

Scott, Samantha LBR:EX

From: Hourston, Sveah LBR:EX
Sent: August 20, 2019 1:40 PM
To: Scott, Samantha LBR:EX
Subject: FW: 57635 Truscott
Attachments: 57635 Truscott and Howard Final 190711.docx

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

Hi Sam – before I punt this over to Correspondence, want to run these changes past you. Let me know and I can have the file updated.

Thanks!
Sveah

From: Scott, Samantha LBR:EX
Sent: August 16, 2019 12:49 PM
To: Hughes, Trevor LBR:EX <Trevor.Hughes@gov.bc.ca>
Cc: Leduc, Danine LBR:EX <Danine.Leduc@gov.bc.ca>; Hourston, Sveah LBR:EX <Sveah.Hourston@gov.bc.ca>
Subject: FW: 57635 Truscott

Hi all,

The attached letter is suppose to be reviewed and signed by the minister next week when I see him s.13
s.13

s.13

Cheers,

Samantha Scott | Ministerial Assistant to the Honourable Minister Bains
Ministry of Labour
PO Box 9044 Stn Prov Gov, Victoria, BC, V8W 9E2 | 778-679-4889

Scott, Samantha LBR:EX

From: Scott, Samantha LBR:EX
Sent: August 19, 2019 2:41 PM
To: Talbot, Sarena GCPE:EX; McCaffrey, Julianne GCPE:EX
Subject: Please see attached
Attachments: Fwd: Employers pull out of WCB review

FYI – Minister wanted both of you to see this.

Samantha Scott | Ministerial Assistant to the Honourable Minister Bains
Ministry of Labour
PO Box 9044 Stn Prov Gov, Victoria, BC, V8W 9E2 | 778-679-4889

Scott, Samantha LBR:EX

From: Scott, Samantha LBR:EX
Sent: August 16, 2019 12:49 PM
To: Hughes, Trevor LBR:EX
Cc: Leduc, Danine LBR:EX; Hourston, Sveah LBR:EX
Subject: FW: 57635 Truscott
Attachments: 57635 Truscott.zip

Hi all,

The attached letter is suppose to be reviewed and signed by the minister next week when I see him^{s.13}
s.13

s.13

Cheers,

Samantha Scott | Ministerial Assistant to the Honourable Minister Bains
Ministry of Labour
PO Box 9044 Stn Prov Gov, Victoria, BC, V8W 9E2 | 778-679-4889

Scott, Samantha LBR:EX

From: Scott, Samantha LBR:EX
Sent: August 15, 2019 4:19 PM
To: McCaffrey, Julianne GCPE:EX
Subject: RE: LBR Media Request: Janet Patterson worker compensation review - businesses withdraw from consult

Sounds good he is calling now 📞

Samantha Scott | Ministerial Assistant to the Honourable Minister Bains
Ministry of Labour
PO Box 9044 Stn Prov Gov, Victoria, BC, V8W 9E2 | 778-679-4889

From: McCaffrey, Julianne GCPE:EX
Sent: August 15, 2019 4:11 PM
To: Scott, Samantha LBR:EX <Samantha.Scott@gov.bc.ca>; Talbot, Sarena GCPE:EX <Sarena.Talbot@gov.bc.ca>
Subject: RE: LBR Media Request: Janet Patterson worker compensation review - businesses withdraw from consult

Ok, so just advise the reporter he'll call within the next 15 minutes at the number below, asking for Rafferty?

From: Scott, Samantha LBR:EX
Sent: August 15, 2019 4:10 PM
To: McCaffrey, Julianne GCPE:EX <Julianne.McCaffrey@gov.bc.ca>; Talbot, Sarena GCPE:EX <Sarena.Talbot@gov.bc.ca>
Subject: RE: LBR Media Request: Janet Patterson worker compensation review - businesses withdraw from consult

Minister is free and happy to be interviewed.

Samantha Scott | Ministerial Assistant to the Honourable Minister Bains
Ministry of Labour
PO Box 9044 Stn Prov Gov, Victoria, BC, V8W 9E2 | 778-679-4889

From: McCaffrey, Julianne GCPE:EX
Sent: August 15, 2019 4:01 PM
To: Talbot, Sarena GCPE:EX <Sarena.Talbot@gov.bc.ca>; Scott, Samantha LBR:EX <Samantha.Scott@gov.bc.ca>
Subject: FW: LBR Media Request: Janet Patterson worker compensation review - businesses withdraw from consult

CBC wanting to do a 5 min interview with MHB by phone on his reaction.
I said that might be difficult to arrange within the hour – so, is he available?

From: Julianne McCaffrey <Julianne.McCaffrey@gov.bc.ca>
Sent: August 15, 2019 4:00 PM
To: McCaffrey, Julianne GCPE:EX <Julianne.McCaffrey@gov.bc.ca>
Subject: LBR Media Request: Janet Patterson worker compensation review - businesses withdraw from consult

Reporter

Rafferty Baker, Reporter
CBC - Vancouver

rafferty.baker@cbc.ca

604-662-6887 c: 778-317-6423

Deadline Thursday, August 15, 2019 5:00 PM

Request

Reaction to 46 businesses saying Govt needs to intervene

Background

Recommendation

Scott, Samantha LBR:EX

From: Scott, Samantha LBR:EX
Sent: August 15, 2019 10:37 AM
To: Talbot, Sarena GCPE:EX; McCaffrey, Julianne GCPE:EX
Subject: FW: Approved for E-sig: 58123 Alley
Attachments: 58123 Alley - MHB Response.docx

Importance: High

Final copy.

Samantha Scott | Ministerial Assistant to the Honourable Minister Bains
Ministry of Labour
PO Box 9044 Stn Prov Gov, Victoria, BC, V8W 9E2 | 778-679-4889

From: Hourston, Sveah LBR:EX
Sent: August 15, 2019 10:31 AM
To: Butler, Lisa M JTT:EX <Lisa.Butler@gov.bc.ca>
Cc: Scott, Samantha LBR:EX <Samantha.Scott@gov.bc.ca>
Subject: Approved for E-sig: 58123 Alley
Importance: High

Hi Lisa – thanks very much for your help with this, please use this attached version as the final as it includes very minor edits. It has been approved by Minister for e-sig and to be sent from his email account.

Thanks again,
Sveah

Sveah Hourston
Manager, Executive Operations
Deputy Minister's Office
Ministry of Labour
Phone: (778) 698-1614
Email: Sveah.Hourston@gov.bc.ca

Scott, Samantha LBR:EX

From: Hourston, Sveah LBR:EX
Sent: August 15, 2019 10:31 AM
To: Butler, Lisa M JTT:EX
Cc: Scott, Samantha LBR:EX
Subject: Approved for E-sig: 58123 Alley
Attachments: 58123 Alley - MHB Response.docx

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

Hi Lisa – thanks very much for your help with this, please use this attached version as the final as it includes very minor edits. It has been approved by Minister for e-sig and to be sent from his email account.

Thanks again,
Sveah

Sveah Hourston
Manager, Executive Operations
Deputy Minister's Office
Ministry of Labour
Phone: (778) 698-1614
Email: Sveah.Hourston@gov.bc.ca

Scott, Samantha LBR:EX

From: Hughes, Trevor LBR:EX
Sent: August 15, 2019 7:40 AM
To: Bains, Harry LBR:EX; Scott, Samantha LBR:EX
Subject: FW: Draft
Attachments: MHB Reply to Employers Forum - Aug 15 2019.docx

Importance: High

Minister and Samantha – please see below and attached for exchange I had with PO at their request last night (and their response this morning) about a draft letter for you to send to employers in light of yesterday's letter to Patterson. I was asked by Don to do this and he has vetted it by Geoff M. Happy to get edits/comments on it from you – and then subject to your input, we can finalize it and add your e-sig and send it this morning. I was also asked by Don and Geoff in a separate note to offer that I can join you on your call with Janet if that is what you choose to do this morning. Happy to discuss. T.

From: Wright, Don J. PREM:EX
Sent: August 15, 2019 7:22 AM
To: Meggs, Geoff PREM:EX <Geoff.Meggs@gov.bc.ca>
Cc: Hughes, Trevor LBR:EX <Trevor.Hughes@gov.bc.ca>; Kennedy, Christine PREM:EX <Christine.Kennedy@gov.bc.ca>; Hockin, Amber PREM:EX <Amber.Hockin@gov.bc.ca>
Subject: Re: Draft

Thanks Geoff.

So, Trevor, please share your original draft with MHB. Thanks.

Don

From: Geoff Meggs <Geoff.Meggs@gov.bc.ca>
Date: Thursday, August 15, 2019 at 7:20 AM
To: "Wright, Don J. PREM:EX" <Don.J.Wright@gov.bc.ca>
Cc: Trevor Hughes <Trevor.Hughes@gov.bc.ca>, Christine Kennedy <Christine.Kennedy@gov.bc.ca>, Amber Hockin <Amber.Hockin@gov.bc.ca>
Subject: Re: Draft

Thanks, Don, I think that covers it. Your amendments aren't clear to me but the original draft seems pretty close.

Geoff

From: Wright, Don J. PREM:EX
Sent: Thursday, August 15, 2019 7:17 AM

To: Meggs, Geoff PREM:EX
Cc: Hughes, Trevor LBR:EX; Kennedy, Christine PREM:EX; Hockin, Amber PREM:EX
Subject: FW: Draft

Hi Geoff,

Trevor worked up a quick draft, as attached. Please note his comments about not yet having shared with MHB.

I think Trevor's letter does a good job of covering the key points.

s.13
s.13

Please let Trevor and I know your thoughts.

Thanks.

Don

From: Trevor Hughes <Trevor.Hughes@gov.bc.ca>
Date: Wednesday, August 14, 2019 at 8:42 PM
To: "Wright, Don J. PREM:EX" <Don.J.Wright@gov.bc.ca>, Christine Kennedy <Christine.Kennedy@gov.bc.ca>
Subject: Draft

Don/CK: See attached draft as discussed. Not seen by MHB or his MO. Subject to your thoughts – and perhaps GM – would like to get MHB input before finalizing.
T.

Scott, Samantha LBR:EX

From: Hockin, Amber PREM:EX
Sent: August 14, 2019 5:19 PM
To: Scott, Samantha LBR:EX
Subject: FW: Amber Hockin
Attachments: Employer_Community_Letter_Re_Patterson_Memo_Aug_14_FINAL.pdf; August 14 2019 letter to Employers' Forum (1).pdf; Memo to Stakeholders - August 8 2019 Amendments noted.pdf

From: Hockin, Amber PREM:EX
Sent: August 14, 2019 5:04 PM
To: Talbot, Sarena GCPE:EX
Subject: FW: Amber Hockin

From: Janet Patterson [mailto:j.patterson@wcbreview.ca]
Sent: August 14, 2019 4:57 PM
To: Hockin, Amber PREM:EX
Subject: Re: Amber Hockin

FYI

Janet K. Patterson
Reviewer
WCB Review 2019

j.patterson@wcbreview.ca

<https://engage.gov.bc.ca/workerscompensationreview/>

On Wed, 08/14/2019 04:56 PM, "Hockin, Amber PREM:EX" <Amber.Hockin@gov.bc.ca> wrote:

Amber Hockin, Deputy Chief of Staff
Office of the Premier
Cell: 778-584-0867
Email: amber.hockin@gov.bc.ca

Scott, Samantha LBR:EX

From: McCaffrey, Julianne GCPE:EX
Sent: August 14, 2019 4:40 PM
To: Scott, Samantha LBR:EX
Subject: August 14 2019 letter to Employers' Forum.pdf
Attachments: August 14 2019 letter to Employers' Forum.pdf; ATT00001.txt

Scott, Samantha LBR:EX

From: Hughes, Trevor LBR:EX
Sent: August 14, 2019 2:17 PM
To: Scott, Samantha LBR:EX
Cc: Cooling, Karen LBR:EX
Subject: FW: Workers' Compensation system review
Attachments: Employer_Community_Letter_Re_Patterson_Memo_Aug_14_FINAL.pdf

Importance: High

Here is the letter the employers told me was coming....

From: Doug Alley <doug@employersforum.org>
Sent: August 14, 2019 1:37 PM
To: OfficeofthePremier, Office PREM:EX <Premier@gov.bc.ca>; Bains, Harry LBR:EX <Harry.Bains@gov.bc.ca>; Wright, Don J. PREM:EX <Don.J.Wright@gov.bc.ca>; Hughes, Trevor LBR:EX <Trevor.Hughes@gov.bc.ca>; Mihlar, Fazil JTT:EX <Fazil.Mihlar@gov.bc.ca>; Wilkinson.MLA, Andrew LASS:EX <Andrew.Wilkinson.MLA@leg.bc.ca>; Weaver.MLA, Andrew LASS:EX <Andrew.Weaver.MLA@leg.bc.ca>
Subject: Workers' Compensation system review

Please see the attached letter from the Employer Community withdrawing from the current review being conducted by Ms. Janet Patterson. Please note this response is endorsed by 46 sectoral and cross-sectoral business organizations which collectively represent small, medium and large businesses in virtually all aspects of the British Columbia economy.

Doug Alley
Managing Director
The Employers' Forum
doug@employersforum.org
Phone: 778-265-8813



From: [Doug Alley](#)
To: [Hughes, Trevor LBR:EX](#)
Subject: Patterson Review
Date: August 14, 2019 1:23:23 PM
Attachments: [image001.png](#)
[Employer Community Letter Re Patterson Memo Aug 14 FINAL.pdf](#)
[Employer Community Statement Review WCB Aug 14 FINAL.pdf](#)

Trevor:

I will be sending the attached letter to Ms. Patterson in the next few minutes. I have also sent along a "Statement" from the Employer Community.

Doug Alley

Managing Director

The Employers' Forum

doug@employersforum.org

Phone: 778-265-8813



August 14, 2019

Ms. Janet Patterson
Reviewer
Workers' Compensation System Review
PO BOX 97122 Stn Main Richmond, B.C.
V6X 8H3

Via email: Info@wcbreview.ca

Dear Ms. Patterson:

Further to your ongoing Review of the BC Workers' Compensation System, we received a Memo from you dated August 6, 2019 (as amended on August 8, 2019) which sets out the "selected issues" which the Reviewer will be seeking further consultation from the Key Stakeholders in the British Columbia Workers' Compensation System (the "August Memo"). This response letter is endorsed by 46 sectoral and cross-sectoral business organizations which collectively represent small, medium and large businesses in virtually all aspects of the British Columbia economy.

The Employer Community is quite taken aback and dismayed with the extremely broad and far-reaching scope of these "selected issues" and, after giving the matter due consideration and consulting with various representatives within the Employer Community, we have determined that we have no choice but to cease all participation in the Review's process, effective immediately. We have reached this decision based on the following considerations:

- (i) The Reviewer has previously referred to the scope of her Review as being "limited" (which, as noted on pages 1 and 2 of our previous submission to the Reviewer dated July 19, 2019, was consistent with the statement made by the Minister of Labour at a meeting of the Council of Construction Associations of B.C. on June 6, 2019, where he referred to the Review as being a narrow review which is designed to improve the effectiveness of WorkSafeBC, to improve the navigation of claims through the workers' compensation system, and to review WorkSafeBC's practices – and not to make wholesale changes to the workers' compensation system).

In our view, the all-encompassing nature of the "select issues", which the Reviewer now intends to consider as being within the scope of the Review, is fundamentally different from the Reviewer's previous characterization of her Review being limited in its focus. To the contrary, with respect to the compensation scheme set out in Part 1 of the Workers Compensation Act, in our view the Reviewer has expanded the scope of the Review to cover all aspects of the compensation system – a Review which, in our opinion, is as broad and far-reaching as that previously conducted by the Royal Commission on Workers' Compensation in British Columbia in its Final Report dated January 20, 1999, and the subsequent Core Services Review of Workers' Compensation Board – Major Law and Policy Issues Final Report dated March 11, 2002.

- (ii) In its July 2019 submission to the Reviewer, the BC Federation of Labour stated the following (on page 4):

In 2009, the BCFED commissioned a group of the best and most experienced worker advocates to write a report on the impact of the 2002 legislative changes on injured workers and to make recommendations to repair the damage. This report “Adding Insult to Injury” remains the foundational document to this day. Indeed, many of the recommendations we will make in this report are from the 2009 document. We resubmit that paper with its recommendations along with this submission.

The current Reviewer was one of three co-authors of the Report commissioned by the BC Fed in 2009, entitled “Insult to Injury – Changes to the BC Workers’ Compensation System (2002-2008): The Impact on Injured Workers” (the “2009 ‘Insult to Injury’ Report”). On page 47 of the 2009 ‘Insult to Injury’ Report, the authors set out their “Conclusion” as follows:

It was tempting during the course of preparing this Report to pragmatically focus on only a few of the most destructive changes made in recent years to the compensation system in BC and to focus on only a few recommendations for correction. However, it became clear to us as we attempted to articulate the experiences of injured workers and their advocates that the changes were designed and have acted to work together to produce a whole much greater than the sum of the parts. That whole has so seriously undermined the workers’ compensation system in this Province that piecemeal correction cannot correct the systemic defects that have been produced.

We have described the current state of the system as a labyrinth littered with jurisdictional pitfalls and minefields, the result of a systematic attack on both benefits and the decision-making process. In our view, only a systematic approach can hope to remedy the result.

The authors then listed a Summary of the 24 Recommendations which, in their view, represented the “systematic approach” they believed were required to remedy the “systematic attack on both benefits and the decision-making process” to the compensation system in BC. What is most striking to the Employer Community is that the “selected issues” set out in the Reviewer’s August Memo encompass all (but one) of the 24 Recommendations set out by the authors of the 2009 ‘Insult to Injury’ Report.

In our view, this scenario raises an apprehension of bias in the Review process based on the fact that the Reviewer was one of the authors of the 2009 ‘Insult to Injury’ Report commissioned by the BC Fed which contained 24 Recommendations to provide a systematic approach to “correct the systemic defects” that the authors were of the view had been produced in the workers’ compensation system. The Employer Community raises the question as to how the Reviewer can at the present time consider, in an impartial and balanced manner, those “selected issues” set out in her August Memo on which she had previously, and emphatically, reached conclusions and made recommendations?

In conclusion, Item #3 of the March 4, 2019 Terms of Reference provides:

The review will be undertaken by an individual (Janet Patterson) with experience in the workers’ compensation system, who is appointed by the Minister and who will approach the review in an independent, impartial, and balanced manner.

For the reasons set out above, the Employer Community has lost confidence that the Review can be conducted in an “independent, impartial and balanced manner”. Accordingly, we have reached the decision to not participate any further in any aspect of the Review process. Although this decision was not made lightly, we can no longer lend any credibility to the Review by participating in a process which we believe lacks independence, impartiality and balance.

Sincerely,



Doug Alley
Managing Director



Greg D'Avignon
President & CEO



Richard Truscott
Vice President,
BC & AB



Val Litwin
President & CEO



David Crawford
Interim CEO



Chris Gardner
President



Reg Ens
Executive Director



Jeff Guignard
Executive Director



Daniel Fontaine
CEO

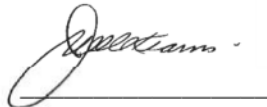


Caroline Andrewes
President & CEO



Chris Atchison
President




John Kearns
Chairman of the Board





Andy Cohen
Board Member





Ian Tostenson
President & CEO





Brad Herald
Vice President,
Western Canada

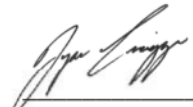



Kelly Scott
President

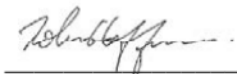



David Black
Director, Government
Relations & Public Policy

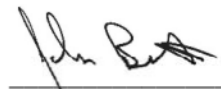



Tyson Craiggs
1st Vice President





Rob Hoffman
Director, Government &
Stakeholder Relations




John Beckett
Vice President – Training,
Safety and Recruitment

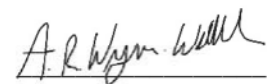



Neil Moody
CEO




Dave Earle
President & CEO





Andrew Wynn-Williams
Divisional Vice
President, BC

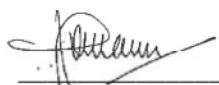



Damian Stathonikos
President





Ken McCormack
President & CEO




Thomas Foreman
President




Dave Baspaly
President & CEO



Susan Yurkovich
President & CEO



Scott Bone
CEO



Carolyn Campbell
Executive Director



Patrick Delaney
Vice President,
Health & Safety



Matthew Ellis
Vice President,
Stakeholder &
Government Relations



Paul de Jong
President



Deborah Cahill
President



Mark von Schellwitz
Vice President,
Western Canada



Arlene Keis
CEO



Greg Wilson
Director
Government Relations



Chris Grajek
President



Bryan Wallner
CEO



Michael Goehring
President & CEO



Jason Henderson
CEO




Dale Miller
President




Walt Judas
CEO

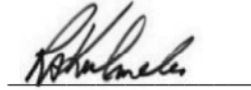



Anne McMullin
President & CEO




Fiona Famulak
President




Rory Kulmala
CEO

CC:

Honourable John Horgan, Premier of British Columbia

Honourable Harry Bains, Minister of Labour

Mr. Don Wright, Deputy Minister to the Premier, Secretary to Cabinet, and Head of the BC Public Service

Mr. Trevor Hughes, Deputy Minister, Ministry of Labour

Mr. Fazil Mihar, Deputy Minister, Ministry of Jobs, Trade and Technology

Mr. Andrew Wilkinson, Leader of the Opposition

Mr. Andrew Weaver, Leader of the Green Party

Statement from the Employer Community On WCB Review

*This statement is being released by 46 business organizations and associations
representing all parts of the provincial economy*

Employers completely fund the workers' compensation system. Employers also have a long history of cooperating and working with WorkSafeBC to promote safety and ensure safer and healthier workplaces for their workers. Three reviews of the claims adjudication and payment functions of the workers compensation system have been conducted since early 2018. Yet, despite being the sole funding source, employer engagement in these reviews has been limited. In the most recent review, engagement has been especially minimal and the scope of the review has expanded well beyond what we believe was originally intended. We have lost confidence that the review can be done in a manner considered fair to all parties.

In early 2018, under direction from the provincial government, the Board of Directors of WorkSafeBC (WSBC) appointed former appeal adjudicator Paul Petrie to review WSBC's claim adjudication and payment policies. Selected members of the employer community were consulted by Mr. Petrie. That Report was delivered to the WSBC Board at the end of March 2019 and released promptly.

In October 2018, again under direction from the provincial government, the Board of Directors of WSBC appointed former senior WSBC staff member Terry Bogyo to review options on how to manage the unappropriated balance in the Accident Fund. No Terms of Reference for this review were made available to stakeholders. The employer community had extremely limited involvement in this process. The Bogyo report was completed in December 2018, but not released by government until July 18, 2019.

In March 2019, the provincial government directly appointed Ms. Janet Patterson, a retired labour lawyer and worker advocate, to complete a "focused review" (as described by Minister of Labour Harry Bains) of the workers' compensation system. The employer community met with Ms. Patterson once on April 26. The Terms of Reference for her review were released shortly after the meeting with employer representatives. Stakeholders were asked to respond to items in her Terms of Reference by July 19, which we did.

In their submission to the Patterson Review, the BC Federation of Labour referenced a report it commissioned in 2009. The report was written by a group of worker advocates, one of whom was Ms. Patterson, the current Reviewer appointed by the provincial government.

On August 6, the employer community received an additional list of "selected issues" for which the Reviewer, Ms. Patterson, is seeking further consultation from key stakeholders. In the 2009 report referenced by the BC Federation of Labour, the authors provided 24 recommendations and proposed amendments to WSBC. Of those 24 recommendations, all but one are on Ms. Patterson's 2019 "selected issues for further stakeholder consultation" list, developed latterly under her ongoing review, which is scheduled to report out on September 30, 2019.

In the view of the Employer Community, the list of "selected issues" completely alters the scope of the "focused review" to a comprehensive examination of all aspects of the workers' compensation

August 14, 2019

system. It is important to recognize that recent comprehensive system reviews have taken much longer. Because of the need for extensive consultation one took almost a year to complete and the other two years. The employer community was given less than a month to prepare constructive input into what has become a system-wide review.

As a result, the Employer Community has lost confidence that the current Review can be conducted in an “independent, impartial and balanced manner” as was provided for in Ms. Patterson’s original Review’s Terms of Reference. The Employer Community has decided not to participate further in this review.

-30-

For further information, contact:

Doug Alley
Managing Director
The Employers' Forum
doug@employersforum.org
Phone: 778-265-8813



From: [Donna Hanson](#)
To: [Doug Alley](#)
Cc: [john.horgan@gov.bc.ca](#); [Bains, Harry LBR:EX](#); [don.wright@gov.bc.ca](#); [Hughes, Trevor LBR:EX](#); [Mihlar, Fazil JTT:EX](#); [andrew.wilkinson@gov.bc.ca](#); [andrew.weaver@gov.bc.ca](#); [Janet Patterson](#); [Jim Parker](#)
Subject: WCB Review 2019 - Response to Employers" Forum"s August 14, 2019 letter
Date: August 14, 2019 4:33:38 PM
Attachments: [August 14 2019 letter to Employers" Forum.pdf](#)

Dear Mr. Alley,

Please find attached Janet Patterson's response to your letter of August 14, 2019.

Donna Hanson
Review Coordinator

WCB Review 2019

Phone: (604) 233-6792

Fax: (604) 233-6795

d.hanson@wcbreview.ca

<https://engage.gov.bc.ca/workerscompensationreview/>

-

WCB Review 2019

Janet Patterson, Reviewer

August 14, 2019

Mr. Doug Alley, Managing Director
Employers' Forum

(Via email)

Dear Mr. Alley:

This letter is in response to your correspondence dated August 14, 2019.

In your letter, you state that the Employers' Forum is withdrawing from participation in any further aspect of the WCB Review due to a loss of confidence that the Review can be conducted in an "independent, impartial and balanced manner." The Employers' Forum is, as is any party, entitled to make its own decisions on participation in the Review process. However, I would ask you to reconsider this decision.

This Review has and will continue to be conducted in an independent, impartial and balanced manner, complete with public engagement. This is a requirement of my appointment and an expectation for any review process. As a former lawyer and previous member of appeal tribunals, I understand the duty and obligation to conduct investigations and inquiries with duties to fairness and due process.

Your concern appears to be centered around the memo to key stakeholders dated August 6, 2019 (as amended August 8, 2019). You suggest that this memo expands the Review beyond the anticipated scope of the Review.

This is not the case. The memo follows a carefully scripted consultation process negotiated between me and the Deputy Minister, a consultation process which was clearly explained to key stakeholders early in the Review. In brief, the Review was to engage in public consultations between May 29 - July 19, 2019 by receiving submissions from all parties and individuals, conducting an open survey and holding public hearings around the province. It was further explained that, at the conclusion of this public consultation process, the Review would provide the key stakeholders with an additional opportunity to comment on any new items that were brought forward in the public consultation process. The Employers' Forum participated in the public consultation phase, as did many individual employers through submissions and questionnaires.

WCB Review 2019

PO Box 97122 Stn Main, Richmond, British Columbia V6X 8H3

Telephone: (604) 233-6790 Toll Free 1-833-633-6790 Fax: (604) 233-6795

Website: <https://engage.gov.bc.ca/workerscompensationreview/>

Email: Info@wcbreview.ca

It now appears that the Employers' Forum is concerned about the items which were presented as "urgent issues" through the public consultation process. As will be evident from the Review's record, the contents of the August 6, 2019 Memo are entirely a product of input of this extensive, open and transparent consultation. As such, there is no bias or reason for a reasonable apprehension of bias regarding this list. Nor does the list constitute a systemic Review such as the ones conducted in 1999 and again in 2002.

The Review has and will continue to hear from all parties and weigh recommendations based in an independent, impartial and balanced manner. We would value the participation of the Employers' Forum in this last stage of consultation although, of course, the Employers' Forum is free to choose its own course.

I look forward to hearing from you at any time, in the consultation timeframe of September 11, 2019.

Yours truly,

A handwritten signature in cursive script, reading "Janet Patterson".

Janet Patterson, Reviewer
WCB Review 2019

Copy (via email) to:

Honourable John Horgan, Premier of British Columbia
Honourable Harry Bains, Minister of Labour
Mr. Don Wright, Deputy Minister to the Premier, Secretary to Cabinet,
and Head of the BC Public Service
Mr. Trevor Hughes, Deputy Minister of Labour
Mr. Fazil Mihtar, Deputy Minister, Ministry of Jobs, Trade and Technology
Mr. Andrew Wilkinson, Leader of the Opposition
Mr. Andrew Weaver, Leader of the Green Party

From: [Minister, LBR LBR:EX](#)
To: doug@employersforum.org
Cc: [OfficeofthePremier, Office PREM:EX](#); [Wright, Don J. PREM:EX](#); [Mihlar, Fazil JTT:EX](#); [Hughes, Trevor LBR:EX](#); j.patterson@wcbreview.ca; d.hanson@wcbreview.ca
Subject: Letter from the Honourable Harry Bains
Date: August 15, 2019 11:06:29 AM
Attachments: [58123 Signed.pdf](#)

Please find attached a letter from the Honourable Harry Bains, Minister of Labour.

Thank you,

Office of the Minister
Ministry of Labour



Ref: 58123

August 15, 2019

Doug Alley
Managing Director
The Employers' Forum
Email: doug@employersforum.org

Dear Doug Alley:

I appreciate you copying me on your letter to Janet Patterson, Reviewer, Workers' Compensation System Review (Review), dated August 14, 2019. As Minister of Labour, I directed the establishment of Terms of Reference (TOR) that are focused on six themes to improve confidence in the workers' compensation system—to deliver a focused review informed by a broad public consultation process so all voices are heard. The TOR is available here: <https://engage.gov.bc.ca/workerscompensationreview/terms-of-reference/>.

I am disappointed that you have advised Janet Patterson of your intention to cease participation in the Review while the consultation process is still in progress, and before delivery of any report and recommendations to government.

You and your business associations are key stakeholders in the workers' compensation system. As a result, I am sure you understand the importance of receiving a broad range of perspectives to inform the Review's future recommendations. This is a necessary starting point to improve confidence in the system.

From your letter, I understand your view, shared by the signatory associations, is that due to Janet Patterson's previous work in 2009, you have concluded that the Review cannot be conducted in an "independent, impartial and balanced manner." While I disagree with your view, please know that neither I nor government have reached any decisions or conclusions at this early stage.

It is my expectation that Janet Patterson will deliver a report based on a focused review of the system which contains recommendations that are consistent with the TOR. In addition, Janet Patterson must approach the review in an "independent, impartial and balance manner."

.../2

Doug Alley
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To that end, I invite you and the signatory associations to re-engage with the review at any time before September 11, 2019, to ensure that your views and perspectives on how to improve confidence in the system are meaningfully incorporated and lead to a balanced report.

I would be pleased to meet with you should you wish to discuss the review.

Sincerely,

A handwritten signature in dark ink, appearing to read 'H. Bains', with a horizontal line underneath.

Harry Bains
Minister of Labour

pc: Honourable John Horgan
Premier

Don Wright
Deputy Minister to the Premier

Fazil Mihlar
Deputy Minister
Ministry of Jobs, Trade and Technology

Trevor Hughes
Deputy Minister
Ministry of Labour

Janet Patterson
Reviewer
Workers' Compensation System Review