

Terms of Reference Workers' Compensation Board Review

As a part of the review of Alberta's agencies, boards and commissions, the Alberta government is conducting a review of the Alberta Workers' Compensation Board. The purpose of the review is to strike the right balance between workers and employers to ensure fair compensation, meaningful rehabilitation for an injured worker, and a sustainable and affordable workers' compensation system.

The terms of reference for the review are outlined below. This approach to the review has been discussed with the major organizations and individuals with an interest in this process and its outcomes.

Terms of Reference for a Review of the Workers' Compensation Board

- 1. Governance:** Are the structures and processes used to direct or govern the affairs of the WCB effective for setting the organization's direction and overseeing the organization's management so that the organization effectively fulfills its mandate?

The scope of the review will include:

- Board size, composition, appointments, executive compensation and legislative compliance;
- Transparency, accessibility and communications;
- The Board's relationships with the Appeals Tribunal and the organizations charged with the prevention of workplace injuries and fatalities;
- The design, collection and dissemination of harmonized data on prevention measures, injuries and fatalities, return to work programs, and claims/compensation outcomes; and
- Jurisdictional review comparison that examines entitlement rates, comparability rates, and the correlation between rates of fatality in a jurisdiction compared to the number of claims in a jurisdiction.

- 2. Appellate Structure and Effectiveness:** The entire appellate structure and mechanisms will be reviewed to include the internal WCB appeals system prior to cases being referred to the Appeals Commission itself. Moreover, the governance and structure of the Office of the Appeals Advisor will be reviewed and recommendations will be provided to ensure this office is appropriately situated.

- 3. Principles of Compensation:** Recommendations will be made as to whether the current principles of compensation address all longstanding, current and emerging workplace injuries such as mental health and repetitive strain injuries in an effective and comprehensive manner. Do the principles of compensation result in fair compensation and meaningful rehabilitation? Does the current funding model (including employer premiums, rebates, Certificates of Recognition refunds and incentives) promote fair compensation and meaningful rehabilitation for injured workers?
- 4. Policies, including implementation:** Recommendations are to be made with respect to WCB policies and the way those policies are developed and implemented. Recommendations should reflect a balanced and effective worker's compensation system that ensures fairness, confidentiality and privacy, objectivity, transparency, ease of access, sensitivity and timeliness. A clear recommendation should also be made on adequacy of the policies and the way they are developed.

Some additional considerations should be included as follows:

- Privacy and confidentiality for claimants.
- Reduction in the complexity and invasiveness of WCB processes.
- Claimants access to representation, including legal representation (legal aid).
- Transparency of processes and decision making at the WCB and Appeals levels.
- Worker's human rights, including the duty to accommodate and the protection of workers with mental health or cognitive or emotional illnesses.
- Reasonableness of timelines at the appeals level.
- Timeliness of services.
- Performance Measures for WCB and the Appeals Commission.
- Recommendation on any alleged allegations such as "claims suppression".