

# **Workplace Safety and Insurance System Year-End Report 2008**

March 2009

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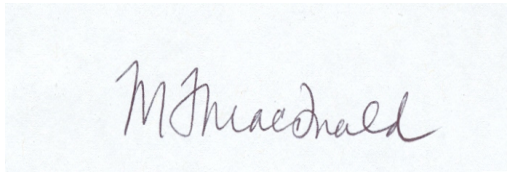
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# INTRODUCTION

The Workplace Safety and Insurance System is a unique venture – a diverse group of stakeholders, government and agencies working together to continually improve the way they deliver related, but separate, services. We are encouraged by the accomplishments of 2008, and feel that we are moving in the right direction toward a System that is more collaborative, transparent and accountable to those it serves – workers and employers.

The following report on 2008 captures that progress. We hope you will find it both informative and a sign of positive change and continued progress.



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Margaret MacDonald  
Deputy Minister, Department of  
Labour and Workforce  
Development



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Chris Power  
Acting Chair, WCB Board of  
Directors

# EXECUTIVE SUMMARY

This report provides a snapshot of the state of the Workplace Safety and Insurance System (WSIS) as of year-end 2008. It highlights continued progress to improve workplace health and safety, stakeholder engagement and agency collaboration – key components crucial to the System's success.

During 2008 a number of System initiatives focused on providing health/safety education, training, and awareness: the creation of the Workplace Health and Safety Grade 9 Pilot curriculum; inventory of Health and Safety programs available to youth; and agency collaboration on prevention-based programs. The education initiatives focus on areas where training can have the most impact and influence – early in a person's working life. Also, continued collaborative efforts between agencies in the areas of workplace safety and prevention ensure Nova Scotia workers and employers benefit from a comprehensive and responsive System.

2008 marked the first year for the WSIS Stakeholder Engagement Survey. In December a number of stakeholders were contacted and asked questions about various engagement avenues available to them throughout the System. Results were mixed and opportunities for improvement were identified.

Additional initiatives focusing on issue resolution and quality decision making were also initiated by the WSIS in 2008. Stakeholders identified that litigiousness and decision quality are challenges within the System and serve as inhibitors to positive outcomes for workers and employers. A continued emphasis on addressing these issues will be a focus in the coming year.

Overall, year-end System performance results demonstrate outcomes that are moving in a positive direction. Notable measures in duration and injury frequency are both declining faster than targeted. The result is workers getting back to work in a safer and timelier fashion. There is also a continued trend of high injured worker and employer satisfaction. This speaks directly to the positive results that meaningful collaboration and initiatives are having.

The Workers' Compensation Board's 2008 year-end financials (a measure of the System's financial health) show a total comprehensive loss driven by net investment income which was less than required to cover liability requirements. This reflects the poor results in the global investment markets. Hence, as of year-end 2008, the Workers' Compensation Board's percent funded position decreased from 75% to 60% as of December 31<sup>st</sup>, 2008.

Looking forward to 2009, the System will continue to build on its collaborative models, place a high emphasis on improving outcomes for workers and employers, and continue to respond to stakeholder concerns.

# BACKGROUND

The Workplace Safety and Insurance System (the System) 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 System by providing valuable input to the System's strategic planning and performance measurement processes. Agencies, in turn, are responsible for evaluating 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. For a detailed description of the System's structure and key stakeholders refer to the Workplace Safety and Insurance System Strategic Plan (available from any of the four partner agencies or on the System 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 vision is the destination point that we steer toward; our goals the guide posts that help us get there. This report examines our progress in 2008 along the path to that vision by evaluating progress on initiatives and System performance results.

The following agency-specific performance reports can be obtained from the respective agencies (for contact information, see Appendix A):

- Occupational Health and Safety Division Annual Report
- Workers' Advisers Program Quarterly Report
- Workers' Compensation Appeals Tribunal Annual Report
- Workers' Compensation Board Annual Report

# PROGRESS TO PLAN

## System Initiatives

The WSIS made progress in a number of its goals and objectives in 2008. In particular, agency collaboration and building system capacity are two themes underlying this past year's activity. Below is a list of those initiatives that best characterize this collaboration.

### Workplace Health and Safety Pilot in Grade 9 Classrooms

Fostering a culture of workplace health and safety in Nova Scotia is a key objective of the System. Social marketing campaigns, increased training opportunities and compensation-based incentives are some of the examples that the System continues to promote. In advancement of its commitment to reducing workplace injuries, it was also recognized that education is crucial in helping develop a safety culture, and starting education early in a young worker's life will have the greatest impact. Through the combined efforts of the System agencies, stakeholders and the Department of Education, a new pilot program will be offered to Grade 9 students during the 2009/10 school year.

Students will learn about the importance of respect for workplace health and safety and injury prevention. This eight hour instruction session will be delivered to Grade 9 students in the classroom and will be a core component of the Healthy Living program.

### Inventory of Health and Safety Training Available to Youth: Strategy Building

Throughout 2008 the System partner agencies together with stakeholders gathered information on education programs available to youth in Nova Scotia that focused on workplace safety and injury prevention. The goal of this initiative was to gain an understanding of the number of agencies involved in delivering health and safety programs and the age of the intended audience.

Overall, the intent of the initiative is to identify where our strengths as a System are in this area, and build on those strengths. Ensuring that as many young workers as possible have access to valuable workplace safety and injury prevention training will have positive immediate and long-term impacts.

### Joint Committee Prevention and Education Areas

Throughout 2008 the System Joint Prevention Committee, comprised of the WCB, Department of Labour and Workforce Development and Human Resources and Social Development Canada, identified areas specific to injury prevention that could benefit from inter-agency collaboration and a sharing of knowledge.

The four key areas identified were: health and safety education programs, shared ergonomic training, collaborating on the Internal Responsibility System, and shared knowledge of each agency's targeting programs for employers with high injury rates.

*System Performance Measures: WSIS Stakeholder Engagement Index*

Stakeholders identified the need to develop a measure that reports the overall satisfaction of stakeholder engagement. This is another measure, under the goal of effective governance, that will be incorporated into the overall performance measure basket developed by the System Performance Advisory Committee (SPAC). The WSIS Stakeholder Engagement study was developed and implemented in December 2008.

Stakeholders (48 in all) were surveyed and asked questions about engagement opportunities, channels of communication, and the importance of inter-agency communication and collaboration within and provided by the WSIS. A blended measure of these results forms the overall Stakeholder Engagement Index. This provides an accurate measure of how the WSIS is responding to stakeholder expectations.

Since this was the first year for the survey, the 2008 result is the benchmark score. Results of the measure can be found in the Performance Measures section (Appendix C) of this report.

*Issues Resolution: A Strategy for Reducing Litigiousness and Ensuring Quality Decisions*

The System stakeholders have identified issues within the compensation system that inhibit and challenge positive service delivery. System litigiousness and the lack of quality decisions rendered early are two examples that stakeholders believe do not lead to positive client experience.

In late 2008, in response to Stakeholder concerns, the System agencies identified the need to develop a strategy dedicated to exploring ways to limit litigiousness and ensure decision quality. The exploratory phase of this strategy is underway and it is anticipated to be ready for stakeholder consultation in late 2009.

*Early Review and Resolution: Collaboration between WCAT and WCB*

The Workers' Compensation Appeals Tribunal entered into a secondment arrangement with WCB in mid 2008. The WCAT seconded a staff person from WCB in the role of Special Projects Officer to perform early review of case files and seek resolution opportunities prior to a full hearing before a WCAT Commissioner.

The Special Projects Officer is a non-adjudicative role; it does not replace a hearing. This is an opportunity to apply alternative resolution practice and



meaningful conciliation, thereby reducing the volume of issues at the WCAT and expediting decisions to both injured workers and employers.

*Stakeholder Counsellors System*

In June 2008, both the Worker and Employer Counsellor Pilot programs started operating. The services of the counsellors have been sought out by many stakeholders who require assistance in navigating the System. A full description of their activity can be found on pages 10 and 11 of this report.

# System Performance

System performance is monitored on an ongoing basis, the results used by stakeholders and agencies alike to gauge the health of the System, measure progress towards achievement of our vision and to identify what parts of our plan are working. For a comprehensive description of our performance measurement methodology, refer to Appendix D.

Table 1 depicts the System Scorecard, and measures within each quadrant. For more information on 2008 performance results, refer to Appendix C.

Table 1: System Scorecard – 2008

Measure	2008	2007
<b>OUTCOMES</b>		
Composite Duration	95	102
% Labour Force Covered	71	72
% Return To Work	93	93
Injury Rate	2.48	2.6
Injury Rate, Claims > 26 Weeks	0.12	0.14
<b>SERVICE DELIVERY</b>		
Stakeholder Satisfaction Index		
Injured Worker Satisfaction Index for WCB Program Delivery	73%	75%
Employer Satisfaction Index for WCB Program Delivery	79%	81%
Workers' Advisers Program Client Satisfaction	88%	86%
Occupational Health and Safety Division Client Satisfaction:		
Publication Mail-Out, Overall Satisfaction	4.5/5	4.7/5
Injured Worker Satisfaction, claims > 26 weeks <sup>1</sup>	66%	69%
Stakeholder Awareness of Importance of Workplace Health & Safety	84%	78%
Decisions Overturned On Appeal	39%	40%
<b>EFFECTIVE GOVERNANCE</b>		
*Stakeholder Engagement Index	45	n/a
<b>FINANCIAL SUSTAINABILITY</b>		
Benefits Comparison	Appendix D	Appendix D
% Funded	60%	75%
Average Assessment Rate	\$2.68	\$2.64

\* 2008 is the first year for the Stakeholder Engagement Index

# REPORT OUT FROM STAKEHOLDERS

## **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 about their rights and responsibilities. We help injured workers help themselves with regard to obtaining their WCB benefits 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.

Our association provides assistance with case conferences, interpretation of policies and return-to-work plans. We assist with appeals to the Internal Appeals Officer and, on occasion, assist injured workers with their appeal to the Worker's Compensation Appeals Tribunal (WCAT) when they are not represented by the Worker's Advisers Program (WAP).

We also facilitate monthly meetings to keep our members informed and up-to-date on issues concerning the Workplace Safety and Insurance System (WSIS).

## ***2008 Statistics for Mainland Injured Workers Association***

<i>Open Files</i>	<i>312</i>	<i>Calls &amp; Inquiries</i>	<i>2,499</i>
<i>Active Files</i>	<i>156</i>	<i>Meetings</i>	<i>107</i>
<i>New Clients</i>	<i>71</i>		

## **Pictou County Injured Workers Association**

Our association has 370 open files with approximately 280 currently active. From July 2008 to December 2008 we hosted approximately 160 in-office meetings with injured worker clients, WCB staff, employers, government officials and elected representatives. We met on five occasions with groups of injured workers in their home area as part of our outreach program. Pictou County Injured Workers Association remained an active participant in WSIS. We sent representatives and actively participated in the Sydney, Port Hawkesbury, Stellarton and Halifax Stakeholder Consultation Meetings, attended the Fall Stakeholder Session in November and provided input into the Policy Consultation process. We continue to be committed to the WSIS Stakeholder process.

## **Cape Breton Injured Workers Association**

Not available at the time of publication.

## **Employers' Stakeholder Counsellor**

The Office of the Employer Advisor (OEA) program provides expertise, advice, leadership, support, training, communications and navigational assistance to employers in Nova Scotia, in the areas of OHS, WCB, labour and employment matters. Any employer can access the services and programs of the OEA regardless of whether or not they pay directly into the WCB. The services and programs are confidential and free. Mary Morris is the province's first "Employer Advisor" at [mary.morris@oea-novascotia.org](mailto:mary.morris@oea-novascotia.org).

The Office of the Employer Advisor is overseen by the "Employers' Council" represented by the following stakeholder groups:

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

The Office of the Employer Advisor has had an incredible first year in operation. Employers and employer associations have easily and quickly connected to the programs and services offered.

The OEA delivers support, advice and assistance to employers where no other, like service exists in Nova Scotia. The need for the OE – designed, overseen and implemented by employers – is clear and has attached itself successfully to business in the province. The usage of our full range of services including claims and compliance assistance, training and expert advice has continued to grow steadily every month. We have travelled from one end of the province to the other meeting, visiting and assisting employers. And we have placed an emphasis on our training offerings, partnerships and increasing the awareness of employers in the province. The OEA has also responded to a number of consultation reports through Nova Scotia Labour and Workforce Development and WCB.

The main issues for which employers contact OEA are related to Workers' Compensation, followed by general employment matters. The Workers' Compensation issues in order of frequency of use of the OEA are:

- Claim decisions – delayed decisions, preparing additional information, appeal related
- Preparation/review for upcoming appeals
- Rate issues/registration issues

Our "complex file" numbers are now over 100 employers. A complex file requires numerous hours working with the employer to assist them with the issue. From site visits, meetings, training sessions and assistance with complex or more simple issues we have now impacted well over 1000 employers. We thank the staff of the WSIS

agencies for their support through attendance at meetings with employers, and in answering many challenging questions.

The OEA has placed a significant emphasis on training through our strategic plan which includes partnerships with training groups and organizations. Our training has been with Safety Services Nova Scotia, Lorman Educational Services, Infonex, OEA Employer Consultation sessions (five in total) and custom training for individual employers. As this report goes to print, we are awaiting word on two proposals for two very large conferences. This is an area of positive growth for OEA where we can continue to meet the needs of employers in building a safe and healthy workplace.

In 2009 we will attend four tradeshow that emphasize workplace safety, industry associations and their work with employers, and labour and employment trends/issues. We are very excited to be out with employers, safety professionals, workers and industry associations to showcase our programs and services.

Our website, [www.oenovascotia.ca](http://www.oenovascotia.ca), was launched in 2008 and we now have associations and businesses contacting us through this site. Our winter/spring newsletter is off to print.

The OEA has received enquiries from employers outside the province wishing to come into the province to work and we have been able to assist them with the necessary information to obtain clearances, forms, certificates, permits and to help them make the necessary contacts.

We have also been involved with employers whose work requires their employees to go outside Canada to work on projects.

And we hear from employers who are struggling in these difficult economic times. Due to demand for assistance throughout December, the OEA did not close its offices during the Christmas season. We met with our first employer client of 2009 on January 2, 2009!

Our business philosophy strongly supports Nova Scotian employers and we are pleased to pursue only contracting or purchasing services from within our province.

The OEA continues to thank the WSIS partners for their support and assistance.

### **Workers' Stakeholder Counsellor**

The program is overseen by a subcommittee of the Executive of the Nova Scotia Federation of Labour, an umbrella Labour organization which represents more than 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.

In addition to providing advice and assistance to hundreds of injured workers and their representatives on a broad range of topics, Worker Counsellor Jessie Parkinson has been busy establishing the educational component of the program. In September and October Jessie travelled throughout Nova Scotia with members of the Board of Directors of the WCB and WCB staff, listening to the views of stakeholders concerning the WCB's proposed Strategic Plan. On November 26<sup>th</sup> Jessie made a presentation at the WSIS Stakeholder Consultation Session outlining the views of her constituents.

In particular, she emphasized the need for education in workplace safety and a better understanding on the part of workers of the WCB's return-to-work program.

In October Jessie assisted in the presentation of *Navigating Your Way*, a guide to Workers' Compensation sponsored by the NSFL, and in November she chaired a session on Return to Work at a NSFL Conference.

In February, 2009 Jessie will be presenting a day-long seminar on Workers' Compensation to executive members of the Union of National Defence Employees locals at their annual conference. Future plans include a website for the program and work on training more facilitators to deliver workshops.

# **MEETING OUR OBLIGATIONS UNDER THE LAW**

For any program governed by law compliance with the associated *Act*, regulation and policy is a key performance expectation. The state of compliance of each agency within the Workplace Safety and Insurance System to their legal obligations is outlined in Appendix E.

## WHERE TO FROM HERE

2008 saw progress on a number of fronts: creation of the Grade 9 curriculum pilot; continued collaboration by agencies toward better service and more integrated delivery to workers and employers; exploration towards issue resolution and reducing litigiousness within the System; and a new WSIS performance measure for stakeholder engagement.

Stakeholder engagement throughout 2008 was substantial, leading to a more collaborative approach and in turn better outcomes. The collaborative journey will be ongoing as stakeholders and agencies work towards achieving the WSIS goals.

Taking into consideration our progress against the WSIS performance measures as of year-end 2008 and progress in the development of relationships within the System, our journey continues. We are on the right path.

The WSIS 2009 Strategic Plan is our roadmap for continuing on this journey. We will continue with our plan and maintain focus on collaboration, stakeholder engagement, and further improvement of outcomes. A copy of the 2009 WSIS Strategic Plan can be found on our website, [www.wsis.ns.ca](http://www.wsis.ns.ca).



APPENDIX A:  
WORKPLACE SAFETY AND INSURANCE  
SYSTEM – AGENCY & STAKEHOLDER  
CONTACT INFORMATION

## **OHS Division- Department of Labour and Workforce Development**

5151 Terminal Rd.  
P.O. Box 697  
Halifax NS, B3J 2T8

(902)424-5400  
Toll Free: 1 (800) 952-2687  
[www.gov.ns.ca/enla](http://www.gov.ns.ca/enla)

### **Workers' Advisers Program**

5670 Spring Garden Rd., Suite 502  
P.O. Box 1063  
Halifax NS, B3J 2X1

(902)424-5050  
Toll Free: 1(800)774-4712  
[www.gov.ns.ca/enla/wap](http://www.gov.ns.ca/enla/wap)

### **Workers' Compensation Appeals Tribunal**

5670 Spring Garden Rd., Suite 1002  
Halifax NS, B3J 1H6

(902)424-2250  
Toll Free: 1(800)274-8281  
[www.gov.ns.ca/wcat](http://www.gov.ns.ca/wcat)

### **Workers' Compensation Board of Nova Scotia**

#### **HALIFAX OFFICE**

5668 South St.  
P.O. Box 1150  
Halifax NS, B3J 2Y2

(902)491-8999  
Toll Free: 1(800)870-3331  
[www.wcb.ns.ca](http://www.wcb.ns.ca)

### **Cape Breton Injured Workers' Association**

714 Alexandra Street  
Sydney, NS B1S 2H4

(902)539-4650

### **Mainland Injured Workers' Association**

1791 Barrington St.  
Suite 300  
Halifax NS, B3J 3K8

(902)425-2805  
[mainland@eastlink.ca](mailto:mainland@eastlink.ca)  
[www.mainlandinjuredworkers.com](http://www.mainlandinjuredworkers.com)

### **Pictou County Injured Workers' Association**

142 Provost St.  
New Glasgow NS, B2H 2P7

(902)695-7249

### **Stakeholder Counsellor System – Employer Counsellor**

Office of the Employer Advisor  
1869 Upper Water St.  
Collins' Bank Building, 3<sup>rd</sup> Floor, Suite 303  
Halifax NS, B3J 1S9

(902) 406-7039  
Toll Free: 1 (877) 515-7039  
[mary.morris@oea-novascotia.org](mailto:mary.morris@oea-novascotia.org)  
[www.oeanovascotia.ca](http://www.oeanovascotia.ca)

### **Stakeholder Counsellor System – Worker Counsellor**

Office of the Worker Counsellor  
250- 3700 Kempt Road  
Halifax, Nova Scotia B3K 4X8

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

**APPENDIX B:  
WORKPLACE SAFETY AND INSURANCE  
SYSTEM – INITIATIVES TABLE**

## WORKPLACE SAFETY AND INSURANCE SYSTEM INITIATIVES – PROGRESS TO DATE

### GOAL: IMPROVE OUTCOMES FOR WORKERS AND EMPLOYERS

INITIATIVE	STATUS
<b>REDUCE INJURY RATE</b>	
Social Marketing campaign	Operational
Core Curriculum	Ongoing
Youth Education program	Operational
Explore options for Certification of Trainers program	Not being pursued at this time
Employer Account Look Up	Operational
Develop industry support networks	Ongoing
Investigate experience rating range	Not being pursued at this time
Develop new safety incentive program	Operational
Develop safety audit program	Operational
Develop disincentive program	Operational
Driving Strategy	Operational
Workplace Violence Strategy	Operational
IRS improvements	Ongoing
<b>RETURN TO WORK</b>	
Develop baseline measurement and set targets	Ongoing
Develop survey tool for return-to-work	Ongoing
Develop strategy and train staff to educate employers	Ongoing
Consult stakeholders and train staff in best practices	Ongoing
Improve management of service provider contracts	Ongoing
Explore certificate in Occupational Health	In progress
Support Disability Prevention and Management course	Ongoing
Educate physicians on return-to-work	Ongoing

## GOAL: IMPROVE SERVICE DELIVERY

INITIATIVE	STATUS
<b>ACCESSIBILITY</b>	
Youth education program	Operational
Regional workshops	Operational
New service channels	Ongoing; 2008, further developments to MyAccount
Investigate integrated telephone inquiry service	Included as part of Service Delivery Model project
Determine reading level of clients	Outstanding
Develop plan for communicating with special needs clients	Outstanding
Inquiry Service Funding / Support	Ongoing
<b>ISSUE RESOLUTION</b>	
Joint working group to explore new forms of issue resolution	Ongoing
Develop opportunities for joint agency training	Ongoing
Provide WAP with access to expedited services	Ongoing

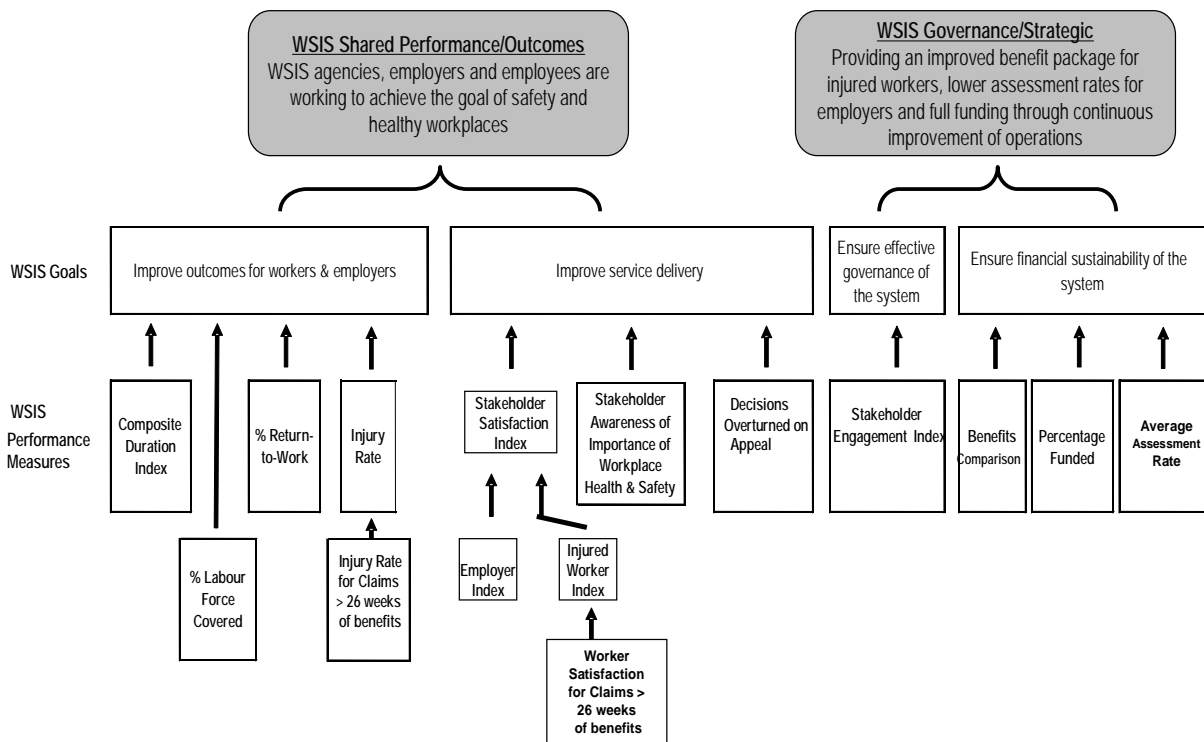
## COMPLETED INITIATIVES

INITIATIVE	STATUS
Produce quarterly agency reports	Complete; since changed to bi-annual at suggestion of SPAC
Collaborate with Medical Society (i.e. website)	Complete, 4 <sup>th</sup> Quarter 2003
Organize first WSIS Annual General Meeting	Completed, Q2 2004 and conducted as an annual event
Develop policy for stakeholder consultation	Completed Q1 2004; policy under review
Establish inter-agency policy forum	Complete, Q1 2004
OHS grant program	Complete, Q2 2005
Establish WSIS Performance Measures group	Complete, recommendation provided July 2005; group disbanded when System Performance Advisory Committee established
Create WSIS website	Phase 1 complete Q4 2004
Develop priority employer program	Program development complete; ongoing and operational
Implement most effective delivery model for RTW	Ongoing and operational; further development as part of Service Delivery Model project
Develop single document describing WSIS	Complete - Incorporated into the WSIS website

APPENDIX C:  
WORKPLACE SAFETY AND INSURANCE  
SYSTEM – PERFORMANCE MEASUREMENT  
RESULTS 2008

## WSIS Performance Measures

Figure C.1



### System Performance Advisory Committee (SPAC)

In 2008, the System Performance Advisory Committee (a WSIS committee comprised of agency representatives and WSIS stakeholders) continued its focus on defining and monitoring WSIS measures and discussing issues relevant to stakeholders.

The SPAC played a key role in developing the new WSIS Stakeholder Engagement survey which was implemented in December.

Throughout 2008 the SPAC effectively advised on consultation efforts and provided insight on the various planning and reporting processes undertaken by the WSIS.

**NOTE:**

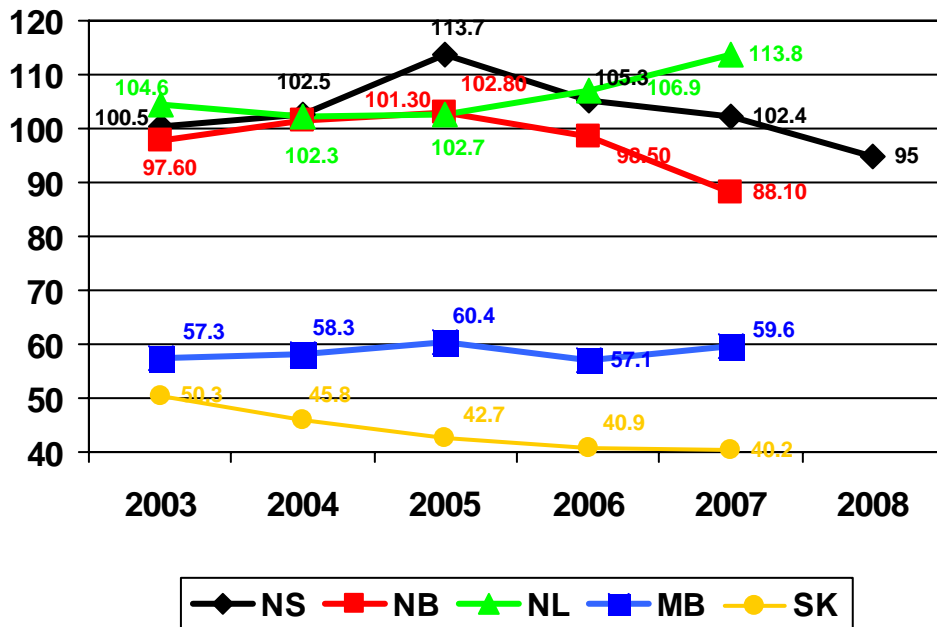
Performance measure data are obtained from the WSIS agencies. Where possible the Nova Scotia result is compared to other jurisdictions with similar safety and compensation systems. This comparative data is provided by the Association of Workers' Compensation Boards of Canada (AWCBC). However, 2007 data is the most current year available for those jurisdictions through the Workers' Compensation Safety and Insurance System Year-End Report 2008

## Goal: Improve Outcomes for Workers and Employers

### Performance Measure: Duration Index

Provides a summary indication of the length of time to resolve claims, including the most serious claims that may extend over a long period of time. This measure indicates the effectiveness of return-to-work efforts and disability management.

#### Historical Performance:



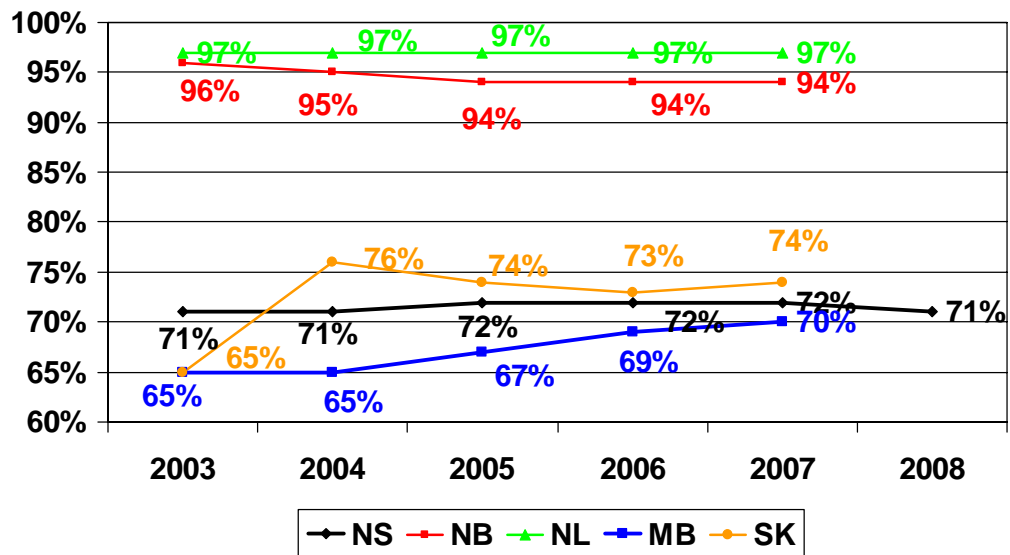


## Goal: Improve Outcomes for Workers and Employers

### Performance Measure: Percentage of Labour Force Covered

Measures the proportion of the employed labour force that is eligible for benefits under the provincial workers' compensation system.

#### Historical Performance:

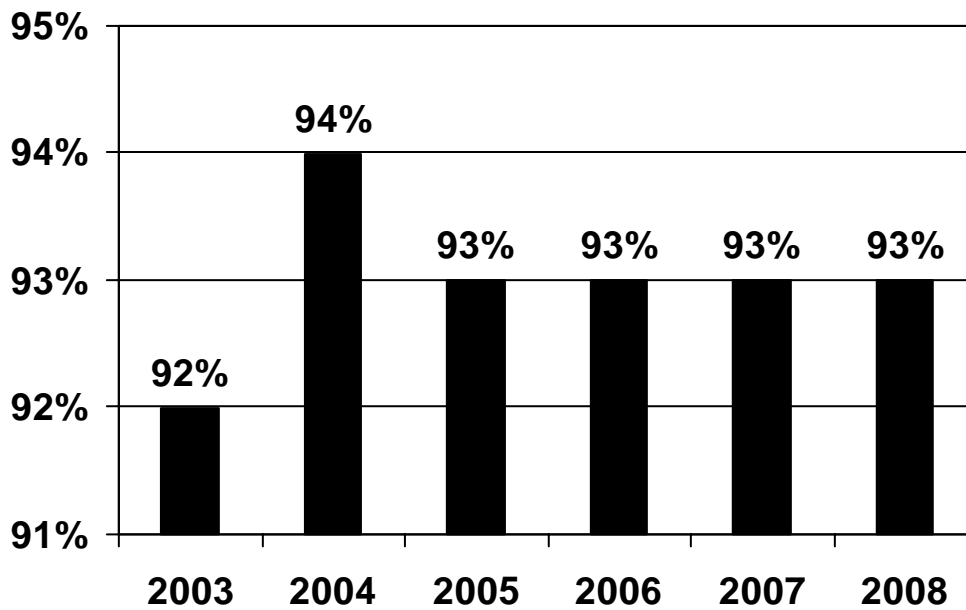


## Goal: Improve Outcomes for Workers and Employers

### Performance Measure: Percentage Return to Work at 100% Pre-injury Earnings

Measures the percentage of injured workers returning to work at 100% of pre-injury earnings.

#### Historical Performance:

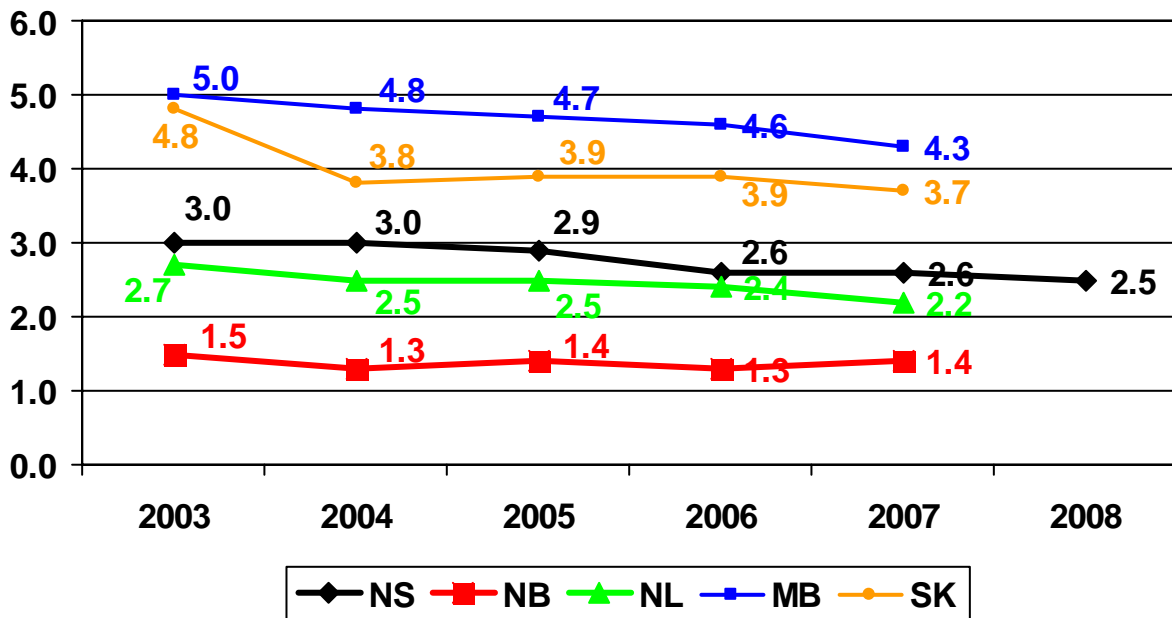


## Goal: Improve Outcomes for Workers and Employers

### Performance Measure: Injury Rate

Measures the occurrence of workplace injury for workers in each jurisdiction in terms of the proportion of workers who suffer a lost-time work injury.

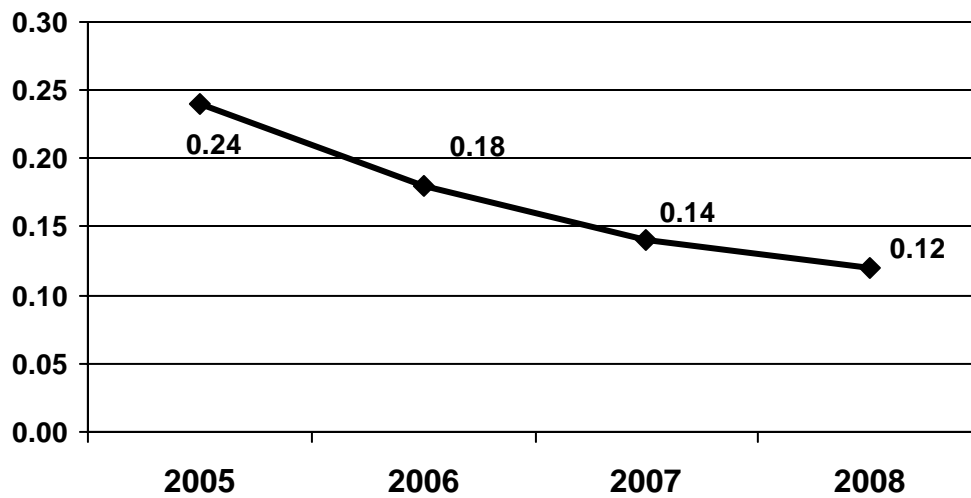
#### Historical Performance:



## Performance Measure: Injury Rate for Injured Workers Where Short-Term Disability Benefits Exceed 26 Weeks

Measures the occurrence of workplace injury for workers in terms of the proportion of workers who suffer a lost-time work injury and received short-term disability benefits exceeding 26 weeks.

### Historical Performance:



## **Goal: Improve Service Delivery**

### **Performance Measure: Stakeholder Satisfaction Index – Program Delivery**

The Stakeholder Satisfaction Index is intended to provide an overall rating of satisfaction of stakeholders with the services they receive within the WSIS. Also incorporated in the satisfaction basket of measures are results from each agency. This multiple measure approach provides a more comprehensive reporting of overall client satisfaction within the WSIS.

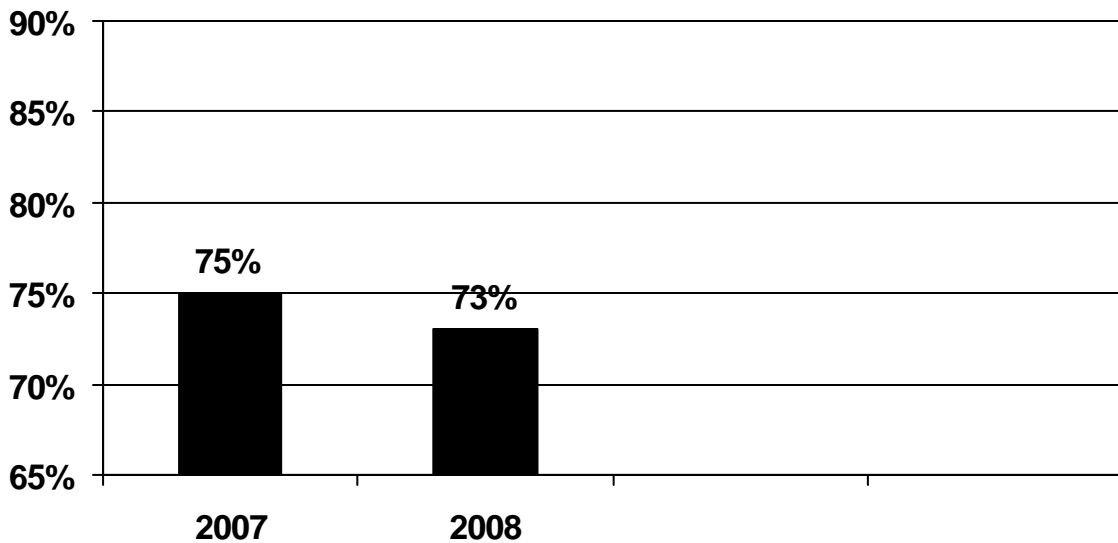
The following measures are reported for 2008:

- Injured Worker Satisfaction Index for Workers' Compensation Board Program Delivery,
- Employer Satisfaction Index for Workers' Compensation Board Program Delivery,
- Workers' Advisers Program Client Satisfaction, and
- Occupational Health and Safety Division Client Satisfaction.

## Injured Worker Satisfaction Index for Workers' Compensation Board Program Delivery

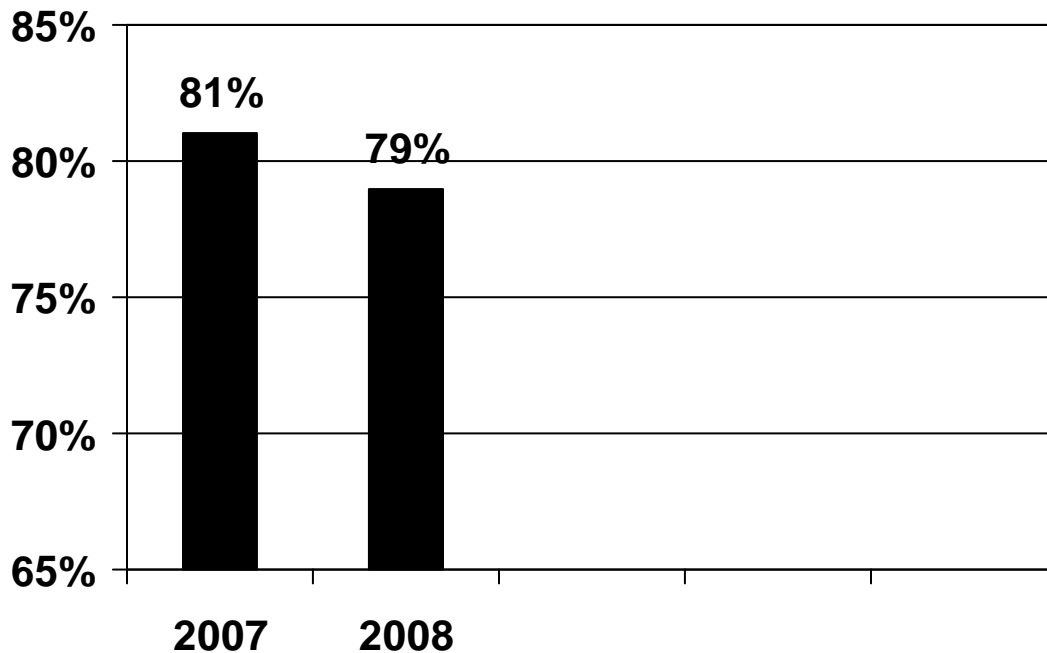
As of 2007, the Workers' Compensation Board began reporting a new injured worker satisfaction index measure (based on a roll-up of a number of drivers) to determine whether/to what level injured workers' priorities are being satisfied. This measure is intended to satisfy sound statistical properties, garner broad acceptability, and be reflective of the determinants of overall satisfaction. The new measure weights the drivers of satisfaction, which can be validated on a regular basis. This change in methodology does not allow us to compare or restate historical performance prior to 2007.

Historical performance:



## Employer Satisfaction Index for Workers' Compensation Board Program Delivery

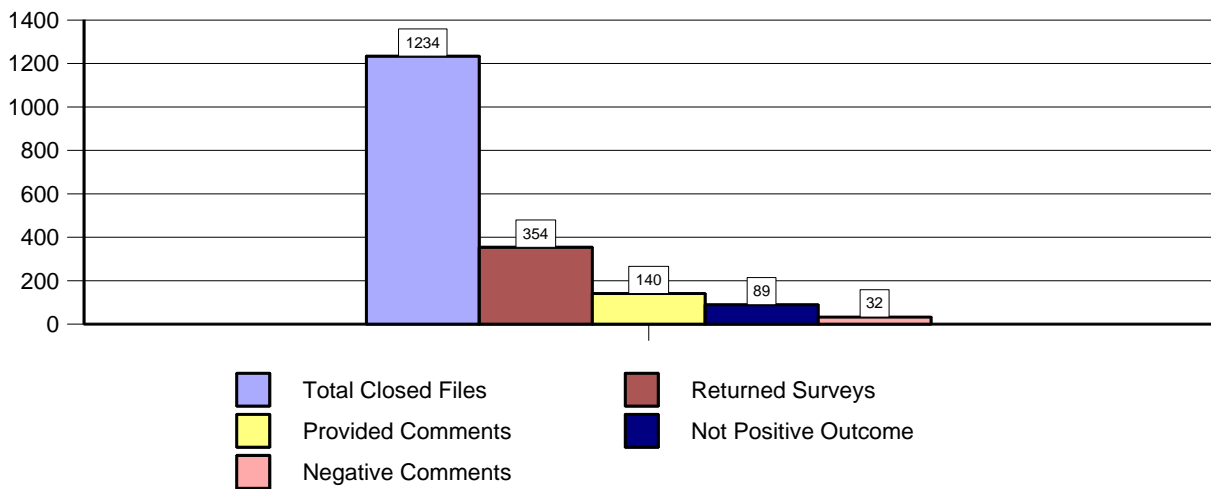
As of 2007, the Workers' Compensation Board began reporting a new employer satisfaction index measure (based on a roll-up of a number of drivers) to determine whether/how employers' priorities are being satisfied. This measure is intended to satisfy sound statistical properties, garner broad acceptability, and be reflective of the determinants of overall satisfaction. The new measure weights the drivers of satisfaction, which can be validated on a regular basis. This change in methodology does not allow us to compare or restate historical performance prior to 2007.



## Workers' Advisers Program Client Satisfaction

The Workers' Advisers Program mails satisfaction surveys to clients with their closed file. For 2008, 87.9% of Workers' Advisers Program clients "strongly agreed" or "agreed" that the service provided satisfied their requirements.

### Survey Results for 2008





## Occupational Health and Safety Division Client Satisfaction

The Occupational Health and Safety Division polls its clients regarding satisfaction with publication mail-outs and with the Division's website. Website satisfaction data is unavailable for 2008.

### Publication Mail-Out Service Client Satisfaction:

Question	2008	2007	2006/ 2007	2005/ 2006	2004/ 2005	2003/ 2004
Material received within an acceptable time (% Yes)	98	100	100	96	100	-
Correct material received (% Yes)	98	100	100	68	99	-
Friendliness (1-5 scale)	4.5	4.7	5.0	4.6	4.5	4.5
Laws well written (1-5 scale)	3.5	4.4	4.0	3.9	3.5	3.5
Laws interesting (1-5 scale)	3.0	3.0	3.4	3.6	3.7	4.0
Other materials well written (1-5 scale)	3.9	4.4	4.6	3.6	3.8	4.0
Other materials interesting (1-5 scale)	3.4	4.2	4.4	3.4	3.2	4.0
Overall satisfaction (1-5 scale)	4.5	4.7	5.0	4.5	4.6	4.0
% respondents self-identified as "Management"	70%	-	60%	32%	74%	-
% respondents self-identified as "JOHSC members"	51%	-	60%	61%	53%	-

- Result not available.  
1 = Worst      5 = Best

### Internet Satisfaction:

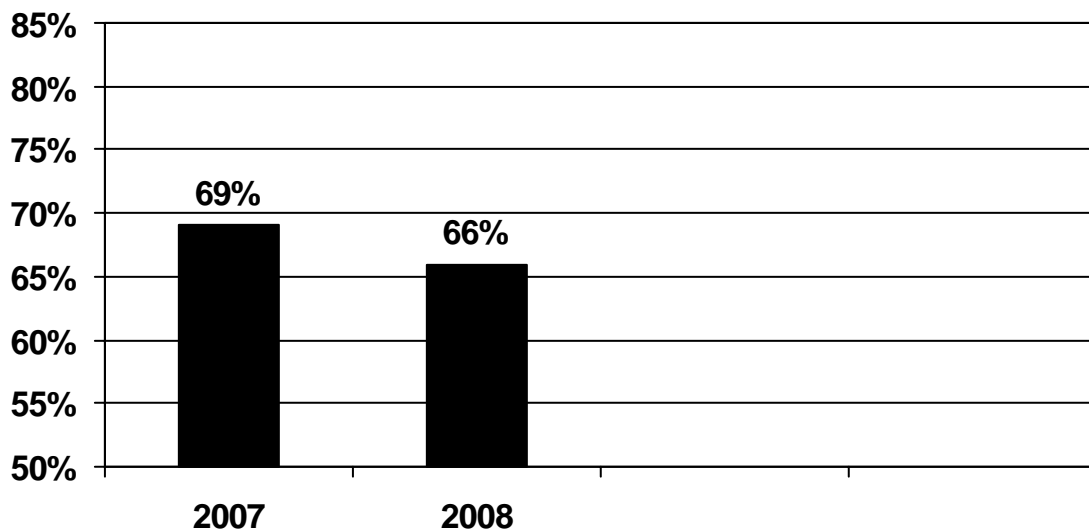
Question	2008	2007	2006/ 2007	2005/ 2006
How would you rate the site navigation?	N/A	73%	71%	65 %
How would you rate the site's visual appeal	N/A	75%	71%	66 %
How would you rate the ability to find what you want quickly?	N/A	66%	64%	41 %
How would you rate the site's search abilities?	N/A	50%	67%	50 %
How would you rate the site's overall usefulness?	N/A	75%	77%	75 %

## Goal: Improve Service Delivery

### Performance Measure: Satisfaction Index for Injured Workers Where Short-Term Disability Benefits Exceed 26 Weeks

Provides an overall rating of satisfaction of injured workers, where short-term disability benefits exceed 26 weeks, with the services and outcomes they received from the Workplace Safety and Insurance System. The intent of the survey is to determine if the satisfaction rating of these workers differs from the overall injured worker population.

#### Historical Performance:

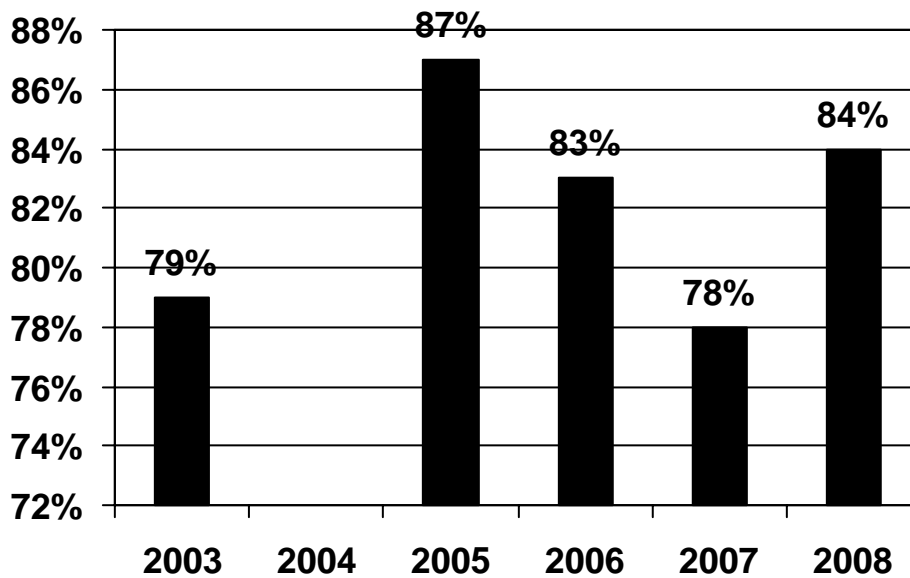


## Goal: Improve Service Delivery

### Performance Measure: Stakeholder Awareness of Importance of Workplace Health & Safety

This measure gauges whether Nova Scotians are recognizing health and safety as an important workplace issue.

#### Historical Performance:



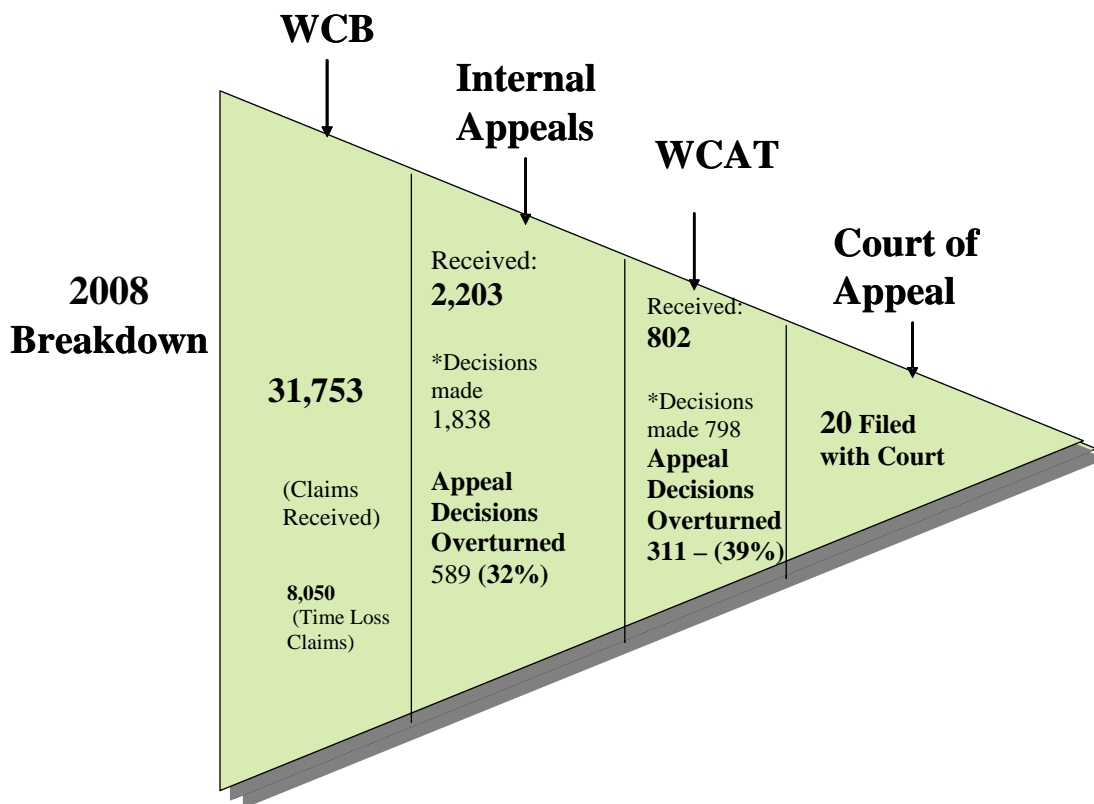
Note: No survey undertaken in 2004.

## Goal: Improve Service Delivery

### Performance Measure: Decisions Overturned on Appeal

This is a measure of activity amongst the agencies. The ultimate objective is to determine a measure of decision quality, but a measure has not yet been established. The System Performance Advisory Committee will continue to examine information and explore alternatives to determine the appropriate measure. Due to the wide range of perspectives relating to this issue we do not anticipate an early resolution.

#### Historical Performance:

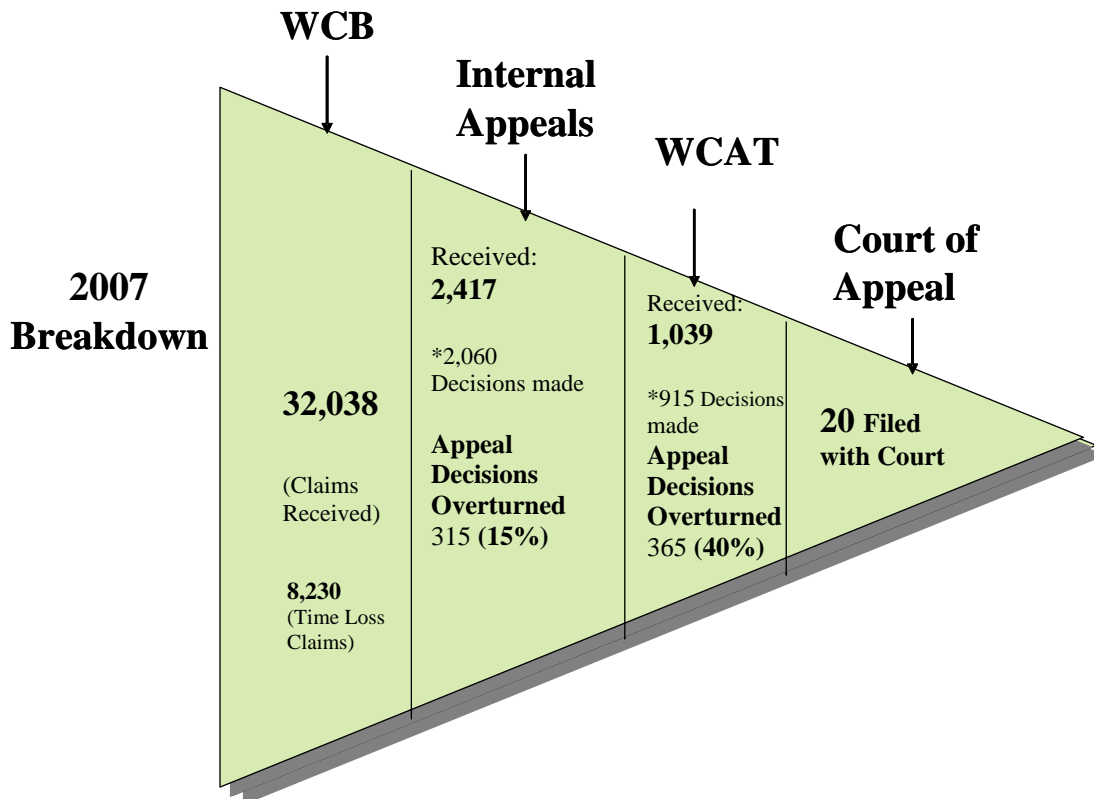


\* The difference between the appeals received at each level and the decisions made are those appeals that are still in progress and have yet to be decided.

## Goal: Improve Service Delivery

Performance Measure: Decisions Overturned on Appeal

Historical Performance:



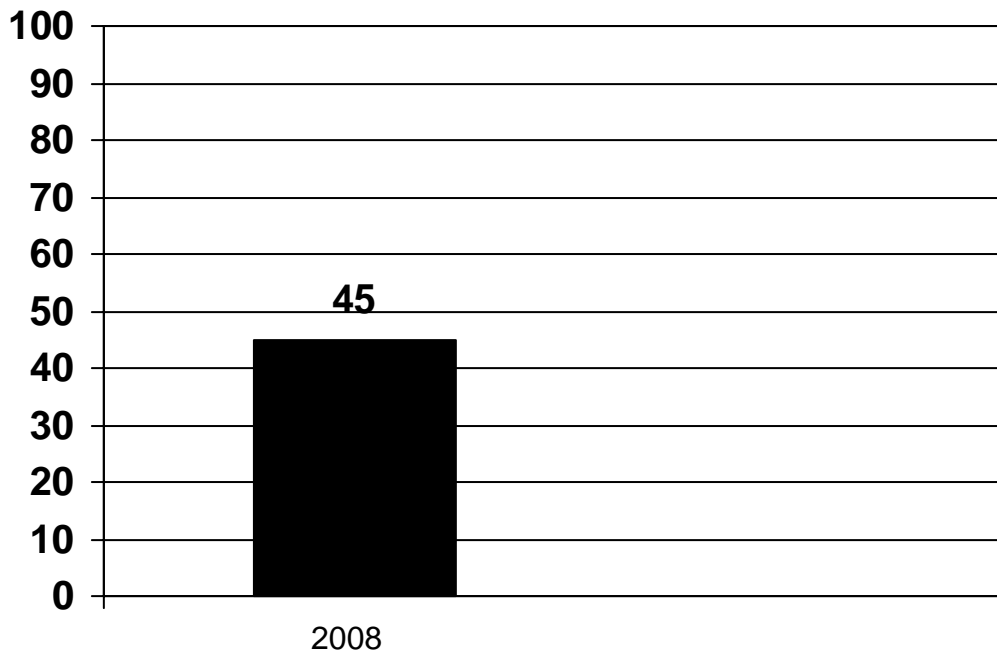
\* The difference between the appeals received at each level and the decisions made are those appeals that are still in progress and have yet to be decided.

## Goal: Ensure Effective Governance of the WSIS

### Performance Measure: Stakeholder Engagement Index

This measure provides an overall rating of satisfaction of the WSIS Stakeholders (injured workers, labour and employers who have been involved in WSIS activity) with the level of engagement within the WSIS. The index is comprised of the following factors: opportunity for stakeholder input, occurrence of consultation, accessibility of documents, whether regular meetings occur, whether performance measures are reported out, and satisfaction with governance.

The overall score for the WSIS Stakeholder Engagement Index in 2008 is 45 out of a possible 100. The Index ranges from a low of 0 to a high of 100. This is a new measure. The 2008 score will become the baseline for this measure in future years.



## **Goal: Ensure Financial Sustainability of the System**

### **Performance Measure: Benefit Comparison**

Table C.1 provides a summary comparison of the “package” of benefits provided within the workers’ compensation system. The Benefit Comparison incorporates the following components:

1. Percentage of Earnings Covered – Long-term
2. Fatality Benefits Other than Pensions – Immediate Lump Sum
3. Maximum Earnings Covered
4. Annuity – Retirement Benefit
5. Consumer Price Index or Average Industrial Wage Index – Inflation Protection
6. Waiting Period for Benefits
7. Canada Pension Plan Offset Reduction for Earnings Loss Benefits
8. Supplementary Benefits for Low Income Workers

Table C.2 indicates the benefit amounts available under various earnings and claim duration scenarios.

**Table C.1 Comparison of Compensation Benefits**

<b>Index Area</b>	<b>NS</b>	<b>NB</b>	<b>NL</b>	<b>MB</b>	<b>SK</b>
<b>Component</b>	<b>Description</b>	<b>Description</b>	<b>Description</b>	<b>Description</b>	<b>Description</b>
Waiting period	2/5ths	3/5ths	No	No	No
CPP offset for earnings loss benefit	Yes, 50% is offset	Yes, 50% is offset	Yes, 75% of net CPP benefits is offset	Yes, 100% offset	Yes, after 12 months of loss of earnings capacity, 50%
Percentage of earnings covered: Long-term	85% of net	85% loss of earnings	80% of net	80% of net	90% of net
Fatal benefits other than pensions - immediate lump sum	\$15,000 at date of death	None	\$15,000 or 26 times the worker's avg weekly net earnings at time of injury, whichever is greater	\$64,200	None
Maximum Earnings covered	\$48,400	\$54,200	\$49,295	no maximum	\$55,000
Average PMI/PIB	9.8%	9.5%	10.01%	5.6%	11.0%
Annuity	Yes, 5% extended earnings replacement benefit	Yes, 5% extended earnings replacement benefit	Worker paid a pension replacement benefit at age 65 if loss of a pension benefit due to compensable injury can be proven.	Yes, 5% extended earnings replacement benefit	Yes, 5% extended earnings replacement benefit
CPI Index or AIW index	Yes, 1/2 of CPI	Yes, 100% of CPI	Yes, 100% of CPI	Yes, AIW	Yes, 100% of CPI
Supplementary Benefits	Yes	No	No	No	No



Table C.2 Benefits Amounts under Various Earnings and Duration Scenarios (2008 tax tables)

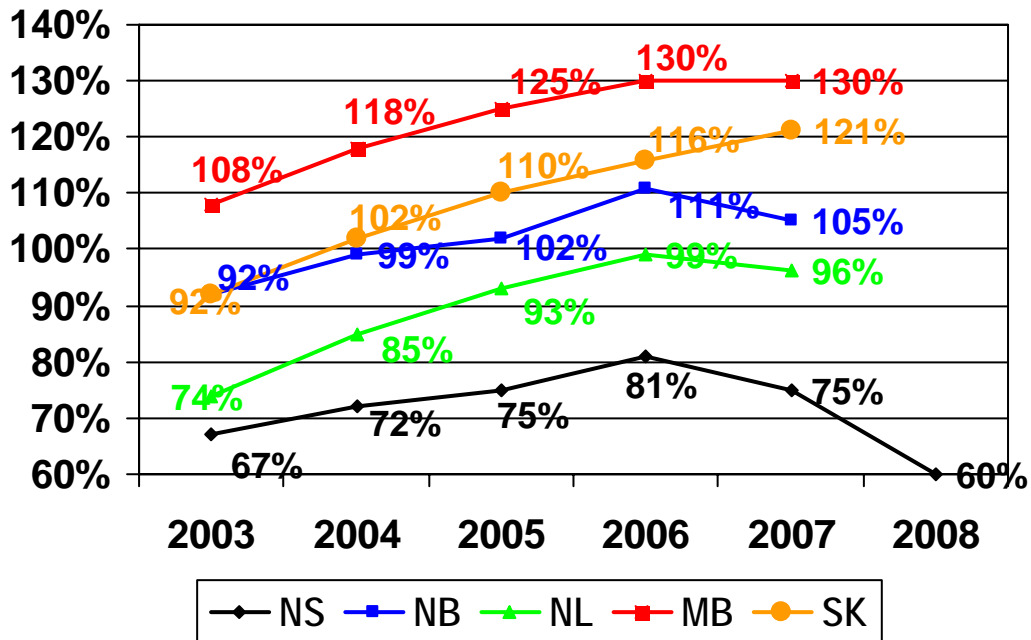
Annual Earnings	Claim Duration (weeks)	NS Weekly Benefit Amt		NB Weekly Benefit Amt		MB Weekly Benefit Amt		NL Weekly Benefit Amt		SK Weekly Benefit Amt	
<b>\$11,000</b>	2	75% of Net	\$87.35 (1 <sup>st</sup> week benefit)	85% of Net	\$66.60 (1 <sup>st</sup> week of benefit)	100% of Net	\$185.48	80% of Net	\$154.50	90% of Net	(min \$324.77)
	6	75% of Net	\$145.58	85% of Net	\$166.49	100% of Net	\$185.48	80% of Net	\$154.50	90% of Net	(min \$324.77)
	52	85% of Net	\$164.99	85% of Net	\$166.49	100% of Net	\$185.48	80% of Net	\$154.50	90% of Net	(min \$324.77)
<b>\$34,000</b>	2	75% of Net	\$225.52 (1 <sup>st</sup> week benefit)	85% of Net	\$169.76 (1 <sup>st</sup> week of benefit)	90% of Net	\$432.32	80% of Net	\$394.77	90% of Net	\$496.12
	6	75% of Net	\$375.86	85% of Net	\$424.40	90% of Net	\$432.32	80% of Net	\$394.77	90% of Net	\$496.12
	52	85% of Net	\$425.98	85% of Net	\$424.40	90% of Net	\$432.32	80% of Net	\$394.77	90% of Net	\$496.12
<b>\$55,000</b>	2	75% of Net	\$304.27 (1 <sup>st</sup> week benefit)	85% of Net	\$253.56 (1 <sup>st</sup> week of benefit)	90% of Net	\$658.78	80% of Net	\$553.90	90% of Net	\$688.61
	6	75% of Net	\$507.11	85% of Net	\$633.91	90% of Net	\$658.78	80% of Net	\$553.90	90% of Net	\$688.61
	52	85% of Net (max \$48,400)	\$574.73	85% of Net (max \$54,200)	\$633.91	90% of Net (no max)	\$658.78	80% of Net (max \$49,295)	\$553.90	90% of Net (max \$55,000)	\$688.61

## Goal: Ensure Financial Sustainability of the System

### Performance measure: Percentage Funded

Measures the overall financial health of the WSIS.

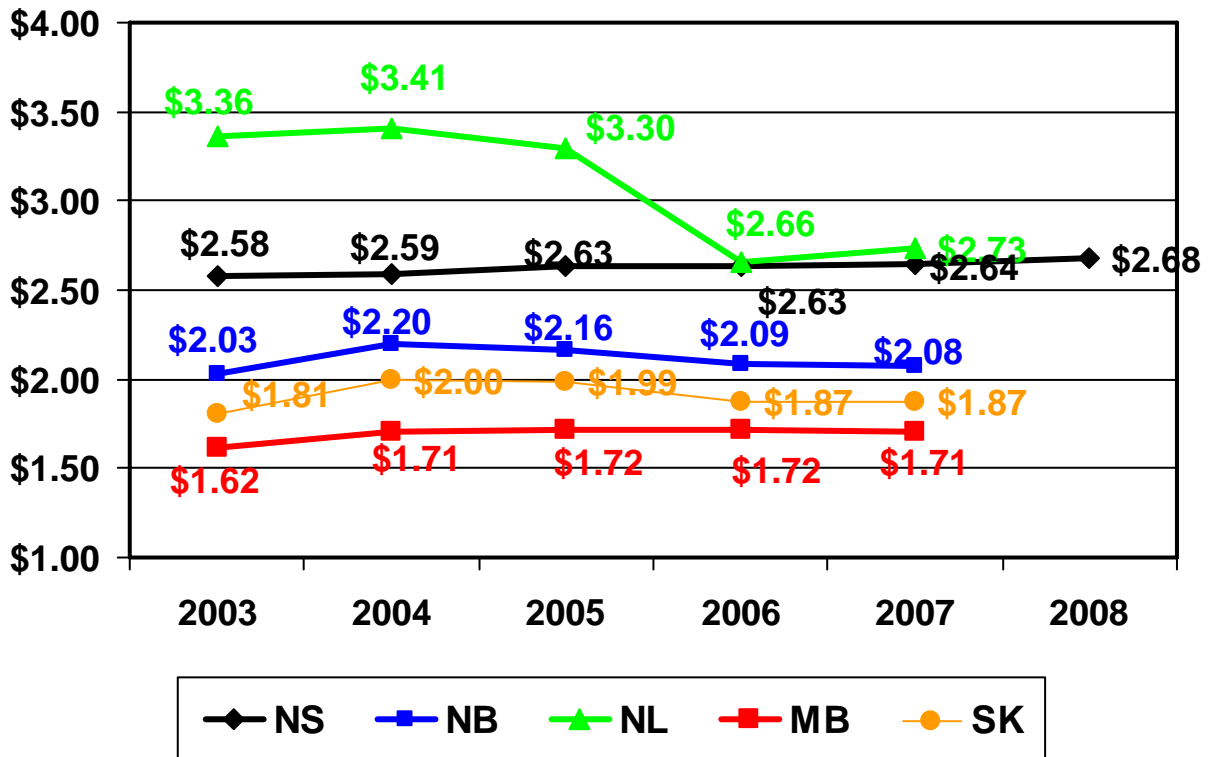
#### Historical Performance:



## Performance Measure: Average Assessment

Measures the average assessment rate actually collected from insured employers.

Historical Performance:



# APPENDIX D: WORKPLACE SAFETY AND INSURANCE SYSTEM – PERFORMANCE MEASUREMENT METHODOLOGY

# System Performance Measures Definition

## Definition Process

Performance measures for the Workplace Safety and Insurance System are defined in direct correlation with the WSIS's goals. For a complete list of goals and objectives refer to Table D.1.

Table D.1 – WORKPLACE SAFETY AND INSURANCE SYSTEM GOALS AND OBJECTIVES

Improve outcomes for workers and employers
Reduce Workplace Injury
<ol style="list-style-type: none"><li>1. Increase worker and employer awareness and knowledge of rights, responsibilities, risks and best practice related to illness and injury prevention</li><li>2. Encourage positive health and safety attitudes and behaviours</li><li>3. Increase compliance with legislative standards and the adoption of best practice</li><li>4. Improve health and safety outcomes</li></ol>
Return to Work
<ol style="list-style-type: none"><li>1. Ensure safe and timely return to work</li><li>2. Improve the satisfaction of injured workers and employers with their return-to-work experience</li><li>3. Increase awareness of the benefits of safe and timely return to work</li></ol>
Improve service delivery
Accessibility of Information and Information Sharing
<ol style="list-style-type: none"><li>1. Increase awareness and understanding of the system</li><li>2. Increase accessibility of service</li><li>3. Increase accessibility of information</li></ol>
Issue Resolution
<ol style="list-style-type: none"><li>1. Issue the correct decision the first time</li><li>2. Increase the understandability of letters and decisions</li><li>3. Increase the efficiency of issue resolution</li><li>4. Increase worker and employer involvement in decision-making</li><li>5. Increase the fairness of the System</li></ol>

**Table D.1 – WORKPLACE SAFETY AND INSURANCE SYSTEM GOALS AND OBJECTIVES ( Cont'd)**

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Ensure effective governance of the System

---

Formal Accountability Structure

1. Establish an ongoing agency committee to oversee the day-to-day implementation of the System plan
  2. Produce agency quarterly reports and a semi-annual update on the System plan
- 

Stakeholder Consultation

1. Increase stakeholders' understanding of how they can influence policy/corporate decisions
  2. Improve stakeholders' level of satisfaction with the meaningful opportunities they have to provide input into the policy development process, including inter-agency consultation
  3. Adhere to agreed-to consultation process for policy development
  4. Improve stakeholders' level of satisfaction with the meaningful opportunities they have to provide input into corporate decisions for the Workplace Safety and Insurance System
- 

Ensure financial sustainability of the System

---

1. Full funding as outlined in the Funding Strategy
  2. In the event of surplus funds in any given year, discuss gains sharing opportunities to: increase benefits for injured workers; reduce employer assessment rates; and/or expedite retirement of the unfunded liability
- 

Which measures are used to monitor system performance is heavily influenced by stakeholders through the System Performance Advisory Committee. The System Performance Advisory Committee recommends measures to the partner agencies through the Heads of Agencies Committee. Once agreement is reached, it is those measures that are monitored by agency employees and stakeholders alike. Currently agreed-upon measures are depicted in Figure C.1.

Performance is reported to stakeholders semi-annually – a Mid-Year Performance report in the fall (prior to the fall stakeholder consultation session) and a Year-End Performance report in the spring (prior to the Annual General Meeting). Reports are intended to provide stakeholders with the information necessary to determine whether their expectations are being met and to provide partner agencies with valuable feedback.

## **Measures Description**

### **Goal: Improve Outcomes for Workers and Employers**

#### **Duration Index**

The AWCBC methodology to calculate 'Composite Duration' is used. It is defined as the total number of calendar days compensated for short-term disability over the first five calendar years of duration/lifetime of a typical lost-time claim.

Short-term disability benefits are all income benefits during the initial period after the injury, before the injury has stabilized, plateaued or consolidated. This measure excludes chronic pain claims in the Transitional Services Unit. It is important to note that in Nova Scotia, the Workers' Compensation Board has a two-day waiting period; therefore, the number of lost-time claims in this measure is not reflective of every lost-time injury as in other jurisdictions.

#### **Percentage of Labour Force Covered**

This measure is defined as the following:

Percentage of workforce covered =  $C/P \times 100$

Where  $C = C1 + C2$  and  $C1$  = number of workers of assessable employers or self-employed workers opting for coverage

$C2$  = number of workers of self-insured employers (workers of the Government of Canada and the Province of NS)

$P$  is the reference population. This is the "employed labour force" published by Statistics Canada.

#### **Percentage Return to Work at 100% Pre-injury Earnings**

The Return-to-work measure is based on closed claims. If a claim is closed for whatever reason, it is included in the denominator of the calculation. The numerator is simply the denominator reduced by the sum of claims awarded an Extended Earnings Replacement Benefit (EERB) and the number of claims with outcome codes indicating no return to work or no suitable return to work. Claims with an Estimated Potential Earnings Ability (deemed claims) are given one of these outcome codes and therefore would be excluded from the numerator. Deemed claims are included in the denominator, but not in the numerator, therefore they are not in the 93% return-to-work number; rather they would fall within the 7% that did not return to work. Workers with deemed earnings are not included as having returned to work. They are included in the group that did not return to work.

### Injury Rate

The AWCBC calculation is used where the injury rate is defined as follows:

$$N / C1 \times 100$$

Where N = total number of new lost-time claims for insured employers

C1 = number of workers of insured employers or self-employed workers opting for coverage.

This measure differs slightly from the Workers' Compensation Board Annual Report measure which looks at the rate of injury for all covered employers.

### Injury Rate for Injured Workers Where Short-Term Disability Benefits Exceed 26 Weeks

The AWCBC calculation is used where the injury rate is defined as follows:

$$N / C1 \times 100$$

Where N = total number of new lost-time claims for insured employers for injured workers that have received short-term disability benefits in excess of 26 weeks.

C1 = number of workers of insured employers or self-employed workers opting for coverage

To be complete, the benefit payment information must be matured six months following year end to allow for those claims registered at the end of the year to potentially reach the 26 week mark.

## **Goal: Improve Service Delivery**

### Injured Worker Satisfaction Index

Current Workers' Compensation Board Measure: An independent third party research firm is hired to randomly survey current injured workers. The measure is based on a roll-up of a number of drivers to determine how the Workers' Compensation Board is satisfying the priorities of stakeholders. The goal was to develop a satisfaction index for injured workers and employers that has sound statistical properties, broad acceptability, and reflective of the determinants of overall satisfaction.

Approximately 1,500 workers with a compensable time loss injury (medium and high risk injuries only) completed the survey, resulting in a confidence level of 95%.



#### Employer Satisfaction Index – Program Delivery

Current Workers' Compensation Board Measure: An independent third party research firm is contracted to randomly survey current employers. The results are an index based on a roll-up of a number of drivers of satisfaction. The measure weights the drivers of satisfaction which can be validated on a regular basis.

Analysis has indicated that these questions are linked to employer satisfaction. Approximately 1,000 employers are annually surveyed.

#### Program Effectiveness for Injured Workers Where Short-Term Disability Benefits Exceed 26 Weeks

This measure surveys current injured workers where benefit payments exceeds 26 weeks. Responses are rolled up based on a number of drivers to determine how each agency is satisfying the priorities of these injured workers and to determine if there are any differences in the results as compared to the overall injured worker population. The weighting of these drivers are validated on a regular basis.

#### Stakeholder Awareness of Importance of Workplace Health & Safety

This measures the percentage of Nova Scotians responding "critically important" or "important" to the question "How important is Occupational Health & Safety to you in your day-to-day work?" as part of the Atlantic Omnibus Survey. It has been suggested that an index may be the most appropriate way to measure awareness with a series of questions such as "How many employers have a Certificate of Recognition?" or a combination of questions from the current Omnibus survey.

#### Decisions Overturned on Appeal

The overturn rate of appeal decisions issued by the Workers' Compensation Appeals Tribunal (WCAT) and Workers' Compensation Board Internal Appeals.

### **Goal: Ensure Effective Governance of the System**

#### Stakeholder Satisfaction Index - Governance

An independent third party research firm will be hired to survey stakeholders to determine overall satisfaction with the level of engagement with the Workplace Safety and Insurance System. "Engagement" is intended to measure stakeholders' confidence in the governance of the System (i.e. engagement, opportunity for input).

## **Goal: Ensure Financial Sustainability of the System**

### Percentage Funded

This measure is the ratio of total assets to total liabilities x 100; updated annually based on audited financial statements.

### Benefit Comparison

This measure looks at a summary comparison of an overall “package” of benefits provided within the workers’ compensation system. It is the most appropriate means of comparison to date considering the differences among jurisdictions.

### Average Assessment Rate

Total assessment revenue for the year (including experience rating adjustments and other adjustments) divided by assessable payroll for the fiscal year for all rate assessed, insured employers. The measure is expressed per \$100 of assessable payroll.

# APPENDIX E: MEETING OUR OBLIGATIONS UNDER THE LAW

## E.1. WORKERS' COMPENSATION BOARD

Statutory Requirement*	Section of the Act	Level of Compliance
Establish a permanent-impairment rating schedule to be applied in calculating the award for a permanent impairment resulting from an injury	s.34(3)	Full Compliance
Establish a schedule or procedure for determining required deductions	s. 39 (1) & (3)	Full Compliance
WCB to determine an indexing factor based on one-half of the percentage change in the consumer price index for the preceding year	s. 70(1)	Full Compliance
Not pay any account for medical aid by a physician, surgeon, hospital or other health professional or institution unless application is made within six months after the medical aid has been rendered	s.106	Full Compliance
Collect sufficient assessments and maintain an adequate Accident Fund (as defined)	s.115 (1), (7) & s.116 (1) – (4)	Full Compliance.
Keep separate accounts for every class, subclass or employer and every fund established by the Board	s.119 (1)	Full Compliance
Establish (and maintain) an experience rating program	s.121(7)	Full Compliance. An experience rating program was implemented in 1996.
Notify employers of assessment rates by Sept. 1 each year.	s.123 (1), (2) & s.125 (1) – (4)	Full Compliance
Produce an annual report and quarterly reports meeting specific requirements	s.160 (1) – (3) & s.160A (1) – (3)	Full Compliance
WCB offices to be located in Halifax (HQ) and Sydney	s.170 (1)	Full Compliance. The WCB has offices in both Halifax & Sydney.
The Board shall pay a grant in lieu in respect of any real property exempt from taxation	s.171(4)	Full Compliance
Make specific pension contributions regarding staff and Board of Directors members	s.173(3)	Full Compliance
Appoint an external auditor to audit the Board's accounts	s.175 (1), (2)	Full Compliance. Ernst & Young LLP are the external auditors for the WCB.
All expenses shall be paid out of the accident fund	s.177 (1), (2) and related sections – 10(2); 68(3); 102(2) (c); 114; 153(1) & 159(2)	Full Compliance
The Board to issue a card or other form of identification to any compliance officer	s. 181(2)	Full Compliance

Make available to the public all Policies adopted by the Board of Directors	s.183(4)	Full Compliance. WCB policy manual is available on the WCB's web site
No release of information unless in accordance with the <i>Freedom of Information and Protection of Privacy Act</i>	s.192	Full Compliance
A hearing officer shall render a decision on an appeal within 60 days of completion of the hearing	s.197(8)	Full Compliance
A hearing officer to postpone or adjourn an appeal and refer same to the Board Chair	s. 199(1)	Full Compliance. No appeals were referred to the Chair in 2008.
If the Board Chair postpones or adjourns a hearing, the Board Chair to ensure that the final disposition of an appeal is left to the independent judgment of a hearing officer	s. 200(3)	Full Compliance. The Board did not postpone any appeals in 2008.

\* these represent key statutory requirements of the WCB

## E.2. WORKERS' ADVISERS PROGRAM

Statutory Requirement	Section of the Act	Compliance
The Chief Worker Adviser shall establish a head office for the Program in the City of Halifax and shall establish other offices in other parts of the Province where the number of appeals before the Board or the Appeals Tribunal by workers who reside in a part of the Province warrant the establishment of another office.	s.263	Full Compliance
The Chief Worker Adviser shall make an annual report on the finances and operation of the Program to the Minister.	s.268	Full Compliance
No person shall be provided with advice or representation in connection with a claim for compensation...until a claim has been denied.	s.270 (2); Reg. 96-902 s. (3) (Workers Advisers Program Eligibility Regulations)	Full Compliance  Pursuant to Workers' Advisers Program Eligibility Regulations, O.I.C. 96-902, N.S. Reg. 174/96, s.3 (1), the Program may provide assistance, advice or representation to injured workers who may not otherwise be eligible for services at the discretion of the Chief Worker Adviser under exceptional circumstances, such as, but not limited to, representing the Worker when his Employer has appealed the Worker's successful claim for benefits.
...assistance, advice and representation under the Program may be provided to a worker where there is a reasonable expectation of success in the matter and of recovery of no less than \$500.	Workers' Adviser Program Eligibility Regulations, s.2(1)	Full Compliance.  The Program has a periodic file audit/review process in place to monitor compliance.

### E. 3 WORKERS' COMPENSATION APPEALS TRIBUNAL

Statutory Requirement	Section of the Act	Compliance
The Tribunal shall determine its own procedures...	s. 240(1)	Full Compliance, see WCAT Practice Directions at <a href="http://www.gov.ns.ca/wcat">www.gov.ns.ca/wcat</a>
The Appeals Tribunal shall notify the Board that an appeal has been filed and provide the Board with a list of the issues raised by the appeal.	s.243(2)	Full Compliance
A decision of the Appeals Tribunal shall be communicated to the participants in writing.	s.246(2)	Full Compliance
...the Appeals Tribunal shall decide an appeal within 60 days of completion of the oral hearing or, where no oral hearing is held, the date on which all submissions ...have been received [unless appeal is postponed pursuant to s. 247 or s.251]	s.246(3)	Full Compliance
The Appeals Tribunal shall issue a decision clearly stating the determination of the Appeals Tribunal on the appeal and shall state the reasons for the decision as briefly as possible without undue elaboration.	s. 252A	Full Compliance.
The oral evidence given before the Appeals Tribunal at a hearing shall be recorded... Recordings...shall be kept by the Appeals Tribunal for a period of two years...	s.253(1),(2)	Full Compliance
The Chief Appeal Commissioner shall make an annual report to the Minister of Justice within 90 days of the fiscal year end of the Appeals Tribunal respecting the operations and transactions of the Appeals Tribunal during the year.	s.257(1)	Full Compliance

## E.4 OHS DIVISION, NS DEPT OF LABOUR AND WORKFORCE DEVELOPMENT

### (1) Department Compliance with the Occupational Health and Safety Act

<b>Statutory Requirement</b>	<b>Section of the Act</b>	<b>Level of Compliance</b>
The Division shall be concerned with and maintain reasonable standards	s. 9(a)	Full Compliance
The Division shall prepare and maintain statistics	s. 9(b)	Full Compliance
The Division shall provide assistance	s. 9(c)	Full Compliance
The Division shall promote or conduct studies and research	s. 9(d)	Full Compliance
The Division shall encourage and conduct educational programs	s. 9(e)	Full Compliance
The Division shall submit an annual report to the OHS Advisory Council	s. 9(f)	Full Compliance
Recover percentage of costs from WCB	s. 10	Full Compliance
Appoint personnel	s. 11(1)	Full Compliance
No personnel with employment conflict appointed	s. 11(4)	Full Compliance
Appoint OHS - Advisory Council	s. 24(2)	Full Compliance
OHS – Advisory Council with equal representation for employer and employee stakeholders	s. 25(2)	Full Compliance
The Director shall determine the size of the committee; designation of employees to be members; or rules of procedure where agreement cannot be reached	s. 30	Not invoked during this period
Duty of the officer to provide certain information	s. 36	Full Compliance
Investigate work refusals	s. 43(1)(c)	Full Compliance
Investigate discriminatory action complaints and provide order or decision	s. 46(2)	Full Compliance
Seizure or removal of evidence	s. 48	Full Compliance
Officer shall endeavour to consult with a reasonable number of employees during the inspection.	s. 50	Full Compliance
Provision of written decision or order where requested	s. 54	Full Compliance
Provision of written order following an oral order	s. 55(2)	Full Compliance
Specify time within which an order has to be complied with	s. 56(2)	Full Compliance
Protect confidential business information	s. 61(3)	Full Compliance
Protect medical information	s. 62(1)	Not invoked during this period
Protect information provided in confidence	s. 62(2)	Full Compliance
Director will consider appeals	s. 67(3)	Full Compliance
Director to provide copies of decision to parties	s. 67(9)	Full Compliance.



		Timeliness of decisions has been identified as an issue.
Minister to seek recommendations from employer and employee representatives in establishing a pool of Appeal Panel members	s. 68(1)	Full Compliance
Minister to designate an Appeal Panel to hear an appeal	s. 68(3)	Full Compliance
Deputy Minister to provide notice of appeal to Appeal Panel members	s. 69(5)(a)	Full Compliance
Appointed Appeal Panel to hold hearing	s. 69(5)(b)	Full Compliance
Appeal Panel Chair to provide copies of decision to parties	s. 69(10)	Full Compliance
Monies to be held "In Trust"	s. 72(6)	Full Compliance
"In Trust" monies to be paid	s. 72(7)	Full Compliance
Procedures to follow where power to arrest utilized	s. 73(1), (2), (3)	Not invoked during this period
Prosecution initiated within two years	s. 79	Full Compliance
Sunset clause provisions	s. 82(1A), (1B), (1C)	Not Proclaimed
Requirements related to deviation decision	s. 83(10)	Full Compliance
Director to provide copies of decision to parties	s. 83(12)	Full Compliance

(2) Legal Requirement from Regulations

<b>Legal Requirement from Regulations</b>	<b>Section</b>	<b>Level of Compliance</b>
<b>2a. Appeal Panel Regulation Requirements</b>		
Appeal office shall identify to the Minister the selected chair and members	5	Full compliance
Where parties to an appeal agree on having one person hear the appeal the appeal office shall provide that information to the Minister	5	Not invoked during this period
The appeal office shall assist the selected chair in scheduling the hearing and communicate the date and location of the hearing	6	Full compliance
The appeal office shall identify a selected chair from the list of persons established pursuant to the Act for the purpose of chairing an appeal panel.	7	Full compliance
The appeal office shall identify two selected members for an appeal panel, one representing employers and one representing employees	8	Full compliance
The appeal office will inform the Minister of the availability of the selected members, and prepare an appointment letter for consideration by the Minister, and the Minister shall designate an appeal panel to hear the matter	9	Full compliance
The appeal office to maintain a record of the decision-making process for possible future submission to the court.	13	Full compliance

<b>2b. Disclosure of Information Regulation Requirements</b>		
Where a denial of a request by health professional is referred to the Director, the Director shall forthwith inform the employer, supplier or manufacturer who denied the request, of the referral and shall give the health professional and the employer, supplier or manufacturer who denied the request a reasonable opportunity to make representations	10	No review completed during period
Director shall receive representations and ensure confidentiality; any other information and representations submitted to the Director shall not be open to or made available to the public or any other person.	11	No review completed during period
<b>2c. General Blasting Regulation Requirement</b>		
Director shall issue the certificate to the blaster.	21	Full compliance for the period up to the repeal of the regulations.
<b>2d. Blasting Safety Regulation Requirement</b>		
Director will not provide a decision on drilling near loaded holes until 24 hours after application is made.	50(2)	Full compliance
<b>2e. Occupational Health Regulation Requirements</b>		
Officer to issue a Notification Order where it can be shown an occupational health hazard exists and the employer has been advised of the hazard, its extent and implication.	7	No notification order issued during period
Notification Order to be in writing	7	No notification order issued during period
Officer to report facts to Director if compliance with notification orders has not occurred	8	No notification order issued during period
Compliance Order referred shall be in writing; record that the employer is in violation of these regulations; record that a Notification Order has been issued; specify a period of time within which the employer shall be required to remedy the hazardous situation	8	No compliance order issued during period
<b>2f. Underground Mining Regulation Requirements</b>		
Director to only provide 'approvals' in sub-sea coal mines where no apparent violation is revealed in any application in relation to the OH&S Act and these regulations.	35(2)	Full Compliance
Director must review information in a timely manner.	62(1)	Full Compliance
Director must notify the employer when the review is complete and the notice must state the cost of the review.	62(2)	Full Compliance
Director must notify the employer who is	519(2)	Not invoked during this

providing a job training program notice of any suspension of the program or conditions.		period.
<b>2g. Violence in the Workplace Regulation Requirements</b>		
Director to publish codes of practice governing reasonable measures to be adopted for categories of workplaces where there is a risk of violence.	7(2)(b)(ii)	Full compliance

APPENDIX F:  
CANADIAN INSTITUTE OF CHARTERED  
ACCOUNTANTS – PUBLIC SECTOR  
ACCOUNTING BOARD'S GUIDE TO  
PREPARING PUBLIC PERFORMANCE  
REPORTS

The Public Sector Accounting Board of Canada has put together a guide based on their recommended practices to serve as a framework for public sector entities to evaluate their performance reporting. The following tables incorporate this framework to assess the Workplace Safety and Insurance System Annual Report.

	<b>Workplace Safety and Insurance System Measures</b>													
	Duration Index	% Labour Force covered	% RTW at 100% Pre-Injury Earnings	Injury Rate	Injury Rate STD >26 Weeks	Injured Worker Satisfaction Index	Employer Satisfaction Index	Injured Worker Satisfaction Index STD > 26 Weeks	Awareness of Impt. OH&S	Decisions Overturned On Appeal	Stakeholder Engagement Index	Benefit Comp.	% Funded	Avg. Actual Asst. Rate
Is the performance info relevant?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Is the performance info comparable & consistent?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Does it compare actual vs. planned results & explain any variance?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	No	Yes	Yes
Does the report provide comparative info?	Yes	Yes	No	Yes	No	No	No	No	No	No	No	No	Yes	Yes
Was the basis for reporting disclosed?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

## Guide to Preparing Public Performance Reports - Overall Reporting

<b>Workplace Safety and Insurance System Measures</b>	
<b>Is the report easily accessible &amp; identifiable as the entity's Annual Report?</b>	Yes
<ul style="list-style-type: none"> <li>▪ Info Clear and indicates intended audience</li> <li>▪ Link to website</li> <li>▪ Easily identifiable as year end report</li> </ul>	
<b>Does the report provide info that appears reliable &amp; valid?</b>	Yes
<ul style="list-style-type: none"> <li>▪ Report describes steps taken to verify info and validate performance measures</li> <li>▪ Candid disclosure of info challenges and steps to address them</li> <li>▪ Measures &amp; targets relate to outcomes</li> </ul>	
<b>Is it fair info in performance report?</b>	Yes
<ul style="list-style-type: none"> <li>▪ Performance metrics show logical connections between goals and performance and show progress toward ultimate outcomes</li> <li>▪ Narrative concisely describes performance &amp; support user's understanding</li> <li>▪ Presents unbiased info</li> <li>▪ Shows performance shortfalls</li> </ul>	
<b>Is the report understandable?</b>	Yes
<ul style="list-style-type: none"> <li>▪ Written in plain language</li> <li>▪ Number of measures appear reasonable</li> <li>▪ Avoids oversimplifying</li> <li>▪ Goals are clearly stated so user can understand significance</li> </ul>	
<b>Does the report focus on the few critical aspects of performance?</b>	Yes
<ul style="list-style-type: none"> <li>▪ Focuses on key strategies, goals &amp; objectives</li> <li>▪ Users have clear understanding of what entity is trying to accomplish</li> <li>▪ Describes public benefits resulting from entity's work and is understandable</li> </ul>	
<b>Does the report describe the strategic direction?</b>	Yes
<ul style="list-style-type: none"> <li>▪ Section devoted to how entity serves the public</li> <li>▪ Summarizes info re: high-level priorities &amp; long-term goals to provide context for reported performance</li> <li>▪ Description of entity's goals &amp; objectives helps user understand how their accomplishment is consistent with strategic direction</li> </ul>	
<b>Does the report describe lessons learned?</b>	Yes
<ul style="list-style-type: none"> <li>▪ Describes dimensions of capacity that have critical impact on the achievement of results</li> <li>▪ Indicates subsequent planning documents will address specific performance shortcomings</li> <li>▪ Describes implications of significant variance between planned and actual results</li> </ul>	
<b>Was the basis for reporting disclosed?</b>	Yes
<ul style="list-style-type: none"> <li>▪ Includes info that describes what has been done to ensure reliability of performance info</li> <li>▪ Specific section dedicated to definitions of performance measures</li> <li>▪ Describes commitment to improving the quality of public performance reporting and to manage results, including efforts to align culture, processes, resources &amp; technology</li> <li>▪ Discussion re: report's scope includes a description of rationale for selecting the few critical aspects of performance</li> </ul>	
<b>Is financial and non-financial performance information linked?</b>	Yes
<ul style="list-style-type: none"> <li>▪ Includes narratives and measures that illustrate the entity understands how financial and non-financial resources contributed to actual results</li> <li>▪ Includes description how processes &amp; systems used to align financial and non-financial information with entity's goals &amp; strategies</li> </ul>	