

## 2022 COMMITTEE OF REVIEW STATUS UPDATES - Q4 2024 Status Updates

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## Saskatchewan Workers' Compensation Board

### 2022 Committee of Review Report Recommendations

#### Recommendation #1 - Student Coverage

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

*Status update – Ongoing. A legislative amendment formalized coverage for students in work-based programs. WCB is currently amending the Memorandums of Understanding with the Ministries of Education, Advanced Education and Immigration and Career Training and developing policy to support this amendment.*

#### Recommendation #2 - PFI

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

*Status update – Complete. Subsection 66(2) of The Workers' Compensation Act, 2013 was amended to increase the minimum and maximum amounts for the permanent functional impairment award over a five-year period starting in January 1, 2025. The awards will increase from a minimum of \$2,200 to \$4,000 and a maximum of \$45,200 to \$82,200. Gradual increase with \$82,200 effective 2028 with CPI increases every year thereafter.*

#### Recommendation #3 - Transportation of body

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

*Status update - Completed. This legislative amendment aligned the Act with board policy that already covered this expense. No further changes are required.*

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

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

*Status update – Ongoing. This recommendation did not lead to proposed legislative amendment. Burial expenses are already covered by the WCB regardless of whether there are dependants. This recommendation contradicted the purposes of the workers' compensation system by providing a financial award without dependants to support.*

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

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

*Status update - Completed. A legislative amendment and corresponding policy updates have been completed.*

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

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

*Status update – Analysis of opportunities has begun.*

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

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

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

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

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

*Status update – Completed. This legislative amendment removed executive officers carried on payroll from the definition of a worker. Previously, differences in how executive officers paid themselves led to inconsistencies and inequities in coverage and premiums. This legislative amendment means that all executive officers (i.e., regardless of if receiving wages reported on a T4) are no longer automatically considered workers and no longer have automatic WCB coverage. However, all executive officers are eligible to purchase optional personal coverage like that available to owners and proprietors. Through board policy, WCB is providing a one-year grace period to existing customers to transition to personal coverage if wanted. This will ensure that coverage is extended to existing customers in the event of a work-related injury.*

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

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

*Status Update – Ongoing. WCB prevention engaged partners to participate in the development of a New Worker Program – a provincial approach to young/new worker injury prevention. The first meeting will be held in Q1 2025.*

#### **Recommendation #10– Privacy**

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

*Status update – Completed. A legislative amendment was made to provide the same level of standard when providing sensitive health information. WCB policy was also updated.*

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

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

*Status update - Completed. This legislative amendment allows administrative penalties (current maximum \$10,000) to be imposed if an employer breaches privacy of a worker's information. Corresponding board policies have been updated.*

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

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

*Status update – Completed. This legislative amendment simplifies the process for providing injury claim information to the employer while maintaining a dispute mechanism for workers who object to the disclosure. Board policy has been updated to clarify this process.*

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

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

*Status update - Ongoing. WCB currently considers out of province treatment options when the recommended care is not available in Saskatchewan. This is not limited to public safety personnel. Opportunities for occupational awareness training for mental health providers was offered in 2024 and planned for again in 2025.*

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

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

*Status update – Complete, ongoing. WCB continues to facilitate various psychological injury reduction initiatives in accordance with our commitment in the 2023-2028 Fatality and Serious Injury Strategy. These include facilitation of first responder re-integration training, supporting the first responder mental health community of practice, upkeep and revision of the WorkSafe psychological health and safety resource material as well supporting employers to integrate PHS into their safety management systems. Beginning in 2025, WorkSafe is partnering with the University of Regina to replicate an evidence-based approach in Saskatchewan. The approach will scale the mental health monitoring study implemented with the Royal Canadian Mounted Police.*

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

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

*Status Update – Ongoing. WCB has incorporated training in trauma-informed practices for all staff handling claims, including those who manage psychological injuries. Trauma Informed Practice is a portion of the training now being delivered. A full listing of updated training for staff is included in #18 below.*

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

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

*Status Update – No legislative change proposed. Policy review underway, targeted for early 2025.*

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

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

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

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

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

*Status Update - Ongoing.* Throughout 2023 and 2024, WCB rolled out a comprehensive training program that focused on upskilling claims staff in a variety of areas to improve communication, collaboration and customer relationships. Topics include mindset shifts, building relationships, leading the customer experience, goal setting and attainment, trauma informed practice, customer awareness, effective communication, conflict resolution, motivational interviewing, proactive communication, work recovery planning, and collaborative return to work. Opportunities to expand this training to other WCB staff are being explored for the future.

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

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

*Status Update – Ongoing. This is currently in place for a small number of employers. Review is currently underway and enhancements to be made as part of new technology solution.*

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

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

*Status update – Ongoing.* In Q4, stakeholders' RTW roles and responsibilities were drafted. In 2025, in collaboration with the WCB medical consultants, the RTW roles and responsibilities will be finalized, and an external communications plan will be developed and implemented.

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

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

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

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

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

*Status update – Completed. This booklet is updated twice per year and benefit information was added in 2024.*

### Recommendation #23 - Communications – clear language

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

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

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

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

*Status update – Completed. The 2022 COR status update document is posted on the external WCB website following every Board meeting for public to view.*

### Recommendation #25 - Communications – enhancements

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

*Status update – Ongoing.*

- *The 2023-2028 Fatalities and Serious Injuries Strategy (FSIS) includes the implementation of learning collaboratives in targeted industries and priority areas of focus:*
  - *Motor vehicle crash prevention*
  - *City Transit (violence, mental health)*
  - *Saskatchewan Health Authority (violence prevention)*
  - *Construction (falls from heights)*
  - *First Responders (psychological safety)*
  - *Three musculoskeletal (MSI) learning collaboratives with healthcare affiliates*
  - *Youth Workers (violence, mental health)*
  - *Construction/ Mining (leading indicators/ contractor management)*
- *2024 FSIS report ([June 2024 Update](#)) published.*
- *National Safety Council fatality and serious injury reduction model project completed, and new prevention tools are being rolled out to customers.*

### Recommendation #26 - Communications – RTW programs

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

*Status update – Ongoing. Improvements to WCB return to work processes continued in 2024, focused on increased collaboration between, workers, employers, the WCB and health care providers. Return to work resources for employers to support prevention of work disability were updated in 2024 and training for employers is being developed for Q1 2025.*

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

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

*Status update - Completed. A legislative amendment to the Act establishes the board's ability to institute a single list of potential chairs for a panel, provides the board with the discretion to exclude specialists in specific circumstances and allows workers to select specialists to sit on the panel in order of preference. WCB's policy has been updated to align with the amendments.*

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

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

*Status update - Completed. The policy was updated and improved communication items such as fact sheets are available on WCB's website.*

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

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

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

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

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

*Status update – Ongoing. Work is underway to further identify employer needs to continue the development of how to videos. The Employer Resource Centre will evolve into the Employer Advisory Centre in 2024. This expanded service will balance the needs of workers and employers through education and support and provide new advisory services to help employers with appeals. The new service will launch in January 2025.*

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

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

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

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

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

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

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

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

*Status update – Completed. New quality assurance program previously installed to address this issue. No change to the Act required.*

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

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

*Status update - Completed. Section 23 of the Act was amended to stipulate appeal decisions of the Board Appeal Tribunal are to be published. This amendment led to policy updates and a process to publish Tribunal decisions on CanLII while ensuring protection of the appellants and other concerned parties' identities.*