

# 2022 COMMITTEE OF REVIEW REPORT - Q3 2024 Status Update

## Table of Contents

<a href="#">Recommendation #1 - Student coverage</a> .....	
<a href="#">Recommendation #2 - PFI</a> .....	
<a href="#">Recommendation #3 - Transportation of body</a> .....	
<a href="#">Recommendation #4 - Death benefits when no dependants</a> .....	
<a href="#">Recommendation #5 - Dependent children benefits extension</a> .....	
<a href="#">Recommendation #6 - Excluded industries and occupations</a> .....	
<a href="#">Recommendation #7 - Excluded industries and occupations</a> .....	
<a href="#">Recommendation #8 - Directors – Executive officers</a> .....	
<a href="#">Recommendation #9 - Youth safety programs</a> .....	
<a href="#">Recommendation #10 - Privacy</a> .....	
<a href="#">Recommendation #11- Penalty for breach of privacy</a> .....	
<a href="#">Recommendation #12 - Employer’s ability to request claim file</a> .....	
<a href="#">Recommendation #13 - Out of province – psychological injury treatment</a> .....	
<a href="#">Recommendation #14 - Partnership for proactive psychological prevention</a> .....	
<a href="#">Recommendation #15 - WCB staff training</a> .....	
<a href="#">Recommendation #16 - Psychological injuries presumption &amp; policy</a> .....	
<a href="#">Recommendation #17 - Chronic pain policy</a> .....	
<a href="#">Recommendation #18 - Customer Service training</a> .....	
<a href="#">Recommendation #19 - Designated adjudicators</a> .....	
<a href="#">Recommendation #20 - Communications – Care providers – RTW</a> .....	
<a href="#">Recommendation #21 - Communications – adjudication visual aids</a> .....	
<a href="#">Recommendation #22 - Communications – Info for worker</a> .....	
<a href="#">Recommendation #23 - Communications – clear language</a> .....	
<a href="#">Recommendation #24 - Communications – COR status updates</a> .....	
<a href="#">Recommendation #25 - Communications – enhancements</a> .....	
<a href="#">Recommendation #26 - Communications – RTW programs</a> .....	
<a href="#">Recommendation #27 - Medical Review Panels</a> .....	
<a href="#">Recommendation #28 - Communications – Medical Review Panels</a> .....	
<a href="#">Recommendation #29 - Communications – Care providers</a> .....	
<a href="#">Recommendation #30 - Communications – Employers</a> .....	
<a href="#">Recommendation #31 - WCB Board Members</a> .....	
<a href="#">Recommendation #32 - WCB Board Members</a> .....	
<a href="#">Recommendation #33 - Communications – Appeal Decisions</a> .....	
<a href="#">Recommendation #34 - Communications – Publish Tribunal Decisions</a> .....	

# Saskatchewan Workers' Compensation Board

## 2022 Committee of Review Report Recommendations

\* Bill 138 was given royal assent on March 19, 2024 and comes into force upon Order in Council, expected to be September 1, 2024 with regulatory amendments January 1, 2025. For a list of legislative amendments, see concordance table: [Bill 138 SBS \(wcbsask.com\)](https://www.wcbsask.com/bill-138-sbs)

### Recommendation #1 - Student Coverage

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

*Status update – Legislative and regulatory change in Bill 138 to amend definition of worker to include students who are enrolled in work-based programs. Expected to come into force January 1, 2025. This is prompting a policy update. While the MOU will no longer be needed, Ministries of Education & Advanced Education will 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 - Legislative change in Bill 138.*

*Subsection 66(2) is amended to increase the minimum and maximum amounts for the permanent functional impairment award over a five-year period starting in January 1, 2025. 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 increases every year thereafter.*

*Policy team has initiated discussions with IT business analysts and Manager of Payments (Ops). Updates to the policy and procedure are now underway and corresponding fact sheets/webpages will be updated by end of 2024.*

### 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 - Legislative change prompted by Bill 138.*

*This benefit is already in Policy. Minor updates needed to the policy directives were approved in Q4.*

### 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 - Legislative change in Bill 138. CP 1075 was updated and approved in Q4, 2024.*

#### **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 – Analysis of opportunities has begun.*

#### **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. A future state risk-based service delivery model is under development. Services may include education, support, and partnership to support customers' understanding of their rights and obligations.*

#### **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 - Legislative change in Bill 138 to remove executive directors carried on payroll from the definition of a worker. This has prompted a policy and process change for employer services including updated training. All executive officers/directors will be eligible to purchase personal coverage similar to that offered to owners and proprietors. Detailed analysis on coverage for Independent Workers was completed and policy recommendations will be made in Q4 2024.*

#### **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 Saskatchewan partners with various organizations, including the Saskatchewan Safety Council, Saskatchewan Federation of Labour, the Regina District Industry Education Council and the Saskatoon Industrial Education Council to deliver various programs to youth including the “Ready for Work” and “New Worker Readiness” programs across the province. WorkSafe Saskatchewan began further analysis in Q4 2023 to expand programing for at-risk workers, including youth. In Q3, 2024, meetings continue with the Ministry of Immigration and Career Training and Ministry of Labour Relations and Workplace Safety to further collaborate on ways to support at-risk workers. In Q4, 2024, WCB and Safety Associations endorsed future steps to develop a coordinated approach for provincial youth work-related safety programing.*

#### **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 - Legislative change in Bill 138. Policy updates to the Privacy of Information policy is now underway, targeting completion in Q4.*

### **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 - Legislative change in Bill 138. Policy updates to the Privacy of Information policy, the Authority for Disclosure procedure and the Fines and Penalties policy is now underway, targeting completion in Q4.*

### **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 - Legislative change in Bill 138. Policy updates to the Authority for Disclosure procedure is now underway, targeting completion in Q4.*

### **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. WCB currently considers out of province treatment options when the recommended care is not available in Saskatchewan. This is not limited to public safety personnel. Exploring opportunities for occupational awareness training for mental health providers.*

### **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. WCB continues to facilitate various psychological injury reduction initiatives in accordance with our commitment in the Fatality and Serious Injury Strategy 2.0. These include facilitation of first responder re-integration training, supporting the first responder mental health community of practice, upkeep and revision of the WorkSafe psychological health and safety resource material as well supporting employers to integrate PHS into their safety management systems. Edmonton Police Re-integration training for Saskatchewan first responder organizations was completed in Q2, 2024. In Q3-Q4, a first responder learning collaborative is exploring the replication of an evidence-based approach in Saskatchewan. Research support is under development to support this initiative.*

### **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 - Trauma Informed Practice is a portion of the training now being delivered.*

### **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. Policy review underway, targeted for Q4.*

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

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

*Status Update – This will be addressed through policy research & development.*

### **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 developed and delivered in 2023 & 2024 (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 enhancements to be made as part of new technology solution.*

### **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 – Further work is still required to review and refine the appropriate communications strategy.*

### **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 - Appeals process visual is complete. Additional visuals will be completed in the future. The newly formed Employer Advisory Centre is in the final stages of development and the service will go live in Q1, 2025.*

### **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 booklet is updated twice per year and benefit information will be added in 2024. The first review for 2024 will occur in May/June and the 2<sup>nd</sup> in November/December.*

### **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 – Clear language standards document previously updated. Various letters have been and continue to be refreshed/rewritten in conjunction with other key initiatives.*

### **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 external 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 – Ongoing. The 2023-2028 Fatalities and Serious Injuries Strategy includes the implementation of learning collaboratives in the three focus sectors (Healthcare, Construction and Transportation) as well as the focus on seven cross-cutting hazards (asbestos, motor vehicle crashes, falls, ergonomics, machinery, violence, and mental health). The 2023 strategy report out can be accessed at <https://www.worksafesask.ca/wp-content/uploads/2024/04/2023-update-2023-2028-Fatalities-and-Serious-Injuries-Strategy.pdf> . The 2024 report will be published in Q4, 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. Improvements to WCB return to work processes continue into 2024. Return to work resources to support prevention of work disability were updated in Q3, 2024 and training for employers is being developed for Q1 2025.*

### **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 - Legislative change in Bill 138. Work has already been done to simplify the language for the Medical Review Panel Policy (effective April 1, 2023). A further policy update was approved in Q4.*

### **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 - Legislative change in Bill 138. Policy revisions approved in Q4 and communication items such as fact sheets to be updated by end of 2024.*

### **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 –This work is ongoing and will be completed in concert with work planned under recommendation 20.*

### **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 – Work is underway to further identify employer needs to continue the development of how to videos. The Employer Resource Centre will evolve into the Employer Advisory Centre in 2024. This expanded service will balance the needs of workers and employers through education and support and provide new advisory services to help employers with appeals. A manager, Employer Advisory Centre was hired, stakeholder engagement sessions occurred, and the foundational elements of the new services are under development in Q3. Policy development, privacy impact assessment, intake system and pilot will be completed in Q4. The new service will officially launch in Q1 2025.*

### **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 previously installed to address 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 - Legislative change in Bill 138. Board Services and WCB legal counsel developing a process that meets the intent of the recommendation. Policy updates completed in Q3. Regulatory amendment to be brought forward by the government.*