



## Consultation Feedback

Online consultation on the topic below was posted from July 5, 2023, to October 3, 2023. The verbatim comments received by WCB-Alberta during online consultation are reproduced below.

### Policy Project Planning

<i>Submitted by</i>	<i>Category</i>	<i>Comments</i>
<b>Movac Mobile Vacuum Services Ltd</b>	<b>Employer</b>	<p>The ICP program has challenged our industry negatively. Although ICP gives us a small break on our rate, this does not offset the extreme costs we have been faced with due to aggravations of previous injuries. The ICP program could / will lead to the potential of bias hiring practices. If employers can not challenge or get relief from a previous injury claim then many will begin to avoid hiring candidates that have had a previous injury, a disability, older in age or have a work history that includes heavy physical labor. I believe ICP goes against the spirit of the WCB system in helping workers return to work after being injured.</p> <p>It makes employers skeptical of programs like the Training -On- The - Job (TOJ) as there is risk for aggravation after such time that WCB has fully turned the worker over to the employer, resulting in huge financial costs and limited ability to attract clients due to poor WCB ratings.</p> <p>In a market that is already struggling to attract candidates, ICP only adds to our list of challenges.</p> <p>We have had cases that started as a WCB claim and were later challenged and accepted with cost relief. These decisions came in very slowly and has cost our company in wages as the modified work was extended as we awaited decisions from WCB. In one case, this was an additional \$20,000 in wages. Our expectation is fair and timely decisions so we can operate a sustainable business providing employment and support to several families.</p>
<b>Action Roofing and Siding Ltd</b>	<b>Employer</b>	Looks really good, I applaud the WCB for being transparent !!
<b>Action Roofing and Siding Ltd</b>	<b>Employer</b>	The policy works for both parties, it is well thought out and is really good !!
<b>City of Edmonton</b>	<b>Employer</b>	Policy 04-05 Part II Question 11  "Is the employer required to return the worker to the same position?"

<i>Submitted by</i>	<i>Category</i>	<i>Comments</i>
		<p>Ideally, the employer's goal is to return the worker to the same work, but that may not always be possible due to the worker's work restrictions or for valid business reasons. Employers are expected to do the following:</p> <ol style="list-style-type: none"> <li>1. When the worker is medically and physically able to perform the essential duties of the worker's date-of accident employment, the employer must offer to reinstate the worker in that position or offer to provide the worker with a comparable position with earnings and benefits that are not less than the worker was earning on the date of the accident.</li> <li>2. When the worker is unable to perform the essential duties of the worker's date-of-accident employment but is medically and physically capable of performing suitable work, the employer must offer the worker the first opportunity to accept suitable employment that becomes available</li> </ol> <p>13 and 14 define Suitable work and a comparable position.</p> <p>What is a "comparable position"?</p> <p>In addition to earnings and benefits, WCB may consider a number of factors when determining if alternative employment is comparable to the pre-accident employment, including:</p> <ul style="list-style-type: none"> <li>. the degree of physical and mental effort required</li> <li>. job duties</li> <li>. hours of work</li> <li>. the geographic location of the work</li> <li>. the level of responsibility and supervision of other employees</li> <li>. skills, qualifications, and experience required</li> <li>. bargaining unit status</li> <li>. any other factor that WCB considers relevant in a particular circumstance</li> </ul> <p>14. What is "suitable work"?</p>

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		<p>Suitable work is work that the worker is medically able to do, does not make the injury worse, and will provide benefits to both the worker and the employer. Suitable work may be either permanent or transitional employment that takes into account the worker's pre-accident employment, aptitudes, skills, and what work is available. It also considers any safety concerns for the worker or coworkers. The worker is encouraged to provide input and supporting research in identifying modified duties. It may be an existing position or modified to adapt to the worker's restrictions (see Application 4).</p> <p>Application 4 states;</p> <p>For work to be considered suitable modified employment, the following conditions must be met.</p> <p>The work:</p> <ul style="list-style-type: none"> <li>. accommodates the worker's compensable medical restrictions so the worker can perform the duties without endangering their recovery or safety, or the safety of others</li> <li>. contributes to the worker's physical and vocational rehabilitation by keeping the worker active and involved in the workplace</li> <li>. promotes the gradual restoration to the worker's pre-accident level of employment</li> <li>. must be a meaningful and productive part of the employer's operations</li> <li>. does not create financial hardship for the worker (for example, shift changes that require additional childcare costs, unreasonable travel to another location, etc.)</li> </ul> <p>Reading the above policies-the defined comparable position would be put into action in situations where the employee is fit to work the position they were working in when they were injured unless the position is no longer available to them at which point the comparable definition would be applicable.</p> <p>When defining "suitable position" would be in situations where an employee is no longer capable of returning to the position that they were working on the day they were injured and the comparable definition would be applicable.</p>

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		<p>It becomes very challenging when both are applied and seriously limits an employers ability to appropriately accommodate an individual.</p>
<p><b>ITF Association</b></p>	<p><b>Employer Association</b></p>	<p>ITF Association members support consultation proceeding on the policies listed in the current 2023-2025</p> <p>WCB Policy Plan and welcome the opportunity to participate as these policies move forward.</p> <p>The WCB Policy Plan also lists several policies as being "On the Horizon" that ITF proposed going back at least to the 2021 plan. With two exceptions, we believe these items are still relevant and should be addressed early in the 2023-2025 policy planning cycle. These include:</p> <p>1) Policy 05-02 Part I - Cost Relief Addendum A - Eight Times the Weekly Maximum Compensation Rate. ITF is requesting changes to the policy regarding cost relief for back claims. 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. The 8-week provision has been in place for many years and its continued relevance is questionable. Disability Duration Guidelines indicate the expected timeline to return to duties is four weeks. Furthermore, WCB Alberta stats show that the typical recovery period for a back claim is four weeks so our own data supports cost relief being applied for claims over 4 weeks duration. In addition, the change to weekly compensation rate was as a result of removing the cap on Maximum Insurable Earnings. With the change in the maximum compensation rates resulting from Bill 47 WCB should return to cost relief based on the maximum compensation rate. We view these as straightforward administrative issues that can be addressed without extensive consultation.</p> <p>2) Policy 05-02 Part II Application 1 #15 - Cost and Entitlement Adjustments and Policy 07-02 Experience Records, Application 2 #6. WCB does not charge the costs to the employer's experience account provided specific conditions are met. If the claim cost exceeds the threshold used for Experience Rating it is understood these will be included in the employers experience record. However, an employer may be granted cost relief and this results in the costs falling below the Claim Cost Threshold (CCT). In this case, the WCB still uses the total costs as part of Experience Rating not the adjusted costs after application of cost relief.</p>

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		<p>Not recognizing cost relief adjustments in all situations, including determination of whether a claim is under the CCT, is contrary to the purpose of cost relief. We propose it be clarified in Policy 05-02 Part II Application 1 "the costs" are the remaining costs after all applicable cost relief has been applied. We also propose Policy 07-02 Application 2 be amended to recognize total claim costs are defined as costs after application of cost relief. The number of claims in this category is likely relatively small, however the impact can be significant to individual employers.</p> <p>3) Cost Relief Policy 05-02 Part II Application 1. We propose this policy be reviewed to assess appropriateness of including cost relief specific to situations where the WCB is extending psychological counselling to address issues that are not directly the result of the compensable injury and for pre-existing psychological/psychiatric conditions. In society in general, the incidence and acceptance of mental illness is increasing. In some instances this could be a pre-existing condition while in others, counselling could be extended to deal with "life stresses" where these might present a barrier to returning to work.</p> <p>An employer's ability to deal with psychological injury claims is impacted by privacy considerations and often employers do not have the information to deal with return to work or manage claims appropriately. This policy proposal focuses on relieving costs for counselling from the employer experience record where the compensable injury itself is not a psychological or traumatic injury.</p> <p>With respect to items that we agree could be removed from the policy plan:</p> <p>1) Policy 07-03, Administration of Safety Association Grants - The compelling issue that resulted in this being included in 2021 has since been addressed. We have no objection to this being removed from the 2023-2025 Policy Plan.</p> <p>2) Payment of TTD benefits during medical investigation under Section 38 of the WC Act - We would have no objection to this being removed from the 2023-2025 policy plan. Although we believe the Appeals Commission did highlight an important gap in policy, our members do not view this a priority for the 2023-2025 cycle.</p> <p>We are also proposing the addition of two new policies to the 2023-2025 Policy Plan.</p>

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		<p>1) Policy 04-04 Part II Application 3 - Economic Loss Payment. An economic loss payment (ELP) is intended to compensate the worker for loss of earnings if an injury results in compensable permanent work restrictions that cause an impairment of earning capacity. It is estimated ELP costs for the current year will approach \$400m which is a significant contributor to annual claim costs. Because the current policy has been in place since 1 January 2018 and has not been formally reviewed since inception, we feel a review is warranted early in the 2023-2025 cycle. While we support the intent of the ELP, the criteria for ELP entitlement, what constitutes a permanent work restriction warranting an ELP payment, the amount being paid as an ELP and ELP review provisions should be revisited.</p> <p>2) Policy 02-01 Part II Application 7 - Causation. WCB Policy is currently vague regarding when WCB will request additional medical information and how it is used. Defining objective versus subjective information, the role of the medical consultant in determining causation, relationship to the injury, and weighing of medical evidence should be included in the policy review. We recognize WCB has indicated this is more of a process discussion than policy, however WCB procedures and practices are not appealable. Reliance on internal procedures results in a lack of transparency regarding decision making and lack of a clear policy also leads to inconsistent adjudication and increasing number of appeals.</p> <p>We also have two additional general recommendations:</p> <p>1) The WCB is now in a new policy planning cycle, and there will be some policies that should come forward for regular (i.e. 3 year) review during this period. The policy plan should be expanded to list policies whose three-year review will fall within the policy plan timeframe. Of note, the Funding Policy should come forward for review in 2025.</p> <p>2) We also recommend that WCB formalize a process for gathering stakeholder input one year after a significant policy change (e.g. remote work) to assess whether the policy is accomplishing what was intended.</p>
<p><b>Canadian Federation of Independent Business</b></p>	<p><b>Employer Association</b></p>	<p>On behalf of 10,000 small and medium-sized businesses the Canadian Federation of Independent Business (CFIB) represents in Alberta, this submission presents the perspective of business owners as part of the WCB Alberta Policy Project Planning Engagement. As part of this engagement process, we are asking the Board to include two new policies for consideration, which are legislating rebates and lowering</p>

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		<p>the Board's top end target funding range.</p> <p>CFIB's report, <i>Funding Fairness: State of Workers' Compensation Funding</i>, examines the funded and surplus position of WCB boards across Canada. We recognize Alberta WCB is not in a surplus position as it is currently funded at 108%, with the threshold to trigger a surplus distribution over 128%. However, the policy to rebate excess funds is merely a discretionary policy. Similar to Ontario, CFIB recommends the government and WCB legislates surplus distribution policies and implement mandatory distribution once over-funding reaches a certain level. Doing so would add predictability to the system and ensure that surpluses do not get out of control as seen in jurisdictions like British Columbia and Manitoba.</p> <p>CFIB also recognizes that workers compensation systems need to be adequately resourced to continue the important work of supporting workers and making workplaces safer. Independent analysis from the Industry Tax Force (ITF) concluded WCB could be properly resources with a top range funding target of 124%. As members of the ITF, CFIB recommends that the top end of the target funding range be reduced to 124% thus making the target funding range between 114% and 124%. CFIB's <i>The Weight of Payroll Taxes Report</i> demonstrated that the main driver of increases in Alberta employer payroll taxes was WCB rates. For the benefit of both employers and employees, it is critical that workers' compensation operates effectively and with reasonable costs. While boards should ensure their financial obligations to current and future workers' benefits are met, they should not use an overly cautious approach to justify ballooning surpluses that could be put to better use by businesses.</p> <p>It has been a difficult period for small business owners and the road to recovery will be a long one. Returning surplus funds to small business owners and lowering the top end target funding range will provide an important boost not only in the short term but in the years to come.</p> <p>CFIB appreciates your attention to this important matter. If you wish to discuss this matter with us, please do not hesitate to contact us at directly at [removed to protect the identity of the individual]</p>
<b>Individual</b>	<b>Other</b>	<p>For the last several years, I acted as a worker representative for a neighbour and now friend. During that process, there were things that happened that should never have occurred.</p> <p>Much of what did happen could have been avoided by ensuring that</p>



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		<p>consideration of documentation was objectively reviewed and that the employer provided a complete incident investigation that meets the health and safety standards.</p> <p>For example: WCB would not accept union related documentation because they said it wasn't third party. However, it was the only documentation available that gave a timeline of the events and steps taken.</p> <p>It was important because it was the only proof she had that certain things happened. One case manager commented to me that had she kept notes, that would be more objective.</p> <p>And that's where the biggest flaw was. Someone's personal notes are certainly valuable. However, something like union documentation of disability meetings, workplace accommodations or lack thereof, are noted in such documents and usually go through two or three sets of hands for review before it's submitted to the union and the employer.</p> <p>I think it's important that WCB review their definitions of evidence, the different types of evidence and what they provide to an investigation.</p>
<b>Individual</b>	<b>Other</b>	<p>WCB must make a conscious effort to comply with the WCA and the fundamental purpose of the worker's compensation system rather than doing everything they can to deny claims and benefits. This culture of denial must cease and workers must be treated with fairness, dignity, and respect.</p>
<b>Individual</b>	<b>Other</b>	<p>I believe that persons who lost their spouses in death should have a lifetime pension, as they do in other provinces. I lost my Husband and then was a single mother of 2 children. My children and I have suffered significant levels of need including financial, medical and dental as well as emotional. Losing the pension as my youngest turned 18 was a very time for me. My health is not good, yet I continue to work and struggle to stay above the poverty line. I live in social housing and my oldest son suffers from serious mental health problems, and has required ongoing support's throughout his life. He lives in a camping trailer on a rented spot with few amenities. Having the WCB Pension continued throughout my life time would have made a significant contribution to our wellbeing.</p>



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Individual	Worker	<p>WCB needs to look closer at accepting cannabis products, instead of the primary focus on mainly covering just pharmaceuticals, which cause many side effects, the WCB does not take into consideration for determining, benefits and required help needed from using toxic pharmaceuticals! The mileage allowance needs to be increased significantly. It's gone up a whopping 2 cents in more than 12 years. What's being paid hardly covers fuel, let alone the increased maintenance and repair costs associated with traveling to WCB appointments. Then add the vehicle depreciation involved, with increased vehicle mileage, due to traveling to WCB appointments! The injured workers are suffering enough already, without having extra out of pocket expenses, resulting from a workplace injury. Injured workers should NOT have to fighting for their rightful benefits either. The practice of WCB denying benefits and force injured workers to fight for their rightful benefits! I've had to fight, literally for pretty much everything, that I was rightfully entitled to. There's enough stress, from being injured as it is and then add the stress, of always fighting with WCB and a person's overall health takes a nose dive!</p>
Individual	Worker	Interested in participating.
Individual	Worker	<p>What are we supposed to offer feedback on, when there are no policies to look at? I was severely injured at work in 2011 and terminated without cause, in 2012 and am still not working. I have been waiting for an evaluation for NELP for 4.5 years now. Why is WCB taking so long to do these evaluations for NELP?? Is it so WCB can make money on interest, by extending the time, it takes to get a NELP evaluation and therefore increasing their profits and therefore there's more money for wages and benefits for WCB employees, while injured workers suffer??</p>
Individual	Worker	<p>No understanding of an injury that has caused deformity and arthritis to terminate claim on a whim not ethical by any means My company isn't the one cutting me off WCB is as I have talked to them so I go back to work and hope the injury doesn't become worse then it is . Not making sense to me at all</p>
Individual	Worker	<p>SEC 43 Permanent total Disability (PTD) from an injury should result in fair and equal benefits . An Ethical WCB would provide the same ELP entitlement to all Worker's deemed permanently totally disabled by Doctors.</p>

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		<p>Current WCB policy discriminates against Workers who are PYD from psychological injuries versus those PTD from injuries under present day Sec 43 criteria.</p> <p>ELP benefits are terminated by WCB for psychologically injured PTD Workers at age 65 , but physically injured Worker's under Sec 43 receive these benefits for life.</p> <p>Can WCB explain how it is just to deny Psychological PTD Worker's the same benefits as Physically injured PTD worker's.</p> <p>Policy 04-04 Part 2 states in order to receive ELP past age 65 a Worker must continue to work at their reduced capacity at least 50% of hours worked at DOA.</p> <p>A psychologically PTD Worker is deemed unfit for any employment but still cut off of an ELP at age 65 despite having no opportunity to engage in employment.</p> <p>Policy 04-04 Part 2 Application 3 (17)</p> <p>17. Does the retirement adjustment apply to workers who are permanently totally disabled?</p> <p>Benefits will not be adjusted or terminated at retirement age if the worker has a 100% clinical impairment, or if the worker is conclusively presumed to be permanently totally disabled under s.43(2) of the WCA.</p> <p>If a Worker is medically deemed PTD, why does it matter what type of workplace injury caused them to be considered PTD , in order to receive Wageless ELP benefits past age 65 ?</p> <p>If you are PTD you are PTD</p> <p>You are unable to ever return to work, from a workplace injury then ELP benefits should be fair and equal no matter what type of injury rendered a person PTD !This highly unethical discriminatory policy needs to be amended to entitle psychologically PTD Worker's to ELP benefits same as those provided to physically PTD Worker's under current Sec 43 criteria.</p>

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<b>Individual</b>	<b>Worker</b>	<p>I have a couple of thoughts</p> <ul style="list-style-type: none"> <li>. Workers should be provided with an independent advocate from day one of their claim.</li> <li>. It should be clearly noted in WCB policy that care providers including Family Doctors, are not to make any recommendations to the WCB regarding treatment for the injured worker without discussing firstly with the injured worker and obtaining their consent to make such agreed recommendations for treatment to the WCB.</li> <li>. Injured workers should be compensated at 100% of their salary/wage and 100% for all travel costs to and from medical appointments connected to their injury treatment. Compensation is supposed to be no fault, so when there is no fault there should be no penalty. The worker should not bear any financial burden as a result of their workplace injury.</li> <li>. Injured workers have the right to choose their own care providers, however the WCB Case Managers are not often forthcoming about this and therefore it should be made clear to all injured workers as a matter of policy, at the beginning of their claim, that they have the right to choose their own care providers without penalty. There must be as a matter of WCB policy an absolute prohibition against preventing an injured worker from choosing their own care providers or punishing them from doing so.</li> <li>. The decision appeal process needs complete overhaul, and appeals to reviews should be permitted wether there is new evidence or not and also the WCB should not stop or reduce an injured workers compensation payments before all appeals are exhausted. Reducing or terminating an injured workers compensation for non cooperation is abused as a means to punish and should be prohibited entirely.</li> <li>. The actions of the WCB should at all times comply with the requirements of the Alberta Human Rights Act, which they do not. There is a consensus amongst WCB employees that they are above the law and that Human Rights protections do not apply to the workers that they are supposed to be helping. This needs to be corrected and as a matter of policy all WCB employees must be directed to comply with the AHRA when managing injury claims.</li> <li>. WCB case managers need better training, especially in regard to understanding what cooperation and discussion is. Cooperation means discussing in a meaningful manner and agreeing outcomes,</li> </ul>

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		<p>treatment plans etc. It does not mean the Case Manager unilaterally making decisions that impact the injured worker without discussion with the injured worker. It does not mean adopting a "because I said so" management style.</p> <p>. The remit of the WCB is not to heal injured workers but to get the worker to a position where the injured worker can go back into employment. This needs to change, it should be the remit of the WCB, first and foremost to coordinate and facilitate the steps necessary to bring an injured worker to full recovery.</p>