

Garnier, Jack LBR:EX

From: Cooling, Karen LBR:EX
Sent: Tuesday, March 13, 2018 2:51 PM
To: Garnier, Jack LBR:EX
Cc: Cheevers, Michael LBR:EX
Subject: RE: WCB Payment of Interest Policy

Merci!

From: Garnier, Jack LBR:EX
Sent: Tuesday, March 13, 2018 2:50 PM
To: Cooling, Karen LBR:EX
Cc: Cheevers, Michael LBR:EX
Subject: RE: WCB Payment of Interest Policy

Yep, it is at the DMO to draft a Ministers response.

J

From: Cooling, Karen LBR:EX
Sent: Tuesday, March 13, 2018 2:49 PM
To: Garnier, Jack LBR:EX
Cc: Cheevers, Michael LBR:EX
Subject: FW: WCB Payment of Interest Policy

Hi Jack:

Can you check to see if the email highlighted below has been cliffed?

Thanks

K

From: Hughes, Trevor LBR:EX
Sent: Thursday, March 1, 2018 3:49 PM
To: Cooling, Karen LBR:EX
Cc: Bains, Harry LBR:EX; Birnie, Kayla LBR:EX
Subject: Re: WCB Payment of Interest Policy

We can prepare a response. I believe your office adds these things to cliff and then it gets assigned to us for response. I have cc'd Kayla in my office who will make sure it is in cliff and then assigned for response (to Peter).

On Mar 1, 2018, at 3:05 PM, Cooling, Karen LBR:EX <Karen.Cooling@gov.bc.ca> wrote:

Hi Trevor:

s.13

Has it been cliffed?

K

From: Hughes, Trevor LBR:EX
Sent: Tuesday, February 20, 2018 9:52 AM
To: Bains, Harry LBR:EX; Cooling, Karen LBR:EX
Subject: Re: WCB Payment of Interest Policy

Paul Petrie is reviewing this policy. I asked him about it yesterday.
T.

----- Original message -----

From: "Bains, Harry LBR:EX" <Harry.Bains@gov.bc.ca>
Date: 2018-02-20 9:46 AM (GMT-08:00)
To: "Cooling, Karen LBR:EX" <Karen.Cooling@gov.bc.ca>, "Hughes, Trevor LBR:EX" <Trevor.Hughes@gov.bc.ca>
Subject: Fwd: WCB Payment of Interest Policy

Sent from my iPhone

Begin forwarded message:

From: s.22
Date: February 20, 2018 at 8:15:05 AM PST
To: <Harry.Bains@gov.bc.ca>
Cc: <andrew.weaver.mla@leg.bc.ca>
Subject: WCB Payment of Interest Policy

Good Day Mr. Bains:

I am forwarding a string of emails regarding an email I sent to your predecessor, Minister Shirley Bond, regarding a Workers Compensation Board (WCB) policy denying interest where WCB payments have been delayed by decades due to negligence at the WCB. As you will see, Minister Bond thanked me for raising "this important matter" but did nothing about it. I have higher hopes with your government.

Thank you very much.

s.22

From: David, Brendan LBR:EX [<mailto:Brendan.David@gov.bc.ca>] **On Behalf Of** LBR, Labour Division LBR:EX
Sent: Thursday, August 04, 2016 11:59 AM
To: s.22
Cc: Simpson.MLA, Shane L LASS:EX
Subject: 113661 Response from the Ministry of Jobs, Tourism and Skills Training and Minister Responsible for Labour

Ref: 113661

s.22

Dea s.22

I am in receipt of your letter dated July 15, 2016, to the Honourable Shirley Bond, Minister of Jobs, Tourism and Skills Training and Responsible for Labour regarding WorkSafeBC interest policy on compensation. I have been asked to respond on behalf of Minister Bond, who is responsible for WorkSafeBC.

WorkSafeBC and the Workers' Compensation Appeal Tribunal are independent statutory agencies and the Ministry is not legally permitted to become involved in the adjudication of individual claims.

The *Workers Compensation Act* (WCA), under which WorkSafeBC derives its legal authority, sets out only two situations where interest is paid on retroactive compensation benefits: where a survivor's benefits were incorrectly terminated after re-marriage; and where payments resulting from Review Division decisions are deferred pending an appeal to the WCAT. As a result of previous court decisions, WorkSafeBC doesn't provide interest in any circumstances other than what they are required to do under the WCA.

I appreciate you taking the time to share your concerns. I can tell you that, at this time, there are no plans to review the *Workers Compensation Act*. However, your concerns have been noted and will be taken into consideration during any future discussions on this issue.

Once again, thank you for writing on this important matter. I hope you find this information helpful.

Sincerely,

Trevor Hughes
Assistant Deputy Minister
Industrial Relations and Labour Programs

s.22

July 15, 2016

Honourable Shirley Bond Via Email:
shirley.bond.MLA@leg.bc.ca

Minister of Jobs, Tourism and Skills Training
& Minister Responsible for Labour
PO Box 9071
STN Provincial Government
Victoria, BC V8W 9E2

Dear Minister Bond:

Re: WCB Payment of Interest Policy

I am writing to you to request that your government remedy, through legislative amendment, a Workers Compensation Board (WCB) policy that unfairly penalizes injured workers.

s.22

The problem is this. On benefits like retroactive pensions, there was a time when the WCB paid interest that was equal to the WCB rate of return

on its investments. This seemed fair. Workers received what was legally theirs and the WCB did not profit from its mistakes (or delays).

That all changed. Now the WCB pays interest only when it is required to do so under the Act. The Act only pays interest to workers in cases of an 'appeal' to the Workers Compensation Appeal Tribunal and even then, interest is only payable for the relatively brief period beginning 41 days after the first level of 'appeal' (Review Division) makes the decision that was appealed. There is no provision for interest in [REDACTED] s.22 circumstances where, through no fault of their own, the WCB illegally deprived them collectively of some \$100,000.00 for 19 and 21 years respectively, during which the WCB profited greatly from its own mistake. In these two cases alone, at a conservative annual rate of 5% compounded over 20 years, the WCB profited by some \$170,000.00 - and this doesn't take into account all of the other [REDACTED] s.22 that are undoubtedly 'out there' given that these two cases were discovered over a very short time span and quite by accident.

I believe any reasonable citizen would see this as egregiously unfair not only to [REDACTED] s.22 but to all injured workers who are improperly or, as here, illegally deprived benefits. Further of course, it leaves the clear impression that the WCB has some incentive to withhold or delay benefits; even illegally as it did here. In plain language, it has nothing to lose and everything to gain.

In conclusion, I write to request that the government consider amending the Act to require the WCB to pay interest equal to the WCB's annual rate of return on its investments (or in some other equitable way such as, for example, that set out in the Court Order Interest Act) on retroactive benefits paid to workers; at least in respect of those benefits that are not discretionary.

Thank you for your consideration and I look forward to your response.

Yours truly,

s.22

cc. Shane Simpson
NDP Critic, Economic Development, Jobs, Labour and Skills,
WorkSafe BC
shane.simpson.mla@leg.bc.ca