



CANADIAN

Workers' Compensation

UPDATES

NO. 1 FOR BUSY HR EXECUTIVES

COVID-19

**WHAT ARE THE
BOARDS DOING?**

BRITISH COLUMBIA

**GROWING A SAFETY
CULTURE FROM THE
GROUND UP**

NEW BRUNSWICK

**PREMIUMS
DEFERRED FOR
THREE MONTHS**

ISSUE#3 | VOL.1 | SPRING 2020



This issue is dedicated to our
healthcare professionals.



ORGANIZATIONAL SOLUTIONS INC.
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Canadian Workers' Compensation Update

Letter from the Editor

In this update, the team at Organizational Solutions presents some of the significant changes happening in Boards across the country. And of course, right now the most significant thing in workplace news - in global news - is the novel coronavirus or COVID-19.

Coronavirus and employers: updates

For the first few pages, you'll find recent updates from every board across Canada on how they're handling this pandemic.

In the meantime, we continue to see all the Boards focus on a broad mission: to reduce workplace accidents and make Canada's workplaces safer. We have gathered the most relevant news releases from the past few months and present them to you in short, digestible stories.

We hope you enjoy this magazine and, as always, we are always open to hearing your feedback and ideas on how we can improve its value for future editions.

Best regards,

Deb Gray

Editor

Table of Contents

Message from Dr. Liz Scott.....	4
Province by Province update	4
General/National news.....	8
British Columbia	10
Alberta.....	15
Saskatchewan	17
Manitoba.....	19
Ontario	20
Quebec	24
New Brunswick.....	31
Nova Scotia.....	33
Prince Edward Island.....	35
Newfoundland/Labrador.....	36
Yukon	38
Northwest Territories	41

"So many people working from home; so many not working, at home."

CTV News Anchor Lisa Laflamme

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The Impact of COVID-19 on Canadian Business

An update from Dr. Liz Scott, Principal and CEO of Organizational Solutions Inc.

I hope all of you and your families are staying safe and healthy during these uncertain times.

It certainly has been an adjustment. It's been working-from-home, social distancing, and for some, self-isolation. Many of you are making other adjustments, some with kids at home, pets at home, spouses at home, all the time. Meanwhile, you're desperately looking for the time and place to focus on your daily work.

Others are going through tragic times, while downsizing, laying off, closing facilities, and some reaching insolvency and unable to continue.

Please take the time to take care of yourself both physically and psychologically.

Technology is becoming even more important – reach out to your coworkers, your family, and friends. Keep connected.

OSI IS OPEN FOR BUSINESS to serve and support our valuable clients. OSI is highly committed to keeping our valuable team safe and healthy, so that all of our clients continue to receive exceptional care.

We look forward to seeing everyone again in person when we successfully emerge on the other side of this pandemic.

Sincerely,



Information and Directions from the Government of Canada

Prevention and risks for everyone, here at

<https://www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirus-infection/prevention-risks.html?topic=tilelink>

Advice for Workplaces

<https://www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirus-infection/being-prepared.html#a5>

Industry Resources

Resources for retailers

<https://www.retailcouncil.org/coronavirus-info-for-retailers/>
Canadian Construction Association's advice
<https://www.cca-acc.com/covid-19-resources/>

Canadian Construction Association

<https://www.cca-acc.com/covid-19-resources/>

A Province-by-Province Update from Workers' Compensation Boards Across the Country

Information from AWCBC.ORG

Workers' Safety & Compensation Commission of Northwest Territories and Nunavut

WSCC offices are **closed for in-person contact** until further notice and many of employees are working from home to help to reduce the risk of exposure and spread of COVID-19. WSCC continues to deliver core services to workers and employers but do anticipate

continued

possible delays during this time. WSCC is encouraging clients to make any inquiries they have by phone, email or online.

Read more about:

Additional financial relief measures for employers

Risk assessment tool for employers

<https://www.wsc.nt.ca/news/coronavirus-covid-19-%E2%80%93-update-employers-and-workers>

Yukon Workers' Compensation Health & Safety Board

YWCHSB offices are closed.

YWCHSB is participating in the Government of Yukon's economic stimulus package designed to support local workers and businesses impacted by COVID-19, helping safeguard business' financial stability as well as promote health and safety measures in workplaces. As part of the stimulus package, YWCHSB is offering relief to businesses experiencing serious adverse financial impacts.

Visit their site for more about the COVID-19 economic stimulus package and for specific advice on dealing with the coronavirus pandemic, here at

<https://wcb.yk.ca/COVID-19.aspx>

During his daily press conference [April 12] Trudeau said a "more normal" phase could come as early as this summer.

"If we do things right, this will be the first and worst phase that we go through as a country in terms of COVID-19," Trudeau said.

WorkSafeBC

WorkSafeBC **offices are now closed to the public.**

Employers are being asked to consider having workers

work at home or remotely where practicable. To support this practice, WorkSafeBC is sharing guidance on employer and worker responsibilities for ensuring

their workspace is healthy and safe. WorkSafeBC is postponing the payment deadline for Q1 2020 until June 30, 2020.

Read about health and safety considerations when working from home, and postponed payment details and more here: <https://www.worksafebc.com/en/about-us/news-events/announcements/2020/March/covid-19-situation-your-reporting-payment-deadline>



Workers' Compensation Board of Alberta

WCB Alberta is **restricting visitors at their offices with the exception of those who have pre-arranged cheque pick-ups, independent medical examinations or permanent clinical impairment appointments.** The Millard Treatment Centre has postponed all services with the exception of clinical assessments. Employer seminars and workshops have been postponed through to April 30 when they will be re-evaluated. All private sector employers will have their 2020 WCB Alberta premiums deferred to 2021.

Visit their site to read about **premium relief for employers and more**, here at:

<https://www.wcb.ab.ca/about-wcb/news-and-announcements/COVID-19.html>

Saskatchewan Workers' Compensation Board

Saskatchewan WCB is practicing social distancing and utilizing technology to communicate with customers to avoid all unnecessary in-person meetings whenever possible. They are encouraging workers to sign up for direct deposit to minimize payment delays. Any claims the WCB receives for COVID-19 will be adjudicated on a case-by-case basis. The WCB is waiving penalties and interest charges for late premium payments from April 1 until June 30, 2020. Saskatchewan WCB will hold its annual general meeting virtually on May 26, 2020.

Relief measures, tools to cope as an employer, managing your mental health and more, at their website pages here:
<http://www.wcb.sask.com/employers/covid-19-and-the-workplace/>

WCB Manitoba

WCB Manitoba has **closed their doors to the public** to prevent the spread of COVID-19.

They are using technology to communicate with customers to avoid in-person meetings whenever possible, and asking customers to use safer options (phone and email) to communicate with them. WCB MB is deferring premium payments until the end of May.

Fact sheet, discussion about the H&S committee and more on their pages here:
<https://www.wcb.mb.ca/how-the-wcb-is-responding-to-covid-19>

Workplace Safety and Insurance Board of Ontario (WSIB)

To help protect people from the spread of COVID-19, the WSIB has made the decision to **close their offices to the public**. They continue to pay all wage-loss benefits and have ensured all Loss of Earning benefits are up to date. WSIB also has staff in place to help manage any new claims as quickly as possible.

WSIB financial relief package, how WSIB makes decisions about COVID-19 claims and more at:
<https://www.wsib.ca/en/novel-coronavirus-covid-19-update>

Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST)

Tous les bureaux centraux et régionaux de CNESST demeurent fonctionnels. Cependant, ils recommandent fortement à ses clientèles de ne pas s'y présenter et d'utiliser prioritairement ses services en ligne. Tous ses événements prévus dans les prochaines semaines sont annulés, et le CNESST précisera rapidement les modalités d'annulation et de remboursement.

Mesures de la CNESST dans le contexte de la COVID-19:
cnesst.gouv.qc.ca/salle-de-presse/communiqués/Pages/18-mars-2020-coronavirus.aspx

Canada's COVID-19 Economic Response Plan

<https://www.canada.ca/en/departement-finance/economic-response-plan.html>

WorkSafeNB

WorkSafeNB is encouraging all New Brunswick workplaces to follow the advice of the Public Health of Canada and the Government of New Brunswick related to offering essential services, self isolation, travel, and avoiding workplaces if symptomatic.

As a workplace, WorkSafeNB has precautionary measures in place at all offices and their rehabilitation centre to both protect staff and visitors and ensure the continuity of critical services.

Read about New COVID-19 prevention tool for workplaces; Managing anxiety and worry during COVID-19; WorkSafeNB defers premium payments for three months, with Q&A and more here:

<https://www.worksafenb.ca/safety-topics/covid-19/covid-19-what-workers-and-employers-need-to-know/>

WCB Nova Scotia

WCB Nova Scotia has been adapting their operations in response to COVID-19 and have **suspended all in-person service**. As an operation they continue to provide the important services they need to, monitor the progression of the virus, and refer to the guidance of public health officials. Benefit payments will not be impacted by the inability for a treatment to be provided, due to the COVID-19 pandemic. Employer premiums have been deferred until July, 2020.

Read about a wide variety of COVID-19 related advice, including Trucking safety during COVID-19; Deferred employer premiums until July, 2020, and more.

<https://www.wcb.ns.ca/About-Us/WCB-Nova-Scotias-Response-to-COVID-19/Information-for-Employers.aspx>

Workers Compensation Board of Prince Edward Island

WCB PEI is **continuing to provide essential services to Islanders, but to help prevent the spread of COVID-19, the WCB office is closed to visitors**. WCB staff is available over the phone or by email. OHS Officers continue to assist workplaces with health and safety matters. Where worksite visits are required, WCB PEI officers will use social distancing to ensure safety. WCB PEI has deferred employer assessment due dates until June 30, 2020.

Read more about handling claims, the deferred assessment due dates and more, at:

<http://www.wcb.pe.ca/Information/NewsItem/498>

WorkplaceNL

WorkplaceNL is using social distancing measures to help proactively “flatten the curve” of the spread of COVID-19. They have **reduced operations, with less staff, to focus only on core services**. Clients are asked to call their case management team directly or contact them by email. Anyone not yet set up on direct deposit is being urged to do so. Payments from employers have been deferred until June 30, 2020.

Read about service updates, extended certification of safety training certificates and more here:

<https://workplacenl.ca/article/coronavirus-disease-2019-covid-19/>

Keep up to speed with Maclean's Canada-wide layoff tracker — updated daily.

<https://www.macleans.ca/economy/covid-19-canada-layoff-tracker/>



GENERAL / NATIONAL

Health and Safety Week across Canada - May 3 to 9, 2020

Safety and Health Week is May 3 to 9 this year. The goal is to promote preventing injury and illness in the workplace, at home, and in the community.

You'll find resources and ideas for activities -including virtual events here: <http://www.naosh.ca/english/resources.html>

"The Coronavirus (COVID-19) pandemic has impacted us all and changed the way we do things. Safety and Health Week can still be celebrated in many ways that don't involve large gatherings or person-to-person-contact. Why not try holding a virtual event this year? Share how you'll do it, and you can help inspire others as they plan their activities."

The Boards in every province have a range of activities and events planned; however, given the current situation, please double-check that they're happening as planned.



Three hands forming an equilateral triangle portrays the three participating nations – Canada, the United States and Mexico – and symbolizes joint venture, cooperation and the commitment to the common goals shared by all occupational health and safety partners.

Posters and More for Health and Safety Week

Get posters, social media and more at <http://www.naosh.ca/english/resources.html>

WorkSafe Saskatchewan features a number of mental health and safety resources for workers and employers at www.worksafesask.ca



Bookmark this!

Here is detailed contact information and more for every Board across the country, online here:

https://www.ccohs.ca/oshanswers/information/wcb_canada.html

This website is from the Canadian Centre for Occupational Health and Safety (CCOHS). You'll also find links to OSH Answer Fact Sheets on the latest information on a wide range of workplace health and safety topics, from hazards to diseases to ergonomics to workplace promotion.



Young people 3 to 4 times more likely to be hurt on job

Focus on Safety Youth Video contest hopes to change that.

Inexperience, unfamiliarity with health and safety laws and lack of confidence to speak up and ask questions are some reasons why young people are more vulnerable to workplace injury. Young people are three to four times more likely to be hurt on the job within the first six months of employment than the average Canadian worker.



Provinces are working in co-operation with the Canadian Centre for Occupational Health and Safety to bring awareness to the risk with a youth video contest, "Focus on Safety." The contest challenges high school students to create a two-minute original video that captures the importance of working safely.

Provincial winners will go on to the National Stage to win awards and recognition. Each province/territory has set its own deadline, however, all entries for the National Contest must be received by CCOHS by **May 22, 2020.**

More here: https://www.ccohs.ca/youngworkers/video_contest.html#prov_contest



National Day of Mourning

Each year, Canada recognizes the National Day of Mourning on April 28th as a day for employers and employees to remember those who have died, as well as those who are injured or stricken by illness on the job.

On April 28th, please take a moment to remember those injured, killed, or afflicted with an occupational illness while on the job.

Tuesday, April 28th, 2020

Please check with your province's Board for more information.

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WORK SAFE BC

Growing a safety culture from the ground up

When Pure Sunfarms started growing cannabis, it was the perfect opportunity to grow health and safety culture at the same time, from the ground up.

Working with WorkSafeBC's Risk Analysis Unit (RAU), Pure Sunfarms already thought through their engineering systems and set up a sanitization process. They had an excellent health and safety system set up in a short time and were thinking proactively about worker health and safety.

Pure Sunfarms employs 100 full-time employees and over 400 contractors to grow and process eight strains of dried cannabis flower. To keep things running smoothly, safe work processes, documentation, and clear lines of communication are a must.

“One of the most important things we’ve implemented is including the vendors in our risk assessments.”

— Robert Clark, health and safety manager, Pure Sunfarms



Left: About a quarter of the 10-hectare greenhouse facility has been transformed into clean, security-sealed growing rooms for cannabis. Ten hectares is the equivalent of nine-and-a-half FIFA-sized soccer pitches laid out in orderly rectangles.

This collaboration includes the safe introduction of CO2, used to enrich growth in marijuana plants. The company worked with the local fire department, joint health and safety committee and Technical Safety BC to ensure the system was safely installed.

Adjustable stool heights, assessing physical risks on the job and paying close attention to the path of the product have all contributed to reducing the risk of injury in the workplace.

To read more about this innovative venture, see the WorkSafe Magazine January/February 2020 issue.



WorkSafe Magazine - January/February 2020 is available for download at workplacebc.com

Shining a light on shift work

The WorkSafeBC Innovation at Work grant supports small-scale research projects that lead to the development of practical solutions to address workplace health and safety issues.

One researcher has discovered that light exposure can help reduce fatigue and improve sleep. Jay Olson, who is finishing his PhD at McGill University, has developed a practical routine based on circadian and sleep hygiene principles. He has tested it on a group of

33 nurses whose workweek included two to four consecutive night shifts and two-day shifts.

The study, which was quite promising, involved 40 minutes of bright light exposure from a portable light box before night shifts, light avoidance by using sunglasses after the shift and suggested ideal times to sleep and nap.

Overall, our results support the potential of circadian-based interventions to minimize the health and safety impacts associated with working rapidly rotating shifts," he adds.

WorkSafeBC is keeping an eye on the results and ongoing research.



Changes to the Workers' Compensation Act

The changes should make the Act easier to read and understand. They include a reorganization of the Act's components, some new wording in various sections, and deletion of provisions that have been repealed or are no longer needed.

Find out more at worksafebc.com/WCA2019.

"No major changes coming any time soon," says Labour Minister Harry Bains

Labour Minister Harry Bains has warned that some changes to workers' compensation in B.C. are expected this session, but significant changes to make the system more 'worker-centric' are not coming soon.

The BC Federation of Labour is among those saying the system has been out of balance since 2002 when the former BC Liberal government made changes that favoured employers. "In the 18 years that have followed, the situation has

devolved from bad to worse," the federation said in its submission to the Patterson review.

The goal is to make changes to the system that increase the confidence of both workers and employers in it, said Bains.

A spokesperson for WorkSafeBC has said that while there's room for improvement, 82 per cent of workers in 2019 rated their overall experience with the agency as "good" or "very good."

Worker shocked with 1,000 volts, another exposed to silica dust

Site C dam's main builder was fined almost \$1M for high-risk worker safety violations.

The main contractor building the massive Site C Clean Energy Project near Fort St. John, B.C., Peace River Hydro Partners Construction Ltd (PRHP), has been fined almost \$1 million for safety violations deemed "high risk" by WorkSafeBC.

The violations include a worker shocked with 1,000 volts of electricity and the possible exposure of workers to dangerous silica dust.

The safety violations occurred during tunnelling work on the Site C project, a \$10-billion hydro dam under construction on the Peace River. PRHP currently employs about 1,900 workers on the project. These repeated, high-risk violations resulted in the ... maximum penalty being imposed.

Below: The Site C Clean Energy Project (Site C) will be a third dam and hydroelectric generating station on the Peace River in northeast B.C.

Site C will provide 1,100 megawatts (MW) of capacity, and produce about 5,100 gigawatt-hours (GWh) of electricity each year – enough energy to power the equivalent of about 450,000 homes per year in B.C.



Bullying goes well beyond the schoolyard

Since the first anti-bullying Pink Shirt Day in 2007, many school-aged kids in Canada have become aware of the lessons, and message behind the coloured shirts.

Even if students have learned anti-bullying basics from parents or teachers, the pink shirts do serve as a reminder to keep up with kind behaviour and stand up for others.

Adults can feel the sting of hurtful behaviour as well. In 2018, WorkSafeBC dealt with more than 3,999 bullying and harassment inquiries, and in 2019, WorkSafeBC received more than 4,500 inquiries.

Below: Students posing in their pink themed Anti-Bullying Day photobooth at Westsyde Elementary School. (Image Credit: CFJC Today / Kent Simmonds)



WorkSafeBC to focus on crane safety in 2020

WorkSafeBC has several initiatives planned in 2020 to ensure the estimated 300 tower cranes operating in the province are in proper working order and will not pose a danger to workers or the public.

As part of the initiative, inspectors will educate employers on the difference between crane operator qualification and certification.

According to WorkSafeBC, incidents involving crane operators show most time-loss claims are caused by slips, trips and falls, hearing loss and by being struck by something, such as tools, equipment and loads.

WorkSafeBC says a review of TNRD bullying/harassment policy part of 'regular prevention process'

Meanwhile, WorkSafeBC has ordered the Thompson-Nicola Regional District to update its bullying and harassment policy and procedures and ensure workers and supervisors are trained on bullying and harassment policy and procedures.

According to an inspection report obtained by KTW, WorkSafeBC found that TNRD policy contravened the Workers' Compensation Act section 115 (1)(a) in that:

- the reporting procedures did not outline how (e.g. verbally, written) or when to report incidents or complaints, nor what to include in their report.
- the investigation procedures did not include complete roles and responsibilities, how investigations would be conducted (e.g. focused on finding facts, considering the evidence, being sensitive to the parties including assistance during the investigation process, etc.) nor provision for record-keeping,

- the simplified chart to provide a high-level overview of the process introduced additional steps and roles/responsibilities not included in the policy.
- the policy and procedures did not include provision for annual review.



The Regional District of Thompson-Nicola was ordered to update its bullying and harassment policy and procedures and ensure training.

Metro Vancouver hit with \$637,000 WorkSafeBC fine for 'high risk' sewer work

The penalty, issued in December and posted to the regulatory body's website, stated that the regional district had installed siphon gates inside a sewer line without following procedures for confined space entry. It also did not "adequately control" for hydrogen sulfide, a toxic and flammable gas, associated with the work.

In its penalty decision, WorkSafeBC said the district didn't develop, review, or update a permit for

confined space entry, did not show records of any tests, and did not have a trained supervisor watch over the confined-space work.

"The employer failed overall to ensure the health and safety of its workers. These were all high-risk violations," the penalty summary reads.

No one was hurt during the work done on the sewer.



ALBERTA

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Alberta's Farm Freedom and Safety Act in full effect January 31

The act brings in new rules and regulations regarding insurance coverage, who is considered a worker, and a farmer's rights and responsibilities to their employees.

One major change with the new act is that for farms with five or fewer employees, Workers' Compensation Board coverage is now optional. However, for farms

without coverage, if an employee gets hurt on an Alberta farm, they have the option to sue. AgSafe Alberta is trying to correct any misconception that Occupational Health and Safety laws don't apply to these smaller farms. This means farm employers must still ensure the health and safety of workers on the site "as far as is reasonably practicable."

Below: Farmers need to know who is considered a worker when understanding Alberta's new farm safety legislation.



Want to become a psychological health and safety leader?

Workers' Compensation Board - Alberta is partnering with the University of Fredericton to offer Alberta employers special reduced rates to online certificate programs in the following areas of study:

- Psychological health & safety in the workplace
- Enhancing workplace resiliency

Courses are available at the basic, manager and advanced level.

New procedures manual now online

WCB - Alberta is tackling a big subject: an updated and amended procedures manual. With more than 400 procedures to review, the project will roll out in several batches. The first release, available now, explains how:

- the initial entitlement decision is made,
- injured worker compensation and benefit rates are set,
- opioids are managed, and
- the medical testing and examination referral process works.

Read more here: <https://www.wcb.ab.ca/about-wcb/procedures/>



Highlights: WCB-Alberta 2020 Premium Rates

Workers' Compensation Board - Alberta has a new employer highlight sheet available https://www.wcb.ab.ca/assets/pdfs/employers/2020_premium_rates_highlight_s.pdf



They explain, among other subjects:

- how WCB uses Accident Funds to support employers in a challenging economy
- how premium rates are determined and how adjusted rates are calculated for each employer
- how to reduce premiums

Helpful worksheet from WCB-Alberta:

How claims affect your premiums

Adjustments to your premiums are based on your claims experience to provide you with incentives to reduce your costs.

For small business employers, adjustments are based on your total number of claims. For large business employers, adjustments are based on the cost of your claims.

Download the worksheet here: https://www.wcb.ab.ca/assets/pdfs/employers/EFS_How_claims_affect_your_premiums.pdf

WorkSafe Saskatchewan responds to mental health claims

WorkSafe Sask. hosted its second annual psychological health and safety learning event

In response to the increase in job-related mental health claims in Saskatchewan, WorkSafe Saskatchewan – the partnership between the Saskatchewan Workers' Compensation Board (WCB) and the Ministry of Labour Relations and Workplace Safety – is working to provide resources for workers and employers on psychological health and safety.

That is why WorkSafe hosted the second annual Psychological Health and Safety Workshop recently in Regina. Close to 350 senior leaders, disability and human resource managers from across the province heard from leading Canadian industry and academic experts at the one-day learning event.

“The number of mental health WCB claims rose by 142 per cent from 2016 to 2018.”

“Psychological claims still only represent a small percentage (1.2 per cent) of all the work-related claims submitted to the WCB,” said Annette Goski, the WCB's interim director of prevention. “However, the number of mental health WCB claims rose by 142 per cent from 2016 to 2018. Events like this are important to help us all understand the reasons behind that increase. Sharing resources and working toward solutions with workers and employers is so important in our province.”

WorkSafe Saskatchewan features a number of mental health and safety resources for workers and employers at www.worksafesask.ca.

Youth safety in the workplace

About 3,500 people under the age of 25 are injured on the job in Saskatchewan each year and three will die from a work-related incident.

To educate and inform young people about safe work practices, WorkSafe Saskatchewan recently met with 4,600 students at 16 schools in Regina and Saskatoon. Called the **Work2Live** Tour, the event featured motivational speaker and injured worker, Spencer Beach. Spencer shared his story with students about how he was caught in a flash fire when he was stripping linoleum in his 20s. The fire burned 90 per cent of his body.

The tour informed students of their basic rights as workers, and their responsibilities. For more about the Youth Video Contest: <http://www.worksafesask.ca/youth/teachers/2020-youth-video-contest/>



To reinforce the tour's messages, WorkSafe Saskatchewan launched the 2020 Youth Video Contest. Open to Saskatchewan students in Grades 9 to 12, the contest challenges youth to create an engaging two-minute video on workplace safety, health and injury prevention.

Saskatchewan launches innovative new safety strategy to reduce fatalities

Saskatchewan has some of the highest injury rates in Canada regardless of aggressive safety programs which have reduced injury rates. Despite a recent reduction in the overall provincial total injury rate (TIR), deaths and severe injuries are not declining. So the Saskatchewan government and Saskatchewan Workers' Compensation Board (WCB) have developed a new three-year Fatalities and Serious Injury Strategy.

Data from 2010 to 2018 indicates there are approximately 2,400 serious injuries annually and this key indicator has not been decreasing in the province.

This new strategy was developed in partnership between LRWS (Ministry of Labour Relations and Workplace Safety) and Saskatchewan WCB, called WorkSafe Saskatchewan. It focuses on four main areas where fatalities occur:

- asbestos exposure,
- fall from heights,
- work-related motor vehicle incidents (MVI)
- cancers in firefighters.

Firefighter occupational disease coverage expanded

Recent amendments to the Workers' Compensation Act, 2013 have expanded the list of occupational diseases covered by the rebuttable presumption for firefighters. Six additional cancers, not previously covered by WCB, have been added. Half of these, or 3, are cancers impacting women, in recognition of the changing demographics of fire fighting.

Amendments to the firefighters' presumptive coverage include coverage for volunteer and part-time firefighters who are or have been exposed to the hazards of a fire scene, other than a forest fire.

Firefighters with WCB claims can request a re-evaluation of an old decision. The request will be



considered by the WCB team responsible for the most recent decision.

Board named one of the Province's top employers

Thirty winning employers were announced in February, for Saskatchewan's Top Employers for 2020. Saskatchewan Workers' Compensation Board was one of the winners.

The 30 winning employers offered programs such as: helping employees balance work with family commitments; engaging employees to make a difference in the community; developing employees' skills and training; improving employee health and wellness, particularly mental health; and helping staff prepare for the second half of their careers and life after work, according to Mediacorp, which runs the competition.



MANITOBA

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Manitoba group addresses road safety for workers

A new initiative implemented by SAFE Work Manitoba aims to help employers make driving safer for their workers.

From 2014 to 2018, one in five work-related deaths reported to the Workers' Compensation Board of Manitoba was caused by vehicle collisions, and the number of Manitobans killed each year while driving for work has been climbing steadily over that time.

Announced Jan. 17, the "SAFE Driving at Work Plan" will be carried out in partnership with Manitoba Public Insurance and the province's industry-based safety programs.

The plan will offer tools and services to Manitoba employers, including consultations, a half-day workshop and a comprehensive online tool kit to help them create and implement safe driving programs that fit the needs of their workers, job tasks and workplaces. It is free of charge.

SAFE Work Manitoba – a division of the WCB is the public agency dedicated to the prevention of workplace injury and illness.

Published by Organizational Solutions Inc.



SAFE Work Awards

Each year, SAFE Work Manitoba recognizes Manitoba's individuals, safety and health committees, and companies/organizations that demonstrate a strong commitment to the health and safety of their workers. Nominations for the 2020 awards are now open. Deadline to submit a nomination is Friday, May 8, 2020.

Awards are given in three categories: SAFETY Culture Award, Worker SAFETY Award, and SAFETY and Health Committee Award. To learn more about making a nomination, click here: <https://www.safemanitoba.com/News/Pages/SAFE-Work-Awards.aspx>

Spring 2020

BREAKING NEWS! Workers Compensation Board returning \$37M to help Manitoba employers

The Workers Compensation Board (WCB) of Manitoba is giving back a \$37-million surplus to eligible employers in the province.

Premier Brian Pallister made the announcement at a news conference on Tuesday, April 21st. He said this move will provide financial relief to eligible employers and to help employees.

"This will keep our workers compensation structure strong, but it allows us to return money to businesses at a time when cash flow is a real challenge," he said.

Michael Werier, chairperson for the WCB, said in a

Those who are eligible need to have fulfilled payroll duties for 2019 and paid last year's WCB premium. Employers are still able to report their 2019 payroll.

"This has real benefits," said Pallister. "Not just to the private sector, I should mention, in the healthcare sector for example, which includes RHAs, CancerCare, Riverview, personal care homes as well, this equates to approximately a \$6.2-million refund. So this is significant."

The premier said this refund is another major step in the Manitoba Protection Plan to help small businesses, individuals and families.

"This will keep our workers compensation structure strong, but it allows us to return money to businesses at a time when cash flow is a real challenge."

— Premier Brian Pallister

news release the COVID-19 pandemic has had an impact on the majority of its customers.

"With a healthy reserve fund, we are pleased to provide a refund of approximately 20 per cent to employers to help bolster their bottom line," he said.

"It's incumbent upon businesses like ourselves to do our part to actively help support financial recovery efforts over the next several months."

According to the province and WCB, in May, employers who are eligible will receive a credit to their account that's based on 20 per cent of their 2019 premium. The WCB said it anticipates that \$29 million of the \$37 million will go to the private sector, and about \$7 million will be returned to small businesses.

"This builds on the steps we have already taken, including directing Manitoba Hydro and Centra Gas not to disconnect customers at this time, deferring hydro bills without penalty or interest, also Centra Gas bills, MPI bills and the Workers Compensation levies going forward," the premier said.

"Extending tax filing deadlines for small and medium-sized businesses with monthly remittances of up to \$10,000," Pallister said.

"That's going to support more than 20,000 businesses in our province and introducing a temporary exception to employment standards regulations to ensure temporary layoffs after March 1 do not equal a termination. That's protecting workers who have to lose some work time in our province."



WORKERS' COMPENSATION BOARD :

Workplace Safety & Insurance Board.

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Roadmap to accreditation outlined at Opportunities for Safety session

Ontario construction employers now have significant new opportunities to improve their safety culture and receive rewards and recognition, contractors learned recently at an educational forum hosted by the Ontario General Contractors Association (OGCA) and the League of Champions.

Safety incentives provided by the Ministry of Labour, Training and Skills Development (MOLTSD) and the Workplace Safety and Insurance Board (WSIB) have changed, the contractors were told. The event featured presentations on Supporting Ontario's Safe Employer Program (SOSE), the Health and Safety Excellence Program, and COR (Certificate of Recognition) 2020 to show where they fit on the roadmap to accreditation.

The Excellence Program is a performance-based rewards program that integrates the WSIB's Small Business, Safety Groups and Workwell programs into a new model.

Employers are encouraged to explore this opportunity. To read more about how the program connects businesses of all sizes with WSIB-approved providers to help you develop a program that is suitable for your business - click here <https://www.wsib.ca/en/healthandsafety>

Quick notes

- * Reminder: you can upload your documents online. Visit services.wsib.on.ca for more details.
- * Scheduler 2 employers can get details about 2020 provisional admin rates <https://www.wsib.ca/en/schedule-2-provisional-administration-rates>
- * Rate Framework: Stay Connected
Subscribe to receive updates about our new premium rate-setting model, and other need to know information related to WSIB and workplace health and safety in Ontario.
<https://www.wsib.ca/en/rate-framework-stay-connected>

With the introduction of TARA, employer's records are opened up at Tribunals

We are seeing the impact of a new law in Ontario, the *Tribunal Adjudicative Records Act, 2019* ("TARA") which came into force on June 30, 2019. It allows members of the public, including media, to access records relating to proceedings at certain administrative boards and tribunals. They include the Human Rights Tribunal of Ontario ("HRTO"), the Ontario Labour Relations Board ("OLRB") and the Pay Equity Hearings Tribunal. Previously, such records were only accessible through a request under the Freedom of Information and Protection of Privacy Act ("FIPPA").

It appears that employers may have opportunities to apply for confidentiality orders.

Since the new law came into force, a number of cases at the HRTO and OLRB have dealt with requests under TARA. It appears that the procedure being developed by the HRTO and OLRB is to advise the parties to the proceeding of the request for access; and provide them with an opportunity to respond and make any confidentiality requests.

While these processes are not yet well defined, it appears that employers may have opportunities to apply for confidentiality orders.

Importantly, *TARA only applies to records that relate to proceedings which began after June 30, 2019.*



Foodora decision shocks many

In a decision on March 1, 2020, the Ontario Labour Relations Board sent shockwaves through the Gig Economy. The Board ruled that Foodora couriers' relationship with the app-based food delivery company was more akin to that of "employees" than that of "independent contractors".

The decision does not automatically apply to all app-based employees, or even to all app-based couriers and drivers. As the Board's decision made perfectly clear at the outset, the analysis is highly fact-specific.

This is not the first time the Board has considered whether drivers, couriers or other "independent contractors" were in-fact "employees" or "dependent contractors" within the meaning of the *Ontario Labour Relations Act, 1995*. It will not be the last.

However, it is the Board's focus, on the manner and systems for doing business instead of the ownership of the physical delivery tools that should send shivers down the back of any app-based business with a similar structure.

Appeals Tribunal changes- ADR process and Hamilton office

The WSIAT has made two changes of note in the last few months: expansion of the Alternate Dispute Resolution (ADR) process to single-party appeals and increased use of the Hamilton office for hearings.

The Tribunal has offered ADR for two-party appeals for many years. ADR is now available in single-party appeals and will be useful in appeals which do not turn on credibility determinations. Most compensation rate (earnings basis) and non-economic loss appeals will fall in this category. Other cases may lend themselves to ADR depending on the state of the documentary reporting (usually medical reports). Interest in the ADR process can be conveyed to the Tribunal by checking the appropriate box on the Confirmation of Appeal form.

If the Tribunal accepts the appeal for the ADR process, a Dispute Resolution Officer will be appointed. The Dispute Resolution Officer will have discussions with the worker and the worker's representative. Those discussions will be confidential. If an agreement is reached about a proposed resolution of the appeal, the Dispute Resolution Officer will prepare a written agreement. The agreement will then go to a Vice-Chair of the Tribunal who will determine whether the agreement is consistent with the law and the evidence. If so, the agreement will become the determination of the Tribunal. If not or if no agreement is reached, the appeal will be returned to another Vice-Chair for hearing in the usual way.

The Tribunal has a permanent hearing centre in Hamilton at 119 King Street West, 14th floor; hearings in Kitchener are discontinued and will be held in Hamilton. The hearings begin at 9 a.m. as before.

Work shouldn't hurt

Strains and sprains leading cause of workplace injury in Ontario

Also known as musculoskeletal disorders (MSDs), repetitive strain injuries are an umbrella term used to describe a family of painful disorders affecting tendons, muscles, nerves and joints in the neck, upper and lower back, chest, shoulders, arms and hands.

Between 2009 and 2018, about 190,000 Ontario workers lost time due to sprains and strains. The top three industries with sprains and strains are services, healthcare, and manufacturing.

**MSDs account for about half of
all allowed lost-time claims
according to the WSIB.**

The Centre of Research Expertise for the Prevention of Musculoskeletal Disorders* MSD Prevention Guideline offers practical tips and examples to help understand and prevent MSDs. The guideline also shares a few tips to consider to help prevent sprains and strains in the workplace.

**The Centre of Research Expertise for the Prevention of Musculoskeletal Disorders is based at the University of Waterloo and is made up of a network of researchers across Ontario. Read tips at their website: <http://cre-msd.uwaterloo.ca/Home.aspx>*

Constructive Dismissal May Belong With the WSIB, Not Courts

The Ontario Workplace Safety and Insurance Appeals Tribunal (WSIAT) has ordered that an employee's constructive dismissal lawsuit was barred because it was based on workplace mental distress, which was a matter for the WSIB and not the courts.

The WSIAT decided that the employee's constructive dismissal lawsuit was essentially a claim for "personal injury" arising from a "work accident" consisting of alleged harassment and the employer's failure to stop it. As such, her claim fell within the jurisdiction of the *Workplace Safety and Insurance Act* and thus her constructive dismissal lawsuit was prohibited.

Barred from her constructive dismissal case, the employee was told to pursue her claim with the WSIB.

This case illustrates the historic "trade-off" in workers' compensation legislation: employees get access to "no-fault" workers' compensation benefits from the provincial workers' compensation board if injured at work, but are barred from suing their employer in the courts in relation to such an injury.

Given the addition in 2018 of mental stress to the types of workplace injuries for which the WSIB may pay an employee benefits, employers and employees should be aware that court lawsuits – even some constructive dismissal lawsuits – relating to workplace mental stress may now be barred by the *Workplace Safety and Insurance Act*, but only if the employer raises the issue.

[The WSIAT's decision may be accessed here: Decision No. 1227/19, 2019 ONWSIAT 2324 \(CanLII\)](#)

Halton Police introduce Backup Buddy: an app for mental health help and support

Backup Buddy offers mental health resources for officers, their families and retirees

While the culture is changing around police and mental health, many still struggle with stress. Now, a first of its kind app, called Backup Buddy, is available for Halton Regional Police.

The app includes contacts, mental health tips, and details a number of common issues from anger to alcohol abuse, post-traumatic stress disorder and substance abuse. It also features three video testimonials from officers.

The app is just the latest effort by the service's organizational wellness unit, which launched in 2016.



Backup Buddy is the first of its kind mental health app for police officers; it launched in Halton Region recently.



QUEBEC

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Journalier de l'entreprise Bétons préfabriqués du Lac inc. écrasé mortellement par un panneau de béton à Alma : la CNESST dévoile les conclusions de son enquête WorkSafe Sask. hosted its second annual psychological health and safety learning event

Saguenay-Lac-Saint-Jean, le 18 mars 2020

Chronologie de l'accident

Le jour de l'accident, M. Compartino se trouvait dans le secteur de la réparation-finition de l'usine de Bétons préfabriqués du Lac inc. à Alma. Sa tâche consistait à appliquer une membrane d'étanchéité sur un panneau de béton de 4,35 m de longueur sur 2 m de hauteur et pesant 3 368 kg. Celui-ci reposait debout, sur le sens de la longueur, et était maintenu en place à l'aide de deux tiges en acier placées de chaque côté. À un certain moment, M. Compartino a enlevé une tige, car elle l'empêchait de terminer sa tâche. En raison de sa forme, le panneau ne pouvait

tenir en équilibre dans cette position sans la présence de cette tige. Une fois celle-ci retirée, le panneau a donc basculé subitement et a écrasé le travailleur qui se trouvait dans sa trajectoire. Les secours ont été appelés sur les lieux et le décès de M. Compartino a été constaté par les ambulanciers.

Causes de l'accident

L'enquête a permis à la CNESST de retenir deux causes pour expliquer l'accident :

- Un panneau de béton de 3 368 kg a écrasé le travailleur après qu'une tige de retenue fut enlevée pour finaliser l'application de la membrane.
- La gestion des tâches reliées à la finition des panneaux était déficiente, car une méthode de travail dangereuse était utilisée, causant l'écrasement du travailleur.

À la suite de l'accident, la CNESST a ordonné la fermeture du secteur réparation-finition de l'usine et exigé que l'employeur démontre que les panneaux étaient maintenus en place de manière à éviter les basculements. Les travaux de réparation-finition et le déplacement des panneaux ont également été interdits dans ce secteur. Enfin, la CNESST a demandé qu'une méthode de travail sécuritaire soit élaborée et

que l'employeur dispense la formation nécessaire à ses travailleurs. L'employeur s'est depuis conformé à ces exigences.

Comment éviter un tel accident

Pour prévenir ce genre d'accident, des solutions existent. Avant tout, il faut identifier les risques et mettre en place des moyens pour les éliminer ou les contrôler. Ceci débute par l'élaboration de méthodes de travail sécuritaires pour chacune des tâches à effectuer. Ensuite, il importe de s'assurer que les travailleurs soient formés et informés pour appliquer ces méthodes de travail de façon à protéger leur intégrité physique et celle de leurs collègues.

Par la loi, l'employeur est tenu de prendre les mesures nécessaires pour protéger la santé et assurer la sécurité et l'intégrité physique de ses travailleurs. Il a également l'obligation de s'assurer que l'organisation du travail ainsi que les équipements, les méthodes et les techniques pour l'accomplir sont sécuritaires.

Suivis de l'enquête

La CNESST transmettra son rapport d'enquête à l'Association Béton Québec, à l'Association québécoise des fabricants de tuyaux et d'éléments en béton préfabriqué, aux associations sectorielles paritaires ainsi qu'à l'ensemble des gestionnaires de mutuelles de prévention afin que leurs membres soient informés de ses conclusions.

Le rapport d'enquête sera également diffusé dans les établissements de formation qui offrent le programme Préparation et finition de béton.

La CNESST a délivré à l'employeur Bétons préfabriqués du Lac inc. un constat d'infraction. Pour ce type d'infractions, le montant de l'amende varie de 17 179 \$ à 68 721 \$ pour une première offense, et pourrait atteindre 343 607 \$ en cas de récidive.



Source : CNESST

Police officer wants compensation after being shot at with live rounds during training exercise

Valérie Guay says she developed post-traumatic stress disorder as a result

A Montreal police officer is fighting for compensation after she was shot at with live rounds during a training exercise. A Quebec labour tribunal ruling on the incident suggests the SPVM may have tried to keep it under wraps.

Valérie Guay took the matter to Quebec's workplace health and safety board (CNESST) to have it recognized as a workplace accident. She said she developed post-traumatic stress disorder as a result of what happened.

According to the ruling, Guay was participating in an active shooter drill in April 2014 when another officer fired two live rounds in her direction. She was not struck by the shots, and no medical consultation was done at the time.

A commander came to the station a few days later to do a "debriefing" on the event, the ruling says. Guay said the staff was told the commander "did not want news of the accident to go around, so officers don't think they aren't safe at work."

SPVM considered officer's leave to be personal

In Sept. 2015, when Guay was told she would be participating in another active shooter drill, she said she had a panic attack.

She reported her symptoms to her boss and sought psychiatric help, both through her employer and privately at her own cost. In 2016, a health care

professional recommended she take a leave of absence.

A month after starting her leave, Guay saw that her pay had been cut. She was told she had used all of her sick days, and she now was receiving disability insurance as opposed to her salary.

The officer expressed her shock that she was losing money due to a workplace accident. An SPVM representative then told her that her leave was personal, as the incident was never considered a workplace accident.

That also meant she could not receive compensation from the workplace health and safety board.



An incident must be reported to the CNESST within six months, but the board will accept a delay it considers reasonable. The officer reported the incident in 2017, three years after it happened, saying she had not realized it had never been considered a workplace accident. The CNESST accepted the reasoning.

The SPVM appealed that decision, arguing that the worker did not present a "reasonable reason" for the delay since she had been aware of the symptoms since 2015 and had a "financial interest" to claim the costs of her private care in the clinic.

The tribunal upheld the CNESST's decision to accept the complaint, saying the delay was reasonable. The tribunal now must rule on whether the incident should be considered a workplace injury.

Health and social services union urging action to halt rising workplace injuries

The unions of health and social services workers are sounding the alarm and urging the Quebec government to act in the face of a major increase in the number of violent acts and workplace accidents suffered by their members.

According to data obtained by the unions from the Ministry of Health and Social Services (MSSS) and from the Standards, Equity, Health and Safety Committee (CNESST), acts of violence against health care workers have exploded 82% over the past 2 years.

Below: Health and social services union wants more attention drawn to the increase in workplace violence and accidents.

In the same vein, injuries related to falls jumped by 45 per cent and those related to musculoskeletal disorders increased by 36 per cent.

In the context of labour shortages in the Quebec network, these accidents and aggression put additional weight on services. The workplace injuries resulted in a 34 per cent increase in hours of absence for health reasons in all public facilities.

In 2018, 4.4 million hours could not be worked by healthcare workers because of an accident at work. This represents 2,400 full-time positions.

In addition, beyond the physical health of network workers, it is their mental health that is undermined by the crisis situation they face. In 2017-2018, 39 per cent of salary insurance benefit files were supported by a mental health diagnosis.



Les partenaires de la construction sont mobilisés pour maintenir des milieux de travail sécuritaires

Pour répondre aux préoccupations du milieu de la construction en lien avec la propagation de la COVID-19, le ministre du Travail, de l'Emploi et de la Solidarité sociale, M. Jean Boulet, la Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST) et les partenaires du milieu de la construction se mobilisent pour maintenir des milieux de travail sécuritaires. Deux mots d'ordre : ouverture et flexibilité.

Aménagez votre bateau de façon sécuritaire et assurez l'entretien de vos gilets de sauvetage!

Gaspé, le 17 mars 2020

En ce début de saison des pêches commerciales, la Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST) tient à rappeler aux capitaines et aux aides-pêcheurs qu'il est indispensable d'aménager de façon sécuritaire le bateau sur lequel ils travaillent, en plus d'assurer l'entretien préventif des appareils et des équipements,

comme le gilet de sauvetage.

À ce sujet, la CNESST a lancé une campagne qui prévoit notamment la diffusion de messages sur l'importance de l'entretien préventif des gilets de sauvetage sur différentes stations de radio et dans divers médias imprimés, dont des hebdomadaires.

Un outil indispensable à bord

Sur un bateau, les pêcheurs sont particulièrement exposés aux intempéries, aux menaces d'incendie et de naufrage ainsi qu'aux dangers causés par les engins de pêche. Le risque de chute par-dessus bord figure parmi les plus importants dangers.

Afin de sensibiliser les capitaines et leur équipage aux dangers existants liés à leurs activités et aux moyens de les prévenir, la CNESST a créé le guide Santé et sécurité à bord des bateaux de pêche. N'hésitez pas à le consulter en ligne ou à commander une copie imprimée : www.cnesst.gouv.qc.ca/guide-peches



Commission des normes, de l'équité,
de la santé et de la sécurité du travail
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CNESST

Inquiry into Quebec's asbestos mining legacy reveals shocking findings

Final report due July 24, 2020

Exposure to asbestos caused 85 per cent of all workplace-related illnesses in Canada's Quebec province between 2005 and 2015, according to an ongoing inquiry.

The 1,107 deaths were confirmed by the province's workers' safety agency, CNESST, before the inquiry by Bureau des Audiences Publiques sur L'environnement (BAPE), in December 2019.

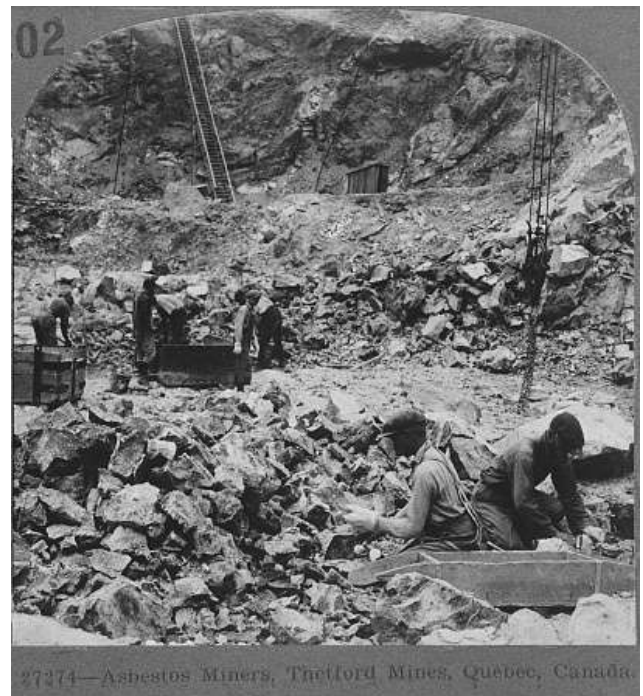
The Quebec government agency confirmed an annual average of 250 diagnoses of asbestos-related illnesses and 120 deaths from on-the-job asbestos exposure.

BAPE has to submit its report to the government by July 24, 2020. It was mandated in September 2019 to figure out what should be done with the heaps of asbestos-laced residues of mining in the province.

BAPE has to submit its report to the government by July 24, 2020. It was mandated in September 2019 to figure out what should be done with the heaps of asbestos-laced residues of mining in the province.

Canada has been in a quandary regarding asbestos residues. The mineral was mined in the Estrie and Chaudière-Appalaches regions of Quebec between 1870 and 2012. Breathing in asbestos fibres has been associated with cancer since the 1930s.

Most developed countries banned its use decades ago. But in Canada, it was only in 2016 that Canadian Prime Minister Justin Trudeau banned the import, sale, use and export of asbestos and products containing asbestos in Canada. The ban that came into effect in 2018, however, exempted asbestos residues.



Thetford Mines in the 1920s

Many companies in Quebec want to use the residues that contain manganese, magnesium and silica, in a variety of ways. These include:

- Producing magnesium ingots for car manufacturing
- Making fertilizers
- Cutting steel and sandblasting

The companies say there is no asbestos fibre in the residue and that harvesting them would not just help in their disposal but also create economic opportunities for the province.

continued on next page

The inquiry also revealed other shocking findings

For instance, Quebec allows its workers to be exposed to more asbestos fibres in the workplace than other provinces. The limit is one fibre per cubic centimetre of air. That is ten times higher than the limit in the rest of Canada and 100 times higher than the norm in some European countries.

Even more worryingly, many workers in Quebec are refused compensation because their employers contest their claims. This is lesser than other major Canadian provinces like Ontario and British Columbia even though Canada's asbestos mines are primarily in Quebec and it has a longer history of use in the province.

Even when companies in Quebec provide the best available equipment, workers end up breathing asbestos dust.

Finally, legal penalties are lower for flouting asbestos-protection norms.

An employer who intentionally exposes a worker to asbestos in Quebec is liable to a fine of \$68,721. In Ontario, this amount is \$1.5 million and one year in prison, whereas it is \$500,000 plus \$30,000 per day (of exposure), plus one year in prison in Alberta.

Below: Archival photo of Thetford asbestos mines.



Advertisement

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Bill 27 aims to address skyrocketing compensation rates in N.B.

The New Brunswick government has introduced legislative amendments that they say will ensure the sustainability of WorkSafeNB.

The amendments will address the 28 recommendations from the Report of the Task Force on WorkSafeNB, which sought to address the skyrocketing compensation rates in the province.

The 2019 assessment rate was the third increase in a row, with the average rate being \$2.92 per \$100 of payroll, up from \$1.70 in 2018.

New Duty to Accommodate obligations

Recent changes to the Workers' Compensation Act (Bill 27) further support best practices in return-to-work and more clearly outline both employer and worker accommodation obligations following a workplace injury.

For employers, the new "duty to accommodate" obligations under the Workers' Compensation Act means you must:

- ✓ Keep in touch with injured workers throughout the recovery process to show they are valued and connected to the workplace;
- ✓ Offer meaningful and productive modified duties or other suitable work that is safe and within their capabilities;
- ✓ Ensure supervisors and co-workers support injured workers during recovery; and
- ✓ Communicate and collaborate with all return-to-work partners.

This new legislation applies to all employers in the province under the Workers' Compensation Act, regardless of size, industry or injury risk profile.

In some circumstances, an employer may be able to accommodate an injured worker by offering modified duties on a full-time basis.

In other situations, an employer may only be able to offer as little as one or two hours per week of modified duties. Even a small amount of regular contact with

the workplace promotes good mental health and helps the injured worker achieve a better recovery.

Undue hardship must be evaluated on a case by case basis and factors considered when determining undue hardship include health and safety, organization size, costs, impact on employees and occupation.

The amendments will address the 28 recommendations from the Report of the Task Force on WorkSafeNB

Employers please note:

The process to appeal a WorkSafeNB decision has changed

As of January 1, WorkSafeNB's Decision Review Office (previously known as the *Issues Resolutions Office*) reviews every decision, when requested, before an appeal can be filed to the Workers' Compensation Appeals Tribunal (WCAT). This refers to any decision made on or after January 1st and excludes decisions under the Occupational Health and Safety Act.



In addition, all reviews by the Decision Review Office must be initiated by a worker or employer within 90 days of the original decision.

You can read more here: www.worksafenb.ca (review and appeal).

2019 Workplace Deaths higher than previous 5 years

According to WorkSafeNB, nine people lost their lives on the job in 2019 - more than the previous five years.

It's been a difficult year for workplace deaths in New Brunswick.

According to WorkSafeNB's incident reports, the nine workplace deaths in 2019 are higher than the number of deaths in the past five years – prompting the Crown Corporation to say the deaths reinforce their need to continue addressing safety education.

"We need to do a lot more in this province, I believe, to make sure we prevent accidents in the first place," says New Brunswick Post-Secondary Education, Training and Labour Minister, Trevor Holder.

Holder introduced several safety-related amendments in November – including clarifying the law to ensure employers prioritize workers' health and safety – above all else.

WorkSafeNB makes it easier to report fraud and abuse

Fraud and abuse have a significant impact on both the benefits that can be offered to injured workers and the employers across the province. To make the system sustainable for all stakeholders long term, it is important that fraud and abuse are reported when suspected.

All reports are reviewed, and if deemed justified, investigated. Each year, WorkSafeNB investigates approximately 100 suspicious claims reported by staff, stakeholders or the public.

Breaking News: WorkSafeNB defers premium payments for 3 months

From WorkSafeNB's [website](#)

As we face the global pandemic of COVID-19, WorkSafeNB has taken essential steps to address the health and safety of our staff, our clients and New Brunswick's workforce.

We acknowledge and applaud the decisive action taken by the Government of New Brunswick to limit the spread of COVID-19 such as declaring a state of emergency and offering leadership related to essential services, self-isolation, travel, and avoiding workplaces if symptomatic. Together, we can flatten the curve.

We also support the processes they've implemented to help ease the financial hardships of individuals and employers as a result of the reduction in operations of many services and businesses. Today, Premier Blaine Higgs announced WorkSafeNB's commitment to easing the current financial burden of the business community.

To do our part to help New Brunswick businesses, **assessment premiums related to employer payrolls for February, March and April will be deferred for three months without interest charges.** This affects employers who pay their premiums on a monthly basis. It is not a permanent reduction in assessments payable, but a temporary postponement of payment.

"Small and medium-sized businesses are the backbone of our provincial economy," said Douglas Jones, WorkSafeNB's President and CEO. "We hope this deferment provides some improved cash flow for our business community and some relief for their families during this extraordinary time."

Details on the deferral continue to be worked out and we will continue to keep you informed when processes are confirmed. We appreciate your patience and understanding as we work through this incredible challenge together, in the best interest of all New Brunswickers.

Will I still need to pay my premiums for these three deferred months?

Yes, the premiums will continue to accrue without interest. The deferral is not a permanent reduction in assessments payable, but a temporary postponement of payment to help ease the current financial burden of the business community.

In June, when premium payments resume, WorkSafeNB is committed to working with you, our employers, to establish a payment plan for the deferred months that best meets your needs.

If you wish to continue paying during the deferral period, you can do so by using one of the following options:

1. Online banking using WorkSafeNB as your payee and providing your employer number as your account number; or
2. Debit or Credit card through Service New Brunswick at snb.ca.

I report my payroll monthly to WorkSafeNB. With the deferral in place, do I still need to report my payroll?

Yes, you still need to report your payroll even if it is \$0. That will ensure that you are billed correctly when premiums are collected again in June.



NOVA SCOTIA

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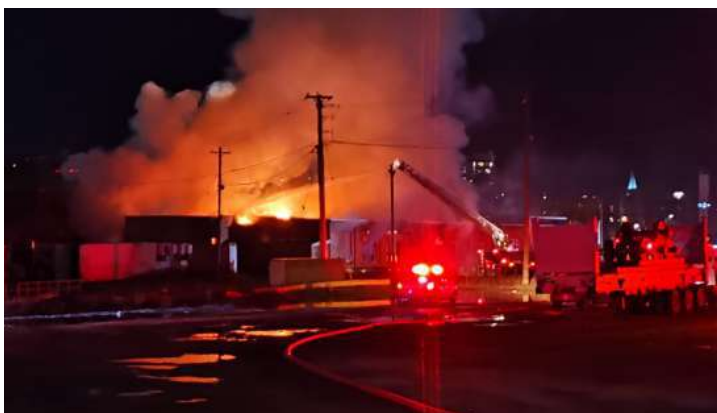
Halifax Firefighters call for expanded cancer coverage

Nova Scotia's presumptive cancer coverage for firefighters is the weakest in Canada, but that is starting to change. The government amended the Workers' Compensation Act in the fall of 2019 to provide all volunteer firefighters with coverage, including presumptive cancer coverage, with changes slated to take effect on Oct. 30, 2020.

A bill was introduced last March, which amended the Workers' Compensation Act to triple the number of cancers covered to 18, including cancer coverage for both male and female reproductive systems.



The bill failed to pass, with Labour Minister Labi Kousoulis citing the government's plan to overhaul the Workers' Compensation Act, rather than just amend it.



Empty warehouse fires like this one at the CN Rail yard commercial building in Halifax's west end, are just one hazard firefighters face.

New website underway for Nova Scotia first responders with PTSD

The Workers' Compensation Board of Nova Scotia is working with first responders to create an online resource for fighting post-traumatic stress disorder (PTSD). First responders, including paramedics, firefighters, and police officers, often witness traumatic events. As a result, they are especially prone to developing PTSD. Twenty-two per cent of paramedics alone will develop the condition, according to studies published on the website suicideinfo.ca

The WCB Nova Scotia is using B.C.'s website as a model for their own. WCB Nova Scotia said that they chose this model because it "was developed by first responders, for first responders," and because it's recognized across the country as "a best-practice program."

In an emailed statement, WCB Nova Scotia said that "the goal is to provide accessible workplace tools and resources for workers, their families, and employers in emergency response organizations, in a manner that helps reduce stigma."

Early conversations about the future of coverage in Nova Scotia

Nova Scotia covers among the lowest percentage of workers and employers in Canada with workers' compensation. At the same time, because of Nova Scotia's high injury rate and the length of time injured workers are off work, rates for workplace injury insurance in Nova Scotia are among the highest in the country.

Now workers, employers and interested citizens can share their opinions on the WCB-NS website at <https://www.wcb.ns.ca/wherefromhere.aspx>



"Public safety officers put their lives on the line to keep others safe. It's part of the job description. While the rest of us try to get out of harm's way in a crisis, they run into the thick of it. The nature of that work exposes them to tough and traumatic events. It takes a toll."

— **The Honourable Ralph Goodale**, Minister of Public Safety and Emergency Preparedness, in Supporting Canada's Public Safety Personnel: An Action Plan on Post-Traumatic Stress Injuries.



PRINCE EDWARD ISLAND

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Workers' Compensation Board of PEI

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Rules around removal of deadly asbestos tightened on P.E.I.

P.E.I.'s Workers' Compensation Board has reviewed and revised the rules for contractors removing asbestos from buildings during renovations or demolition.

Exposure to asbestos dust has been linked to lung cancer. Canada has banned the sale and production of the once-common building material.

Danny Miller, the director of occupational health and safety, said the update was part of a general review of regulations.

The changes include:

- New definitions of asbestos-containing materials.
- A requirement for daily air sampling outside of the work enclosure.
- Expiration periods for contractor certification.
- New requirements for ventilation.
- Enhanced medical surveillance for asbestos abatement workers.



Miller said the changes should not lead to a big increase in the cost of asbestos removal.

"There may be some increased cost around the requirement to do daily air sampling. That would probably be the most significant change," Miller said.

The new guidelines were developed by a working group that included experts from industry, with reference to the rules in other Canadian jurisdictions.

The WCB is in the process of creating an asbestos abatement manual for contractors that covers the new guidelines.

New WCB PEI chair announced

The Workers' Compensation Board of Prince Edward Island has announced that James MacPhee, of Montague, PEI, has been appointed the new Chair of the WCB PEI Board of Directors.

Appointed to the WCB PEI Board for three years, James' term began in December 2019 and will run until December 2022.



NEWFOUNDLAND AND LABRADOR

WORKERS' COMPENSATION BOARD :

Workplace Health, Safety & Compensation Commission

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Consultations Begin on the Workers' Compensation System

Consultation began this month (April 2020) for the statutory review of Newfoundland and Labrador's workers' compensation system.

Committee representatives will meet with key stakeholder groups and hold consultation sessions across the Province to gather their feedback. A discussion document can be viewed online at www.EngageNL.ca. Anyone wishing to share feedback via email can do so at info@2019srwcs.ca.

Participants can also send feedback by regular mail; the submission deadline is April 20, 2020.

"The review provides a valuable opportunity for stakeholders and residents of the province to provide feedback on workers' compensation matters. It is essential that we continue to maintain a strong workers' compensation system, and the consultations process

provides us with viewpoints and input from a variety of sources."

*Honourable Sherry Gambin-Walsh,
Minister of Service NL*



Public Consultations on the Workers Compensation System

For more information visit engagenl.ca



NTV doubles training for flag people

It's been called a job with wild swings between pure panic and utter boredom. But being a flag person can be very dangerous, so WorkplaceNL has doubled the training, from 4 hours to 8 hours, starting April 1st.

Distracted drivers and excessive speed represent the biggest dangers to the flag person, according to Dennis Hogan, CEO of Workplace NL. **Three road construction workers have died on the job since 2011, and many more have been hurt in the province.**

A second course is being added, a training course for workers who supervise or design traffic control plans for construction sites.

There are more than 9,000 certified traffic control workers in the province, and they will have to take the new training after their current three-year certification expires, while anyone new entering the industry after April 1 will have to complete the expanded training.



Being a flag person can be boring and also very dangerous. That's why WorkplaceNL has doubled the training, from 4 to 8 hours.

Webinar Events from Workplace NL

Workplace NL is offering a number of valuable courses this spring, including:

- The Business Case for Psychological Health and Safety
- Ensuring a Safer Workplace with Effective Workplace Inspections
- Meeting your PRIME Requirements
- Preventing Stress and Burnout in the Workplace

Details on these and many more can be found here:

<https://workplacenl.ca/event/>

Youth Safety Training Bursary

WorkplaceNL and Husky Energy have partnered to help youth aged 15-19 advance their safety knowledge by offering bursaries of up to \$350 to help cover the costs of eligible safety training.

For more details visit Workplace NL here: <https://workplacenl.ca/article/youth-safety-training-bursary/>



WORKERS' COMPENSATION BOARD :

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Yukon Workers'
Compensation
Health and
Safety Board

Flexibility and economic security vital for victims of domestic, sexual violence

Yukon is looking to amend its Employment Standards Act to provide access to paid and unpaid leave for victims of domestic or sexualized violence.

The leave would be available to victims of domestic violence perpetrated by intimate partners or family members and to victims of sexualized violence. It would also apply to employees if their child or a person they care for is a victim of domestic or sexualized violence.



Rates of domestic violence in Yukon are three times the national average while rates of sexualized violence are also higher than the national average, says the government.

All ten provinces and the Northwest Territories have enacted some version of leave for domestic violence. Yukon would join the six jurisdictions that also provide leave for sexualized violence.

- in February, 2020 British Columbia started tabling a bill amending its employment standards to provide up to five days of paid leave for victims of domestic and sexual harassment.
- in November, 2019, Manitoba introduced similar amendments.

Rates of domestic violence in Yukon are three times the national average while rates of sexualized violence are also higher than the national average, says the Yukon government.

Coverable cancers list may change, Board says

The territorial workers' compensation board (WCB) will consider expanding the list of occupational cancers covered for firefighters as part of a legislative overhaul planned for this year. Some critics claim the change is far overdue.

Yukon has fallen behind most Canadian jurisdictions said Alex Forrest, a Canadian trustee for the International Association of Fire Fighters with observer status for the International Agency for Research on Cancer.

Andrew Robulak, the WCB's manager of social marketing and communications, said a full review of the Workers' Compensation Act and Occupational Health and Safety Act is currently underway.

A public engagement process evaluating the two acts has been ongoing since October, Robulak said.

"The focus really is on bringing the Yukon into the 21st century so that we catch up with other jurisdictions and we're more in sync with what's going on across the country," said Robulack.

Yukon firefighters met with the WCB to advocate for 7 types of cancer to be added to the list.



The WCB is considering a handful of changes to legislation in addition to presumptive cancer coverage. One difference is a more formalized review and hearing process that will cut red tape. Another is adding mental health ailments to the bill of what WCB will cover.

Update on Modernization of Workers' Comp

Modernization of the Workers' Compensation Act and Occupational Health and Safety Act

Yukon Workers' Compensation Health and Safety Board (YWCHSB) carried out a public engagement in late 2019 and early 2020 to hear from stakeholders

and the public about the modernization of the Workers' Compensation Act and the Occupational Health and Safety Act. This was on behalf of the Government of Yukon.

Throughout the engagement, they offered ways for members of the public and stakeholders to contribute to the development of legislation that meets the needs of Yukon's workers and employers now and into the future. [Article continues](#)

continued

What's next?

They are working on a "What We Heard" report, summarizing the feedback received.

The Government of Yukon will take this into consideration when drafting the legislation. The "What We Heard" report will be shared here at a later date. OSI will be watching for these updates.

Policy issues papers

The detailed policy issues papers that were made available for this project, can be found online here: <https://wcb.yk.ca/engage/actsreview/PG-0089.aspx>

Rebates will NOT be delivered in order to keep rates stable: President/CEO of YWCHSB

In order to continue to keep rates stable and maintain the integrity of the Compensation Fund, rebates will not be distributed to Yukon employers this year.

From 2012 through 2018, over \$65 million was distributed to Yukon employers in the form of rate subsidies and rebate cheques. The compensation system still has the funds needed to provide excellent care to every Yukon worker injured on the job.

"The decision to not distribute a rebate this year is a continuation of our measured approach to the long-term stewardship of the Compensation Fund," said Mark Pike, Chair of YWCHSB's Board of Directors.

"After four years of rebates and rate reductions, and ongoing careful financial management, we can now rely on our funding policy to do what it was designed to do: bring the Fund into our target range; ensure



rate stability and avoid large fluctuations; absorb shocks and bumps from claims costs and market volatility; and ensure a solvent Compensation Fund," said Kurt Dieckmann, President/CEO of YWCHSB.

Lack of WCB rebates disappoints chamber

The Yukon Chamber of Commerce says it's disappointed with the decision of the Yukon Workers' Compensation Health and Safety Board (YWCHSB) to not release a further rebate to Yukon employers. Incorporated in 1985, the chamber is the collective voice of the Yukon's business community, working to create a climate conducive to a strong private-sector economy by providing leadership and representation on issues and projects affecting business.

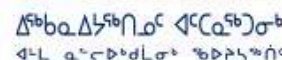


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GNWT jobs form one category because, under the Workers' Compensation Act, the GNWT is considered as one employer, as WSCC spokesperson Heidi Held explained. "Employers are classified in the industry they support rather than the jobs performed in their operations," Held said.

Baffinland Iron Mines Corp. made its first appearance—before a justice of the peace—on Jan. 9 at the Nunavut Court of Justice building in Iqaluit. The matter was put over until Feb. 6, 2020 at which time a lawyer for Baffinland Iron Mines Corp. says it is reasonable to expect the company to make a plea later this month on charges it faces under the Mine Health and Safety Act.

CANADIAN

Workers' Compensation

UPDATES



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