

# The Employers' Adviser



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*A bulletin by the Employers' Advisers Office, Ministry of Labour, B.C. Government.*

*The Employers' Advisers Office provides advice, assistance, representation and training on all aspects of workers' compensation.*

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## Paul Petrie Recommendations Regarding WorkSafeBC Claims Policies

In January, 2018, the WorkSafeBC Board of Directors retained Paul Petrie to review the Rehabilitation and Claims Services policies. The purpose of the review was to determine whether any policies could be amended to ensure a worker-centred approach wherever practical. Over a six-week period, Mr. Petrie consulted with worker and employer stakeholders and WorkSafeBC staff. His report, "Restoring the Balance – A Worker-Centred Approach to Workers' Compensation Policy", contains 41 recommendations.

### **Recommendation Highlights:**

- Relax strict application of policy in decision-making, requiring consideration of merits and justice in each case.
- Help early return to work by creating a form for physicians to assess a worker's abilities and limitations.
- Create a timely independent medical examination process to resolve medical disputes.
- Approve expedited health care benefits when delay in accepting claim and worker's condition at significant risk.
- Amend vocational rehabilitation policies to:
  - a. reference an employer's duty to accommodate
  - b. emphasize early return to work with the accident employer
  - c. provide relief of costs for employers whose accommodation is successful for 12 months
  - d. create a dispute resolution process when light duties are contested, paying wage loss benefits to workers and providing cost relief for employers during the investigation
- Amend permanent disability entitlement policies to:
  - a. give significant weight to worker and physician evidence
  - b. define a loss of earnings as "significant" when the post-injury earnings is 10% less than pre-injury
  - c. consider a loss of earnings award when disability arising from serious chronic pain is "so exceptional"
  - d. allow a preliminary determination of likely retirement age, reviewable 2 years after all permanent disability awards decisions have been made
  - e. pay interest to worker when delayed award was "within the control of the Board or results from decisions that are overturned on review or appeal"
- Amend occupational diseases policies to:
  - a. recognize disablement when a worker is unable to perform regular job duties
  - b. develop a policy for activity-related soft tissue disorders (ASTD) specific to the ergonomic factors set out in the Occupational Health and Safety Regulation and Guidelines.
- Amend mental disorder policies to:
  - a. remove requirement that workplace traumatic events and significant stressors be unusual
  - b. define the exclusion provision to apply only to employer decisions and not to workplace conditions

WorkSafeBC is currently reviewing the recommendations. Any resulting policy development will follow ordinary consultation protocols. To review Mr. Petrie's full report, click [here](#). Questions? Please contact the EAO!