

## 2022 COMMITTEE OF REVIEW STATUS UPDATES

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# 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.*

### 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. Expected to come into force September 1, 2024.*

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

### 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. While this does not affect a substantial number of situations, 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 – 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. 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 - 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.*

### **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 programming for at-risk workers, including youth. In Q1, 2024, meetings were held 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.*

### **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.*

### **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.*

### **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.*

### **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. 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 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 is planned for Saskatchewan first responder organizations in Q2, 2024.*

### **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 in 2023 & 2024.*

### **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.*

### **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 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 – Review and refine communications strategy in 2024.*

### **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. The Claims and decision-making process visuals are expected to be completed in June.*

### **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 has been updated.*

#### **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). In the first year of this strategy, WCB Prevention has initiated three learning collaboratives and one community of practice to support industry driven solutions to these serious injury risks. 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>.*

#### **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 are being updated to support prevention of work disability are being developed for Q3 2024 and training for employers is being developed for Q4 2024.*

#### **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 development will be initiated to include legislative amendments.*

#### **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. As part of the policy revisions, action items will include further development of the communication items such as fact sheets.*

### 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. This work will be completed in concert with the workshops, outreach sessions and engagement sessions under recommendation 20 with a similar anticipated timeline.*

### 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 including a series of EPS how to videos. Work is occurring to further identify top employer questions with an intent for further how to videos to be created and/or links to relevant materials to be made more accessible. The number of Employer Resource Center promotions in our social media and monthly direct emailers to all employers has increased. We have a digital media campaign, targeting smaller employers, planned for the fall of 2024. 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.*

### 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. Minor updates to the policy will be required. Timelines and process to be regulatory amendment.*