



## Stakeholder Feedback

Online consultation on the topic below was posted from October 1 to December 2, 2019. The verbatim comments received by WCB-Alberta during online consultation are reproduced below.

### Policy Project Plan 2020

<i>Stakeholder</i>	<i>Category</i>	<i>Comments</i>
<b>SULZER CHEMTECH LTD.</b>	<b>Employer</b>	<p>The interpretation of the policy to calculate lost time penalizes seasonal employers and results in mathematical errors by case workers, which prompt requests for reconsideration or appeals and does not function to accurately reflect levels of risk on a proportionate, transparent and accurate basis.</p> <p>The caliber or training of case workers does not seem to be equal along with communication policies, specifically what can or should be communicated in writing vs verbal communication. This seems to vary greatly depending on the case worker I am speaking to.</p>
<b>Individual</b>	<b>Worker</b>	<p>I have some concerns about the reclassification of businesses doing business with companies that are in a higher WCB premium bracket . I could be an accountant. I have many clients. No specific type of client forms a majority. Some are owner operators, one is a sky diver, one owns a paint ball facility, others are taxi owners etc. So now if I decide I do not want to pay the WCB rate for the skydiving company, they can no longer be my client? The owner operator is a trucker.. if I do not want to pay the 4.00+ for that industry, he can no longer be my client? So, by passing this plan, you control who can work for who unless they want to pay the price? which of course has to be handed on to whoever the service is being done for? Why not just acknowledge that this is a money grab? Creating a tool to control who can do business with who, is nothing less than dictatorial-ism.</p> <p><i>[This feedback was submitted under the 2020 Policy Project Plan consultation, but is being addressed in the Phase two - Review of employer accounts and premium policies consultation]</i></p>
<b>Individual</b>	<b>Worker</b>	<p>I work for a company in the construction classification. We pay premiums for all employees based on this occupation, however 1/3 of the staff are office workers and do not go out into the field. We are, however paying</p>

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		<p>premiums as though we are construction workers. I am sure most employers face this situation. Will there be a review to look at premiums based on job descriptions, instead of the industry of the entire company?</p> <p><i>[This feedback was submitted under the 2020 Policy Project Plan consultation, but is being addressed in the Phase two - Review of employer accounts and premium policies consultation]</i></p>
<p><b>Alberta Union of Provincial Employees</b></p>	<p><b>Labour union</b></p>	<p>Submission to Policy Project Plan 2020</p> <p>Policy 4-02, Part II, Application 4</p> <p>As workers could be working for two employers, qualify for benefits under each of these employers, it should be clearly stated that benefits are cost shared under the WCA for the date of accident only employer. Even though the income from the second employer is recognized under the Earnings policies for setting of the TTD rate, it is not recognized under Benefits. Workers who want to continue their benefits under the second employer, will be responsible for payment of benefits which in most cases is 100% of the total premium.</p> <p>Policy 03-01, Part II, Application 6</p> <p>Question #9: What are considered the normal pressures and tensions of employment • Work environment, including health and safety concerns, and union issues</p> <p>It is completely unclear what WCB means by “work environment including health and safety concerns”?</p> <p>Work environment</p> <p>Work environments have been referred to as:</p> <ul style="list-style-type: none"> <li>- Poisoned</li> <li>- Negative</li> <li>- Hostile – Offensive</li> <li>- Unwelcoming</li> <li>- Intimidating</li> <li>- Discriminatory</li> <li>- Pervasive</li> <li>- Severe</li> <li>- Unethical</li> <li>- Toxic</li> </ul> <p>Under Question #8, the policy references traumatic events may also include workload or work-related interpersonal events that are excessive and unusual in comparison to the pressures and tensions experienced in normal employment.</p>

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		<p>However under Question #9, WCB considers work environment under ‘normal pressures and tensions of employment’. Where is the line? You cannot just disregard the work environment that clearly as been referenced with expressive descriptions as not being impactful on an individual even if the workload or work-related interpersonal events are not excessive and unusual.</p> <p>We have legislated under the OHS Code for Employers to have prevention plans for workplace respect. The Government of Alberta has the Respectful Workplace Policy and even the WCB has a Workplace of Respect, Guideline. WCB’s covers personal, sexual, psychological and physical assault. The Government of Alberta has even incorporated retaliation under their policy to any inquiry, complaint or investigation under the Policy that adversely affects the employment relationship of the individual who experienced the retaliation.</p> <p>To quote Jim Watkins: “A river cuts through rock, not because of its power, but because of its persistence.” Even the most stoic, balanced employee has their waterloo and it does not have to be traumatic when a persistent non-positive work environment wears them down.</p> <p>The resulting psychological injury is then considered the result of a “normal” work environment?</p> <p>Health and Safety Concerns</p> <p>What are these health and safety concerns that WCB catalogues under this point? Are they concerns or violations of provincial legislation brought to the Employer’s attention and ignored? The possibility of an injury or exposure leading to an accepted WCB claim once they are hurt? Working consistently with the “fear of” suffering an injury is not considered a workplace injury? Examples of this can include:</p> <ul style="list-style-type: none"> <li>- An employee is consistently scheduled to work in violation of the Working Alone legislation?</li> <li>- An employee is directed to operate a table saw with the guards removed because it is faster?</li> <li>- An employee is told to go into a trench where the shoring has not been done in accordance with the OH &amp; S legislation?</li> <li>- Work in an area/office where it is evident there is black mold or an abundance of rodent droppings?</li> </ul> <p>Although WCB Alberta is not like WorkSafeBC in relation to the two legislations being combined however does the WCB not have 12 Safety Associations, seven of which are funded by levies on premiums rates? Are these Associations not also recognized as certifying partners using Partnerships Program (PIR) and the issuing of Certificates of Recognition</p>

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		<p>(COR) to qualifying employers?</p> <p>A COR is an evaluation by a certified auditor of an employer’s health and safety systems ensuring compliance and meeting provincial standards for occupational health and safety (OH&amp;S). Does WCB not in its publications state in relation to the Certificate:</p> <p>“COR-holding employers are eligible for PIR Refunds from WCB however they must comply with all provisions of the Alberta WCA, Alta OH &amp; S Act. In the event of a violation of the legislation, the WCB reserves the right to terminate an employer’s participation in PIR and collect previously paid refunds.” Union Issues</p> <p>And these are?</p> <p>The WCB Alberta is not unionized and because of this, it has no operating knowledge or judgment basis of what an Unionized worksite is and the interaction of employers with Unions.</p> <p>To frame this it would be like asking someone from the street without any construction/trades exposure or experience, to judge and determine that the work done at a worksite is correct and issuing a Clearance Certificate or determining they need a Stop Work Order.</p> <p>This is just a catch all to use when a worksite is unionized as WCB does not identify what is a Union issue, how they determine it is a Union issue, when it becomes a generic workplace issue and how any residual could possibly again be determined as an Union issue.</p> <p>In closing</p> <p>There is a reason that mild-mannered, non-descript employees have taken to violence at their worksite and on their co-workers. They are the cause of others traumatic events however they were “injured” by the work environment under “normal pressures and tensions of employment”. Some paid for counseling may have set the employee’s feet on a different path.</p> <p>The entire bullet under Policy 03-01, Part II, Application 6, Question #9 needs to be cleaned up. It needs a great deal more clarification, definitions, examples and a strong, bolded statement/reminder that there must be a liberal use of the “but for” benchmark.</p>
Individual	Worker	<i>Removed to protect the identity of the individual. This submission was entirely related to a worker’s claim and unrelated to the policy project plan review.</i>
Individual	Worker	Great

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Individual	Worker	<i>Removed to protect the identity of the individual. This submission was entirely related to a worker's claim and unrelated to the policy project plan review.</i>
Northern Alberta Institute of Technology (NAIT)	Other	<p>I would like to request a review of WCB policies surrounding learners. As education and educational technology advance, post-secondary institutions (and specifically polytechnics) are seeing an increase in the variety of opportunities available to our students to participate in work-integrated learning (WIL).</p> <p>The most recent federal budget allocated \$150 million over the next four years to create partnerships with innovative businesses in order to create an additional 20,000 student placement opportunities per year. These placements can take the form of co-ops, research opportunities, field placements, internships, industry projects, etc.</p> <p>The policies in place in Alberta for workers' compensation were written well before these opportunities were initiated and there is a large gap in the wording of the policies related to the types of student placements that now occur; leaving some students in a gray, gap area of coverage which in turn, puts the student, the institution and the employer at risk.</p> <p>I have discussed this at length with colleagues, including WCB Alberta representatives, and the Ministry of Advanced Education. I would be more than happy to elaborate and assist in any way. Thank you!</p>
CAPP - Canada's Oil & Natural Gas Producers	Employer Association	<p>The Canadian Association of Petroleum Producers (CAPP) represents companies, large and small, that explore for, develop and produce natural gas and oil throughout Canada. CAPP's member companies produce about 80 per cent of Canada's natural gas and oil. CAPP's associate members provide a wide range of services that support the upstream oil and natural gas industry. Together CAPP's members and associate members are an important part of a national industry with revenues from oil and natural gas production of about \$109 billion a year. CAPP's mission, on behalf of the Canadian upstream oil and natural gas industry, is to advocate for and enable economic competitiveness and safe, environmentally and socially responsible performance.</p> <p>CAPP and its members appreciate the opportunity to provide feedback on the Workers' Compensation Board's (WCB) proposed 2020 Policy Project Plan (Plan).</p> <p>Our WCB Committee members have completed a review of the proposed Plan, which includes:</p> <ul style="list-style-type: none"> <li>• Annual policy updates;</li> <li>• Completion of continuation of ongoing policy 2019 projects; and</li> </ul>

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		<ul style="list-style-type: none"> <li>• New policy review projects yet to be confirmed.</li> </ul> <p>CAPP and our members are supportive of the proposed Plan; however, we respectfully request that the WCB also include a review of the funding policy in 2020, and engage stakeholders in this review. We also request that the WCB allow reasonable and sufficient consultation time for policy reviews (i.e., schedule major consultations outside of the summer months and over Christmas). This allows stakeholders adequate time to review and engage meaningfully in the process.</p>
ITF Association	Employer Association	<p>We have no concerns with consultation proceeding on the policies listed in the WCB discussion document. This includes all parts, applications and appendices.</p> <p>Additional Items we would like included in the 2020 Policy Plan</p> <p>Policy 05-02 Part I - Cost Relief Addendum A - Eight Times the Weekly Maximum Compensation Rate</p> <p>In the event the WCB's analysis indicated a consultation is warranted we would like this to be resolved in the 2020 plan. That said, our view remains this type of issue does not warrant full consultation. The policy was updated in 2018 to indicate that for accidents on or after September 1, 2018, WCB relieves claim costs exceeding eight times the worker's weekly compensation rate. This was done as a result of removing the cap on Maximum Insurable Earnings. However, we are questioning the merits of still using 8 weeks as the baseline. Disability Duration Guidelines indicate the expected timeline to return to heavy duties is 4 weeks. In addition, the WCB's claim data for 2014 to 2019 indicates the average duration of a back claim is 16.8 days. The 8-week provision has been in place for many years and its continued relevance should be reviewed.</p> <p>General Policies 01-01 Part I Funding Policy &amp; 01-01 Part II Application 1 - Funding Level T</p> <p>The ITF Association supports a fully funded compensation system at an appropriate level but we continue to question the need for the funding zone to be between 114% to 128%. The funding level should be reviewed by an independent consultant not previously involved in setting the funding zone, and in consultation with key stakeholders. Furthermore, the WCB has operated for years with a funded position above 128% (the top of the Green Zone) in effect raising the upper threshold in contravention of its own policy. The value of the discrepancy is substantial (each 1% above 128% is approximately \$70 million). Compounding the overfunding is the cap on the amount that can be returned to employers in any given year. The full return of any future surplus to the funding requirement should be required.</p>

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		<p>ITF also remains opposed to diversion of any surpluses in the Accident Fund for purposes other than for which they were collected (i.e. funds collected in any given year are intended to cover current and future costs of claims in the given year). It is our view and that of several other governments, most recently British Columbia, that surpluses in the Accident Fund should go back to employers, and that these funds represent “employer money”. Employers of today appropriately have an obligation to fund current and future costs of today’s claims. However, when money collected, including interest earned on premiums collected, exceeds what is required the Board has an obligation to return the surplus to employers from whom the premiums were collected. This was discussed at great length with stakeholders when the Funding Policy was last changed. It was agreed that investment income should not be part of rate setting and instead any surplus would go back to employers. Surpluses in the Accident Fund that result from better than expected investment returns are not funds that the WCB or the government should be free to distribute for other purposes. This is of particular importance with the Accident Fund slated to be managed by AIMCo.</p> <p>Policy 07-02 Part I Experience Records and 07-02 Part II Application 7 - Industry Custom</p> <p>Subcommittee members felt the Industry Custom Pricing program as a whole should be reviewed. Specific policy issues identified by the subcommittee include processes for re-polling of participants, process and procedure for termination of participation in the program and changing terms of participation by individual employers. Additional concerns related to marketing and promotion of the program (i.e. as a strategy to improve safety).</p>

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