

**THE WORKERS' COMPENSATION BOARD
MEETING OF THE BOARD OF DIRECTORS
M I N U T E S**

DATE: April 17, 2018

PLACE: The Workers' Compensation Board
12th Floor Board Room
Jarvis Building
9925 - 107 Street
Edmonton, Alberta

TIME: 9:00 a.m.

BOARD MEMBERS

James Kindrake, Chair
Erna Ference, Member
Philip Hughes, Member
Ivana Niblett, Member
Mary Phillips-Rickey, Member
Grace Thostenson, Member

EXECUTIVE

Guy Kerr, President & Chief Executive Officer **
Ron Helmhold, Chief Financial Officer ♦*
Wendy King, Vice President, Operations & Chief Information Officer ♦*
Pieter Lambooy, Vice President, Operations ♦*
William P. Ostapek, Secretary and General Counsel ♦*
Roxy Shulha-McKay, Vice President, Employee & Corporate Services *

ALSO PRESENT

Sheila Szabo, Executive and Board Liaison ♦*
Hon. Christina Gray, Minister, Alberta Labour ♦
Lenore Neudorf, Assistant Deputy Minister, Alberta Labour ♦
Mustafa Farooq, Ministerial Assistant, Alberta Labour ♦

♦ attended for presentation on Implementation of WCB Review Panel Recommendations

* excused for item 12

** excused for item 12 (part 2)

6.1 **Policy 04-04, Part II, Application 1,
Determining Impairment of Earning Capacity**

Stakeholders did not comment on the policy wording necessitated by the legislative change. Stakeholders did provide a tremendous amount of feedback on the criteria for job search extension, however that information will be included in procedure, not policy.

Adding a reference to job leads was explored, recognizing that viable job leads are an important part of the process in determining reasonable effort. However, upon review, it was determined that they are better left as procedural criteria for extending the job search, rather than as a determining factor for estimating earnings. Keeping the policy at a higher level better recognizes the many individual factors that are considered as part of the effort to support a worker's search for reasonable employment.

One area of feedback not accepted was the suggestion that we consider a vocational rehabilitation payout in lieu of vocational services and wage loss be considered. The *Workers' Compensation Act* does not support a payment in lieu of services and support to workers.

Cost Impact: Job search support is paid at amounts equivalent to full total disability benefits. Preliminary estimates show an impact of up to \$18 million per year.

MOTION

2018/02/14 It was moved that,

"The Board of Directors approve the draft revisions to Policy 04-04, Part II, Application 1, which includes revisions as a result of stakeholder consultation. The proposed revisions:

1. Amend Policy 04-04, Part II, Application 1, Q4 to reflect new, legislated wording directing WCB to estimate earnings capacity only after WCB has made every reasonable effort to support the worker in his/her job search.
2. Amend Policy 04-04, Part II, Application 1, Q5 (new) to clarify which elements of vocational rehabilitation WCB will use to ensure all reasonable efforts to support the job search are made.
3. Amend Policy 04-04, Part II, Application 1, Q5c to remove reference to personal employability factors.

Effective date: September 1, 2018."

CARRIED