanent functional impairment in order to provide fairer compensation for permanently injured workers. The maximum award should be calculated using rate of impairment, reflects the worker's actual annual earnings and cannot exceed the annual earnings in the year in the year that the accident occurred.

*Status update - Proposed Legislative change in Bill 138 SBS.*

*Subsection 66(2) is amended to increase the minimum and maximum amounts for the permanent functional impairment award over a five-year period. The awards will increase from a minimum of \$2,200 to \$4,000 and a maximum of \$45,200 to \$82,200. Gradual increase with \$82,200 effective 2028 with CPI increase every year thereafter.*

*Policy team has started discussions with IT business analysts and Manager of Payments (Ops). Eclipse system already has PFI look up tables with amounts (staff input PFI %); therefore, update is not extensive. Policy and procedure will need to be updated and corresponding fact sheets/webpages.*

### **Recommendation #3 - Transportation of body**

Amend section 80(2) of the Act to extend coverage of transportation of the worker's body to his or her usual place of residence, regardless of if outside Canada, where it is requested by the family of the deceased.

*Status update - Proposed Legislative change in Bill 138 SBS.*

*This benefit is already in Policy. Minor updates needed.*

### **Recommendation #4 - Death benefits when no dependants**

Provide death benefits such as a one-time payment to the estate of a deceased worker who has no dependents, no parents or who has parents, no dependent child.

*Status update – this recommendation did not lead to proposed legislative amendment.*

*This will be reviewed through possible policy changes as this type of payment is inconsistent with the intent of workers' compensation benefits (e.g., cover lost wages for dependents).*

### **Recommendation #5 - Dependent children benefits extension**

Amend subsection 93(3) of the Act to add a similar or same provision as clause 93(1)(b) in order to provide equitable compensation to a worker's dependent children or other dependants regardless of if the injured worker parent had received benefits for more than 24 months before the worker passed away from a non-work-related injury.

*Status update - Proposed Legislative change in Bill 138 SBS.*

*If passed, this will prompt a policy change and updates to Operations training.*

### **Recommendation #6 - Excluded industries and occupations**

Review section 3 of the Regulations to update industries and occupations currently included or excluded from the Act that should be considered for inclusion.

*Status update - Legislative change to definition of employer & worker (provides ability to add to Regs).*

*If passed, WCB may want to recommend what to recommend changes to the Regulations to expand coverage or address coverage issues. General Counsel will need to review to see if this would support inclusion of out of province remote workers, students coming in from other learning institutions that are not covered by SK ministries, Trade & Export Development employees, etc.*

### **Recommendation #7 - Excluded industries and occupations**

Encourage employers to advise workers employed in the excluded occupations that they are not covered by the provisions of the Act.

*Status update – Ongoing*

- *Short-term steps include:*
  - *2024 - Mapping NAICS codes to existing rate code structure and premium rates to leverage CRA integration in the future (proactively stay on top of emerging market trends).*
  - *2024 - Capturing secondary business number identifier (leverage CRA integration and compliance gap analysis to identify firms who are not registered).*
  - *2025 - Develop approach/ campaign / resources for excluded industries.*

### **Recommendation #8 - Directors – Executive Officers**

Amend subclause 2(1)(ii)(III) of the Act under the definition of a worker to remove the wording of executive officer. Coverage for a director could be similar to that provided to an owner or partner per General Regulations section 14 and POL 12/2020.

*Status update - Proposed Legislative change in Bill 138 SBS.*

*If passed, this will prompt a policy and process change for employer services including updated training.*

### **Recommendation #9- Youth safety programs**

Encourage the continuation of safety programs for youth and to be made available throughout high schools in Saskatchewan. The safety associations should be involved in joint efforts with WorkSafe Saskatchewan and the Saskatchewan Safety Council in these youth safety programs.

#### *Status Update – Ongoing*

- WorkSafe Sask delivers approximately 40 youth related presentations annually to over 5000 students. About 4500 of the participants attended the presentation in a high school setting with the remainder at the post-secondary level.
- WCB supports and provides funding for a program called Career Safety Education which is administered by the Sask Safety Council. The Safety Associations participate in this program by sitting on the steering committee and have donating the usage of some of their youth related courses.
- WCB has formal partnerships with 8 organizations that includes, in part, an outcome for programming in high schools. Many more of the partnerships include an element of awareness for the community, including youth. An example of one of these partnerships is with Sask Federation of Labour (SFL). As part of the “Ready for Work” program, SFL has a network that delivers workplace safety around the province, and WCB administers the Ready For Work Teachers Resource, which is a resource that provides teachers with the information and resources to integrate health and safety into some of their Practical and Applied Arts course material.
- Youth injury prevention has been discussed at the Safety Association Director meetings, and an agreement has been made to continue discussion around efficiencies and involvement in 2024.
- The development of a refined definition and measurement of vulnerable workers is progressing in Q4 2023.
- Mission Zero / WorkSafe Campaign Re-fresh will involve youth focus groups in Q4 2023.

### **Recommendation #10– Privacy**

Amend subsection 173(4) of the Act to mirror subsection 38(1) of HIPA in order to provide the same level of standard to sensitive health information.

*Status update - Proposed Legislative change in Bill 138 SBS.*

### **Recommendation #11- Penalty for breach of privacy**

Add subsection 174(3) of the Act to the list of administrative penalties in subsection 183(1) to create accountability if an employer breaches privacy of a worker’s information.

*Status update - Proposed Legislative change in Bill 138 SBS.*

### **Recommendation #12 - Employer’s ability to request claim file**

Any amendments to section 174 of the Act to create an easier process for providing an injured worker’s medical information to their employer would require a dispute mechanism for those workers who object to their medical information being shared with their employer.

*Status update - Proposed Legislative change in Bill 138 SBS.*

### **Recommendation #13- Out of province – psychological injury treatment**

Fund out of province treatment options when recommended by a medical practitioner for public safety personnel with psychological injuries who have no specific medical programs to access in Saskatchewan.

*Status update - Ongoing.* We currently consider out of province treatment options when the recommended care is not available in Saskatchewan.

### **Recommendation #14- Partnership for proactive psychological prevention**

Work and partner with public safety agencies to establish better proactive treatment programs for psychological injuries.

*Status update – complete, ongoing.*

- *The prevention department established regular national meetings to help public safety agencies share, adopt and implement Edmonton Police Service’s Re-integration Program. The coordination of this activity is now being led by the participants.*
- *Prevention and Claims Operations continues to action improvement items from the December 2022 psychological injuries customer engagement event.*
- *Prevention department continues to facilitate quarterly Saskatchewan First Responders Mental Health Committee meetings. The committee is waiting to learn from the Canadian Institute for Public Safety Research and Treatment (CIPSRT) research on peer support/ Critical Incident Stress Management effectiveness, and then further plans will be explored to expand peer support in the province.*
- *Developed partnership with River Valley Resilience Retreat, Inc. to provide the following early intervention services:*
  - *The development of a wellness program for resilience and post traumatic growth.*
  - *An interim support option for a worker to attend while they are waiting to begin a WCB-sponsored treatment program.*
  - *Referring individuals to emergency resources is and when a crisis is demonstrated.*
  - *Supporting and promoting return to work programs.*
  - *Assisting workers in understanding the processes of WCB in a neutral, non-advocating, manner.*

### **Recommendation #15- WCB staff training**

Provide more trauma informed training including communication tools for Saskatchewan WCB staff who deal with psychological injury claims.

*Status Update - In progress. Trauma Informed Practice is a portion of the training being delivered as part of Work Disability Prevention & Mitigation Project.*

### **Recommendation #16 - Psychological injuries presumption & policy**

Clarify and adjust the legislation for psychological injuries to further address the issue of presumptive coverage in order to provide quicker supports. The Policy and Procedure Manual needs to support the intent of the Act.

*Status Update – no legislative change proposed*

The court decisions referenced by the COR involved inconsistency between the Act and Board policies. The policies can be adjusted to address this concern. Policy updates expected to be submitted soon.

### **Recommendation #17 - Chronic pain policy**

Create a stand-alone chronic pain policy which is similar to what most other provinces have done.

*Status Update - policy research & development.*

*Most Canadian WCB jurisdictions have policies specifically related to chronic pain. Previous Committees have also made recommendations that we develop policy on chronic pain. WCB currently covers chronic pain as it is identified as a result of an initial work injury.*

*Policy team is currently working on a ""Injuries - Following a Work Injury"" POL/PRO to establish guidelines for claims where a secondary injury occurs as a result of an initial work injury. Current drafts note: "Pain is a symptom of an injury or medical condition rather than a separate diagnosis. The WCB may consider chronic pain to be compensable as a secondary injury where the pain developed as a consequence or complication of an initial work injury."*

*In the course of policy development, WCB intends to explore how other jurisdictions are addressing pain as a barrier to recovery and return to work.*

### **Recommendation #18 - Customer Service training**

Provide enhanced customer service training to staff which includes how to show compassion and understanding, how to listen, and how to deal with people who are experiencing difficult life situations and who may not get approval for an injury claim.

*Status Update - In progress. New training content developed and delivered as part of Work Disability Prevention & Mitigation Project (ex. Customer awareness & experience, relationships, effective communication & conflict resolution, etc.).*

### **Recommendation #19 - Designated adjudicator**

Create a dedicated team of adjudicators to deal with specific employers who submit a large number of injury claims. Dealing with a dedicated team will improve efficiencies and communication as they would be familiar with the employer on an ongoing basis.

*Status Update - In progress. This is currently in place for a small number of employers. Review and further expansion are planned for 2024.*

### **Recommendation #20 - Communications – Care providers – RTW**

Develop a communication strategy with the Saskatchewan Medical Association, the College of Physicians and Surgeons, and Chiropractors' Association of Saskatchewan on the important role of the primary practitioner in the process to help guide the injured worker to return to work including providing details on their functional abilities, restrictions and limitations.

*Status update - Ongoing*

- Continue Key Account Relationship Management Committee discussions on strategies for external communication and engagement. Strategy session for healthcare messaging to occur in early December 2023.

### **Recommendation #21 - Communications – adjudication visual aids**

Develop an easy-to-understand guide (the anatomy of a claim) which may include diagrams/flow charts for workers and employers to better understand the claim submission, and decision making and appeal processes within the Saskatchewan WCB.

*Status update - Targeting for development in 2024.*

### **Recommendation #22 - Communications – Info for worker**

Update the Saskatchewan WCB pamphlet “Information for the Worker” by providing a complete list of all available benefits that a worker may be entitled to.

*Status update – This is updated twice per year and benefit information will be added in 2024.*

### **Recommendation #23 - Communications – clear language**

Simplify the language used in written communications with workers and the employers. Using plain language in the various communication methods by the Saskatchewan WCB would be helpful.

*Status update – Phase 1 of the Core Solution Project kicked off on August 1, 2023. Phase 1 will modernize the process and technology for employer services-related processes. Improvements to forms and communications, and simplified and streamlined processes will help customers better navigate the WCB system. Customers will be engaged throughout the project to ensure that current state issues are being improved.*

*Updates currently being made to clear language standards. All communications will be reviewed as part of Core Solution Project.*

### **Recommendation #24 - Communications – COR status updates**

Increase and improve communication on the status and implementation of COR recommendations including more information being provided on the Saskatchewan WCB website. Include the rationale on why recommendations were not implemented.

*Status update - The 2022 COR status update document will be posted on the WCB website following every Board meeting for public to view.*

### **Recommendation #25 - Communications – enhancements**

Enhance communication methods and tools using traditional and non-traditional formats to focus on prevention and lowering time loss rates and serious injuries. These communication methods need to be directed at both the employer and the worker.

*Status update – complete, ongoing*

- Building on the success of the 2018-2021 Fatalities and Serious Injuries Strategy, both passive and active approaches to communications are being deployed. Examples of worker involvement would be the co-branded 3 rights campaign with the Saskatchewan Federation of Labour, and the practical fire fighter cancer prevention training library built and endorsed by the fire fighter unions.
- The 2023-2028 Fatalities and Serious Injuries Strategy has a Prevention and Learning stream that engages workers and employers to tackle specific issues causing serious injuries. An example would include the communications that Western Health deployed to reduce the risk of violence in healthcare. This approach was shared with the Saskatchewan Health Authority.
- Mission Zero and WorkSafe Campaign is going through a re-refresh with help of our customers.
  - In Q4 2023, test refreshed Mission Zero logo, WorkSafe logo and messaging with stakeholders.
  - Focus group testing (Millennial groups, Gen Z groups and indigenous groups).
- Leadership outreach/interviews – We will work to reach out to 120 key leaders who have been involved since the beginning of the initiative. Key leaders include: municipalities, construction firms, large firms, some private and public sector, Indigenous firms, labour representatives, CFIB and building trades.
- A leadership survey will be distributed to just over 600 leaders who are charter members and who have been engaged in WorkSafe safety initiatives over the past decade.
  - Phase 4: Support the planning of the promotional phase in 2024.

### **Recommendation #26 - Communications – RTW programs**

Develop a communication strategy to increase the understanding and use of return to work programs with injured workers, employers and WCB case staff. Use of this program would encourage an injured worker's continuous involvement at the workplace while complying with medical restrictions during their recovery.

*Status update – Ongoing*

- Continue development of work disability prevention & mitigation road map.
- Continue Key Account Relationship Management Committee discussions on strategies for external communication and engagement. Strategy session for healthcare messaging to occur in early December 2023.
- Prevention to update employer RTW resources to ensure alignment with prevention of work disability by end of Q2 2024. This alignment work will include the Prevention Department consulting with employers and workers to develop a toolkit to increase the understanding and effectiveness of RTW programs.

### **Recommendation #27 - Medical Review Panels**

Simplify the language and requirements and improve the processes in Sections 59, 60 and 61 of the Act in order to increase the acceptance of the MRP Enabling Certificate applications and make it easier to find medical professionals who will sit on an MRP.

*Status update - Proposed Legislative change in Bill 138 SBS*

*Work has already been done to simplify the language for the Medical Review Panel Policy. Updated and effective date of April 1, 2023.*

### **Recommendation #28 - Communications – Medical Review Panels**

Improve the content and communication tools used to describe the role and function of the MRP in order to provide better understanding to workers and employers that it is a legislated dispute resolution mechanism to only deal with medical issues after all internal Saskatchewan WCB appeal processes have been completed.

*Status update - Proposed Legislative change in Bill 138 SBS*

*If the bill passes, we will need to develop new information and education for customers to better understand the purpose of the Medical Review Panel and the related process.*

### **Recommendation #29 - Communications – Care providers**

Work with the Saskatchewan Medical Association and the Chiropractors' Association of Saskatchewan to create a better understanding for the primary practitioner on the importance of providing proper documentation in the medical assessment of the injured worker when they first present themselves.

*Status update - Ongoing*

Continue Key Account Relationship Management Committee discussions on strategies for external communication and engagement. Strategy session for healthcare messaging to occur in early December 2023.

### **Recommendation #30 - Communications – Employers**

Increase communication to employers, especially smaller companies regarding the assistance that is available to them from the Employer Resource Centre.

#### *Status update – Ongoing*

This is currently being reviewed with recommendations for changes and improvements coming in late 2023 or early 2024.

Business Transformation engagement meeting held with the Canadian Federation of Independent Business (CFIB) in Q3 2023.

- Working on the development of regular WCB communications through the CFIB news letter.
- Working to involve CFIB membership to review and provide feedback on the development of the Employer Services compliance checklist.

### **Recommendation #31 - WCB Board Member**

Future appointments to the Saskatchewan WCB Board need to consider a more diverse selection of individuals to create a better representation of the Saskatchewan workforce.

*Status update - At the discretion of the Minister and Government.*

### **Recommendation #32 - WCB Board Members**

Maintain the current model for the Board Appeal Tribunal as an internal structure within the Saskatchewan WCB.

*Status update - no changes required at this time.*

### **Recommendation #33 - Communications – Appeal Decisions**

Amend Section 23 of the Act stating all decisions shall require reasons for the decision, and to include clarification of the significance of the evidence used to make the decision.

*Status update –New quality assurance program installed that addressed this issue. No change to the act required.*

### **Recommendation #34 - Communications – Publish Tribunal Decisions**

Publish the Board Appeal Tribunal decisions with a purpose to promoting transparency and accountability, demonstrating the decision-making process undertaken to instill confidence in the decisions made by the Tribunal. Criteria can be developed within policy on protecting the identity of the claimant and the kinds of decisions to publish.

*Status update - Proposed Legislative change in Bill 138 SBS*

*If the bill passes, we will have to develop a process that meets the intent of the recommendation.*