

# Mid-Year Report 2008

October 27<sup>th</sup> 2008

# TABLE OF CONTENTS

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BACKGROUND	1
REPORT OUT	3
<hr/>	
APPENDIX A: CONTACT INFORMATION	11

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## BACKGROUND

The Workplace Safety and Insurance System (WSIS) is Nova Scotia's collaborative partnership of government, agencies, advisory groups, working groups and those that the System serves (workers and employers).

Workers and employers play an integral role in the WSIS by providing valuable input via the System's strategic planning and performance measurement processes. Agencies, in turn, are responsible to evaluate stakeholder expectations and feedback in the context of operational realities – to determine what is possible and/or what is required to better satisfy stakeholder needs. A System Coordinating Committee performs a role of oversight – ensuring that stakeholders and partners work together toward common goals.

A number of mechanisms have been established within the System to ensure that stakeholders' interests are heard and their issues addressed. The Injured Workers' Associations and the Stakeholder Counsellors' pilot program are two such examples.

For a detailed description of the System's structure and key stakeholders refer to the WSIS Strategic Plan (available from any of the four partner agencies or on the WSIS website [www.wsis.ns.ca](http://www.wsis.ns.ca)).

Together all players maintain and evolve the System in a way that continuously strives to balance stakeholder needs and ensure that the services it provides are available to workers and employers in the future.

Our **mission** is to work together to help keep people healthy and safe at work, to insure against loss and to support workers' rehabilitation. We strive to be fair, open and responsible in everything we do.

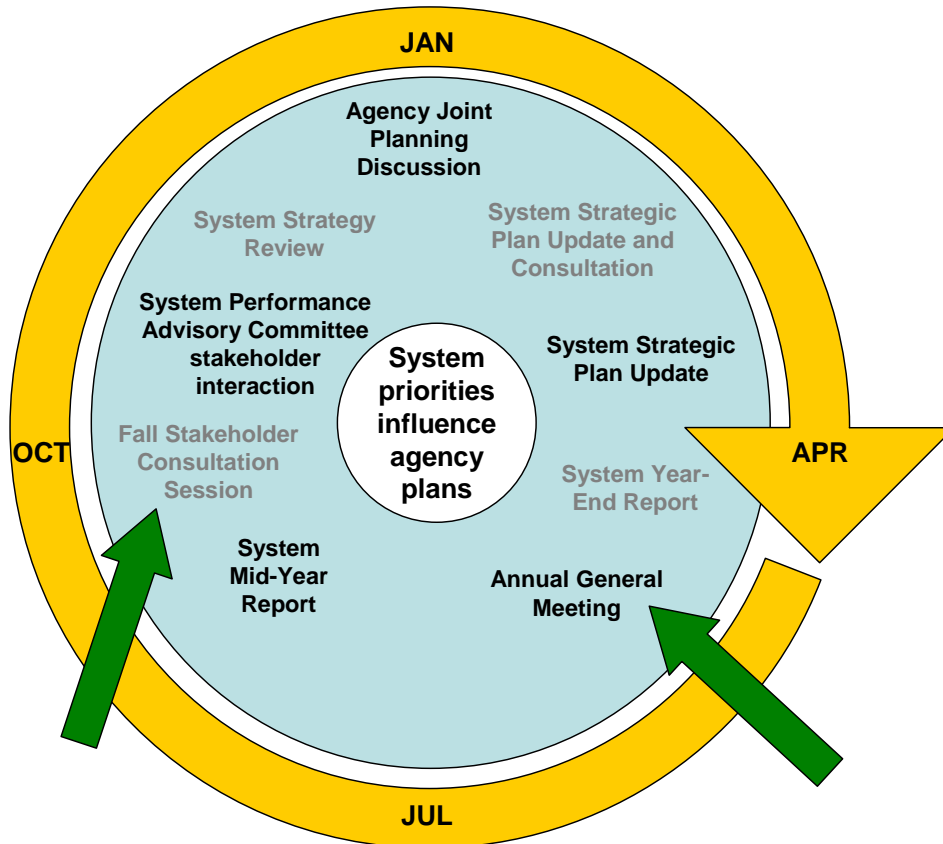
Our shared **vision** is, "Safe, healthy workplaces for Nova Scotians, and sustainable safety and insurance services".

Our **goals**:

1. Improve outcomes for workers and employers;
2. Improve service delivery;
3. Ensure effective governance of the System; and
4. Ensure financial sustainability of the System.

Our annual planning process is depicted in Figure 1.

Figure 1: Workplace Safety and Insurance System Planning Process



As per Figure 1, a report-out on WSIS activity is conducted twice per year: a mid-year report in the fall and a year-end report in the spring. The year-end report focuses primarily on WSIS performance measures and the accompanying data collected throughout the year. Many of these measures are annual in nature, and do not lend themselves to mid-year reporting. The mid-year report (this document) focuses on providing a status on WSIS activity as it aligns with input received by stakeholders at the previous year's fall stakeholder consultation session.

# REPORT OUT

## Injured Workers' Associations

The role of the Injured Workers' Associations is to provide assistance to injured workers. The Dorsey Report (the report that initiated the creation of WSIS) recommended that such advocacy associations should have the opportunity to obtain funding in the form of grants to assist in the pursuit of their advice, assistance, and education endeavors -- but not legal representation in the formal appeals process -- on behalf of injured workers. Since then the Injured Workers' Associations have been formally recognized and financially supported with funds from the Workers' Advisers Program, so that injured workers have full and meaningful participation in the System.

Currently, there are three funded Injured Workers' Associations in the Province: Cape Breton, Mainland, and Pictou County. The following are reports from each.

### Cape Breton Injured Workers' Association

The Cape Breton Injured Workers' Association (CBIWA) was founded in late 1985 and its administration has been volunteering their time ever since. We are an autonomous body and we are responsible to our membership. The CBIWA exists to serve and provide assistance to injured workers. This service takes many forms including provision of information and assistance with appeals in the absence of the involvement of the Workers' Advisers Program.

The services provided by CBIWA include but are not limited to:

- Providing advice, assistance and education to the injured workers (and their family if requested) regarding the compensation system;
- Accompanying injured workers to appeals, assessments, meetings with WCB, etc.;
- Supporting family members and friends of an injured worker;
- Being an intermediary for injured workers by providing information through regular meetings with the membership;
- Providing feedback on policies and program changes through representation on committees and meetings of the WSIS; and
- Informing clients of Workers' Advisers Program as an option if not already tried.

### 2007 – 2008 Fiscal Year Statistics (approximate)

Active files	315	Office visits	1,750
New clients	100	WCAT appeals	60
Calls and inquiries	2,500	Internal appeals	65

### Mainland Injured Workers' Association

The Mainland Injured Workers' Association was formed as a support group for injured workers, created for the sole purpose of educating injured workers in their rights and responsibilities. We assist injured workers to help themselves with regard to obtaining their WCB Benefits that they rightfully deserve.

This organization consists of injured workers and family of injured workers who devote their time and experiences to help other injured workers through the System. The Mainland Injured Workers' Association was primarily created to allow injured workers to know that they are not alone, and there are other injured workers experiencing the same types of problems.

#### 2007 Statistics

Active files	241	Calls and inquiries (approx)	1,838
New clients (2007)	90	Meetings with clients	134

We have been involved with numerous appeals to the Workers' Advisers Program and the Workers' Compensation Appeals Tribunal to assist injured workers in this area as well.

### Pictou County Injured Workers' Association

The Pictou County Injured Workers' Association was founded in 1992 as a support group for injured workers and their families. Our role quickly evolved to providing assistance to injured workers in the case management process with WCB staff, raising public awareness about the flaws of the workers' compensation system, and advocating for change to the workers compensation system to the WCB, elected officials and the general public. Our association also provides representation and advocacy for injured workers in case conferences with WCB staff, employers, and health care service providers related to injured workers' involvement in WCB directed return-to-work plans and rehabilitation programs. We provide representation in appeals to the Internal Appeals Department and the Workers' Compensation Appeals Tribunal to those injured workers who are non-represented or who have been denied representation by the Workers' Advisers Program. Our association has also obtained intervener status and represented the interests of the injured worker community in appeals to the Workers' Compensation Appeals Tribunal and the Nova Scotia Court of Appeal on significant issues. We host monthly membership meetings and conduct monthly visits to various areas in Northern Nova Scotia to raise public awareness and to provide information and support.

Our organization has over 380 open files with approximately 250 currently active. During January 2008 to June 2008, our association received over 1,800 telephone calls, attended numerous meetings with injured worker clients, WCB staff, WSIS, employers, government officials, etc. We continue to be active participants in the WCB stakeholder consultation process.

The goal of our association is to facilitate change to the workers' compensation system sufficient to allow us to devote 100 per cent of our focus on our founding principle: to be a support group for injured workers and their families.

## Stakeholder Counsellors

### Employers' Stakeholder Counsellor

The Office of the Employer Advisor program provides expert advice, leadership and navigational assistance to employers in Nova Scotia, regardless of whether or not these employers pay directly into the WCB. Any employer, anywhere in the province, regardless of size or scope of business can access the Office of the Employer Advisor at no additional charge/fee to them. The program is currently funded by the WCB until the summer of 2010, the duration of the pilot period.

The Office of the Employer Advisor is managed by an Employers' Council represented by seven different employer stakeholder groups. They are:

- The Construction Association of Nova Scotia (CANS),
- The Canadian Manufacturer's and Exporters, Nova Scotia Division (CME),
- The Seafood Producers Association of Nova Scotia (SPANS),
- Canadian Council of Grocery Retailers (CCGD),
- Canadian Restaurant and Foodservices Association of Nova Scotia (CRFA),
- Canadian Federation of Independent Business (CFIB), and
- Nova Scotia Association of Health Organizations (NSAHO).

The Office of the Employer Advisor participated in strategic planning over the summer 2008 and identified a working plan for the pilot period. This plan identifies five key goals for the program over the next eighteen months. Our mission statement is **ACTion** and identifies three of our five key goals:

- **Advocacy:** for positive changes with the WSIS system that support employers and contribute to business success in Nova Scotia;
- **Communication:** with employers, employer associations, other stakeholders within the system and inter-jurisdictional; and
- **Training:** focused on employers, meeting their specific needs.

Our remaining two goals focus on our program administration and infrastructure reporting/interaction with other partners in the WSIS system. Employers want to be recognized as a true "partner" in the system and the Office of the Employer Advisor is focused on assisting employers' needs now and developing a program that can proactively support and respond to employers permanently. The Office of the Employer Advisor is timely, necessary and needs to be established on a permanent basis in this province.

Employer Adviser, Marry Morris, has made progress in all key areas since the strategic planning phase.

The Office of the Employer Advisor received its first employer enquiry request in June 2008 and has experienced a steady increase since then. To date, September has been the heaviest month. Enquiries have come from across Nova Scotia and covered a spectrum of topics and issues. The top three subjects (and therefore the reason for contacting the Office of the Employer Advisor) have to date been:

1. Appeals –Internal Appeals and Workers’ Compensation Appeals Tribunal;
2. Case management/communication issues - WCB; and
3. Rate concerns, appeals.

Finally we acknowledge the support of employers for this Office of the Employer Advisor. We are humbled to be invited into their worksites, tour with them, talk to them and their employees and the overwhelming welcome we have received. We are very excited by this program in Nova Scotia. This province has wonderful employers who want a strong and responsive Occupational Health and Safety program for their workers.

### Workers’ Stakeholder Counsellor

The Office of the Worker Counsellor has been up and running since June 2008 and the permanent office location on Kempt Road will be open on November 1<sup>st</sup>, 2008.

The program is overseen by a subcommittee of the Executive of the Nova Scotia Federation of Labour, an umbrella Labour organization which represents over 70,000 members of affiliated unions in more than 400 union locals working in every aspect of Nova Scotia’s economy and in every region and community of the province. The goals of the Workers’ Counsellor Program are:

- Promote safe and timely return-to-work practices, duty-to-cooperate and duty-to-accommodate;
- Increase workers’ knowledge about the workers’ compensation system;
- Assist injured workers with their claims;
- Educate workers and interested parties about the internal and external review systems; and
- Make recommendations to the WCB regarding service quality.

Since June 2008 Worker Counsellor Jessie Parkinson has fielded hundreds of calls from not only injured workers but also from union representatives who need more information on how to navigate through the workers’ compensation system. It is clear from the volume of calls that this program is very necessary.



The Office of the Workers' Counsellor will work to enhance the workers' compensation system and provide services to injured workers by thorough analysis of issues confronting them and the WSIS.

Public awareness and education regarding workplace injury prevention as well as occupational health and safety education should be a high and continued priority.

A safe workplace for all Nova Scotians is the top priority.

## System Agencies

For the past several years, system planning has been predicated on the following priorities:

- Preventing workplace injury and illness,
- Focusing on safe and timely return to work
- Continuing stakeholder consultation in setting the System's future direction, and
- Monitoring the progress of the strategic plan with system performance measures.

On November 28<sup>th</sup>, 2007, the WSIS hosted a consultation session where stakeholders shared with the System Coordinating Committee their views on WSIS priorities. In summary, themes of stakeholder discussion include:

- The need for proactive education programs focused on streamlined and targeted workplace safety and prevention;
- Opportunities to merge/better integrate the prevention roles of the OHS Division and the WCB;
- The benefits and costs of workers health and safety centres; and
- Opportunities to enhance service delivery focused on client needs (worker and employer).

For the most part, input provided by stakeholders is consistent with existing System priorities. In particular, a number of points raised by stakeholders align with and continue to support the existing priority areas of prevention and stakeholder consultation. Discussion themes also provide greater insight into stakeholders' areas of particular concern.

Table 1 identifies activity completed, in progress, or planned through the lens of those themes. Further consideration will be given to these and any new points raised by stakeholders as part of 2008 fall stakeholder consultation (November 26<sup>th</sup>) in the next iteration of strategic planning. Therefore, stakeholder participation in the November 26<sup>th</sup> consultation session is critical to informing that planning process.

Table 1: Agency Report Mid-Year 2008

DISCUSSION THEME	STATUS/DEVELOPMENTS
<p><b>Education programs</b></p> <ul style="list-style-type: none"> <li>▪ Safety should be taught in different ways in the school curriculum (elementary and high school)</li> <li>▪ Deputy Minister, responsible for Occupational Health and Safety, should continue to liaise with Deputy Minister, Education on the subject of prevention</li> <li>▪ Education for police/fire service/physicians</li> <li>▪ All elements of the System (i.e. OHS, safety associations, WCB, etc.) need to be considered in implementing a better way to enhance prevention</li> <li>▪ Ensure there is no duplication of what is being taught by various sources (i.e. schools, workplaces)</li> <li>▪ Accreditation for health and safety courses</li> </ul>	<ul style="list-style-type: none"> <li>▪ Members of Joint Committee (representatives of the Department of Health Promotion and Protection, Department of Labour and Workforce Development, Human Resources and Social Development Canada, and the Workers' Compensation Board) cooperatively address mutual interests and have established a series of priority areas on which to jointly focus</li> <li>▪ Joint Committee has been asked by the Heads of Agencies Committee to prepare a recommendation on how to better integrate and leverage disparate initiatives targeted at educating youth in the school system on workplace safety</li> <li>▪ The OHS Division, WCB and the OHS Advisory Council are participating in a review of quality assurance and control of training programs offered by and to employees of the province; the review may result in recommendations around consistent program content</li> <li>▪ OHS and WCB employees continue to develop relationships within the Department of Education; some preliminary contacts have been established at both the senior and operational levels of the organizations; progress has been made advancing OHS programming with the school system, particularly in the Options and Opportunity (O2) program; discussions have been initiated between the Deputy Ministers of Education, Labour and Workforce Development, and Health Promotion and Protection</li> <li>▪ The OHS Division and WCB are continuing discussions with the Department of Education regarding mandatory OH&amp;S training for youth</li> <li>▪ The WCB continues to execute its social marketing campaign, with a focus on behaviour change</li> <li>▪ The OHS Division continues to participate in broad stakeholder consultation to identify and develop program areas (violence in the workplace, internal responsibility system, priorities)</li> </ul>

DISCUSSION THEME	STATUS/DEVELOPMENTS
<p><b>OHS Division – WCB merger</b></p> <ul style="list-style-type: none"> <li>▪ Consider opportunity for OHS Division to merge with WCB with move to split NSEL on April 1, 2008</li> <li>▪ Prevention mandate should be shared by the OHS Division and WCB, allowing for true coordination of System resources</li> </ul>	<ul style="list-style-type: none"> <li>▪ Opportunities to integrate the OHS Division and WCB prevention mandates will be considered within WSIS and agency planning efforts for 2009</li> <li>▪ The OHS Division and WCB work together on a number of inter-agency committees in order to best coordinate programming, and will continue to explore opportunities to improve the integration of services</li> </ul>
<p><b>Workers Health and Safety Centres</b></p> <ul style="list-style-type: none"> <li>▪ Stakeholder-recognized need to conduct research/ business case study</li> <li>▪ Some agree in principle, but acknowledge that the timing may not be right</li> </ul>	<ul style="list-style-type: none"> <li>▪ Terms of Reference for a workers’ health and safety centre research initiative has been ratified by the OHS Advisory Council; a letter of interest will be submitted to the research community</li> </ul>
<p><b>Service delivery</b></p> <ul style="list-style-type: none"> <li>▪ Streamline the System</li> <li>▪ Make the right decision, early</li> <li>▪ Have the right people at the table</li> <li>▪ Long-term claims need consistent decisions</li> <li>▪ Case workers need to look at medical in more detail</li> <li>▪ Poor performers need to be dealt with up front (i.e. return-to-work safety)</li> <li>▪ Barriers need to be addressed – access to quality healthcare, lengthy decision-making process</li> <li>▪ Evidence-based decisions – decrease System costs, right treatment, right program, avoid costly appeals</li> </ul>	<ul style="list-style-type: none"> <li>▪ Through the government’s Better Regulation Initiative, Labour and Workforce Development has established the Competitiveness and Compliance Initiative which looks for opportunities to streamline the OHS system</li> <li>▪ WCB is redesigning the way it delivers service to better meet the needs of workers and employers</li> <li>▪ Service delivery is being explored as part of OHS and WCB strategic planning efforts</li> <li>▪ Leveraging opportunities to improve health care for injured workers: <ul style="list-style-type: none"> <li>▪ Expedited surgery</li> <li>▪ Physiotherapy</li> <li>▪ Doctors NS contract/relationship</li> </ul> </li> <li>▪ In September 2008, the Issues Resolution Working Group finalized a document outlining the quality management framework utilized within the workers’ compensation system to assure, control and</li> </ul>

DISCUSSION THEME	STATUS/DEVELOPMENTS
	<p>improve the quality of claim-related decisions; in the coming months a comprehensive review of the full decision quality management system will be undertaken followed by the development and execution of an action plan intended to take advantage of identified opportunities</p> <ul style="list-style-type: none"> <li>▪ Stakeholder Counsellors are now members of the System Performance Advisory Committee</li> <li>▪ Decision-making benefits from having the right decision makers at the table; Labour and Workforce Development processes are based on consultation to reach a decision</li> <li>▪ The OHS Division is reviewing its targeting approach to focus activity on poor performers; OHS has also reviewed its complaint handling processes to facilitate additional targeted activity with poor performers</li> </ul>
<p><b>Other</b></p> <ul style="list-style-type: none"> <li>▪ Make the Certificate of Recognition (COR) program mandatory</li> <li>▪ Canada Health Act does not apply to employers</li> <li>▪ Priority Employer Program is a good program</li> <li>▪ Need better knowledge of all new Nova Scotia workers</li> <li>▪ Employers need to take a better lead (do not stop educating/training)</li> <li>▪ Target those not in the workforce</li> <li>▪ Behavioural change needs to take place</li> <li>▪ Be careful not to fall back into old ways (i.e. pre-WSIS)</li> </ul>	<ul style="list-style-type: none"> <li>▪ The WCB continues to administer its Priority Employer Program (PEP); early results reveal a significant difference in the performance of PEP targeted employers and the general employer community: <ul style="list-style-type: none"> <li>▪ Total registered claim volume is 10.1% lower for employers in the PEP</li> <li>▪ Total time loss claim volume is 17.9% lower for employers in the PEP</li> <li>▪ Total Temporary Earnings Replacement Benefits paid is 38.7% lower for employers in the PEP</li> </ul> </li> </ul>

# APPENDIX A: Contact Information

## *CAPE BRETON INJURED WORKERS' ASSOCIATION*

369 Prince St. (902)539-4650  
Sydney NS, B1P 5L2

## *MAINLAND INJURED WORKERS' ASSOCIATION*

1791 Barrington St. (902)425-2805  
Suite 300 [mainland@eastlink.ca](mailto:mainland@eastlink.ca)  
Halifax NS, B3J 3K8 [www.mainlandinjuredworkers.com](http://www.mainlandinjuredworkers.com)

## *OHS DIVISION, DEPT. OF LABOUR AND WORKFORCE DEVELOPMENT*

5151 Terminal Rd. (902)424-5400  
P.O. Box 697 Toll Free: 1 (800) 952-2687  
Halifax NS, B3J 2T8 [www.gov.ns.ca/lwd/healthandsafety](http://www.gov.ns.ca/lwd/healthandsafety)

## *PICTOU COUNTY INJURED WORKERS' ASSOCIATION*

142 Provost St. (902)695-7249  
New Glasgow NS, B2H 2P7

## *STAKEHOLDER COUNSELLORS SYSTEM – EMPLOYER COUNSELLOR*

Canadian manufacturers and Exporters (902)422-4477  
1869 Upper Water St. [mary.morris@oea-novascotia.org](mailto:mary.morris@oea-novascotia.org)  
Collins' Bank Building, 3<sup>rd</sup> Floor  
Halifax NS, B3J 1S9

## *STAKEHOLDER COUNSELLORS SYSTEM – WORKER COUNSELLOR*

(902)240-6927  
[owcp@hotmail.com](mailto:owcp@hotmail.com)

## *WORKERS' ADVISERS PROGRAM*

5670 Spring Garden Rd., Suite 502 (902)424-5050  
P.O. Box 1063 Toll Free: 1(800)774-4712  
Halifax NS, B3J 2X1 [www.gov.ns.ca/lwd/wap](http://www.gov.ns.ca/lwd/wap)

## *WORKERS' COMPENSATION APPEALS TRIBUNAL*

5670 Spring Garden Rd., Suite 1002 (902)424-2250  
Halifax NS, B3J 1H6 Toll Free: 1(800)274-8281  
[www.gov.ns.ca/wcat](http://www.gov.ns.ca/wcat)

## *WORKERS' COMPENSATION BOARD OF NOVA SCOTIA*

5668 South St. (902)491-8999  
P.O. Box 1150 Toll Free: 1(800)870-3331  
Halifax NS, B3J 2Y2 [www.wcb.ns.ca](http://www.wcb.ns.ca)