

TOR

From: Cooling, Karen LBR:EX <Karen.Cooling@gov.bc.ca>
To: Hockin, Amber PREM:EX <Amber.Hockin@gov.bc.ca>
Sent: August 23, 2018 12:57:50 PM PDT
Received: August 23, 2018 12:57:51 PM PDT
Attachments: 2018.08.15.TOR JP 2.docx

Hi Amber:

Here is the draft TOR that we discussed earlier today.

Karen

Karen Cooling

Senior Ministerial Assistant

Honourable Harry Bains

Minister of Labour

Legislative Buildings | Victoria | British Columbia | V8V 1X4

Phone: 250-953-0920 | Email: karen.cooling@gov.bc.ca

Warning: *This email is intended only for the use of the individual or organization to whom it is addressed. It may contain information that is privileged or confidential. Any distribution, disclosure, copying, or other use by anyone else is strictly prohibited. If you have received this in error, please telephone or e-mail the sender immediately and delete the message.*

s.13

Fwd: BN - Patterson terms of reference

From: Harder, Derrick AG:EX <Derrick.Harder@gov.bc.ca>
To: Hockin, Amber PREM:EX <Amber.Hockin@gov.bc.ca>
Sent: January 8, 2019 7:35:19 PM PST
Received: January 8, 2019 7:35:21 PM PST
Attachments: ATT00001.htm

Hi Amber

Here are the terms for the Patterson review

Harry is satisfied with where this is at, although I believe Trevor may have tweaked to emphasize s.13
s.13

Sent from my iPhone

Begin forwarded message:

From: "Cheevers, Michael LBR:EX" <Michael.Cheevers@gov.bc.ca>
Date: December 30, 2018 at 9:24:54 AM PST
To: "Harder, Derrick AG:EX" <Derrick.Harder@gov.bc.ca>
Subject: BN

Hey Derrick

Here's a draft TOR from Trevor on a possible review from Janet Patterson.

MHB would like some feedback from you on the TOR. Not sure what your schedule is like, but you could call him or we could do a MO briefing style call on Jan 2.

Thanks,

Michael Cheevers

Ministerial Assistant to the Hon. Harry Bains

Minister of Labour

Begin forwarded message:

From: "Hughes, Trevor LBR:EX" <Trevor.Hughes@gov.bc.ca>
Date: December 24, 2018 at 11:37:38 AM PST
To: "Cooling, Karen LBR:EX" <Karen.Cooling@gov.bc.ca>
Cc: "Bains, Harry LBR:EX" <Harry.Bains@gov.bc.ca>, "Cheevers, Michael LBR:EX" <Michael.Cheevers@gov.bc.ca>
Subject: BN on review of workers' compensation system

Karen, attached as discussed last week is a Briefing Note and draft Terms of Reference for a further review of the workers' compensation system. I have taken some time to draft it to ensure the context for the review is clarified in light of the number of things completed or underway. s.13

s.13

Look forward to discussing. I hope this is close to the mark.

I have copied the Minister directly as he asked for this on Friday.

All the best to you and your family for the holiday season.

T.

--

Trevor Hughes

Deputy Minister

Ministry of Labour (BC)

WCA discussion

From: Cooling, Karen LBR:EX <Karen.Cooling@gov.bc.ca>
To: Meggs, Geoff PREM:EX <Geoff.Meggs@gov.bc.ca>, Hockin, Amber
PREM:EX <amber.hockin@gov.bc.ca>
Sent: June 26, 2019 2:31:05 PM PDT
Received: June 26, 2019 2:31:06 PM PDT
Attachments: BRIEFING NOTE_WCA.docx

Attached please find a one page summary of the issues we discussed regarding potential changes to the Workers' Compensation Act.

Karen

Karen Cooling (she/hers)
Senior Ministerial Assistant

Honourable Harry Bains

Minister of Labour

Legislative Buildings | Victoria | British Columbia | V8V 1X4

Phone: 778-974-6025 | Email: karen.cooling@gov.bc.ca

Warning: *This email is intended only for the use of the individual or organization to whom it is addressed. It may contain information that is privileged or confidential. Any distribution, disclosure, copying, or other use by anyone else is strictly prohibited. If you have received this in error, please telephone or e-mail the sender immediately and delete the message.*

Page 06 of 49

Withheld pursuant to/removed as

s.13

FW: Worker's Compensation Review

From: Talbot, Sarena GCPE:EX <Sarena.Talbot@gov.bc.ca>, Talbot, Sarena MCF:EX <Sarena.Talbot@gov.bc.ca>
To: Meggs, Geoff PREM:EX <Geoff.Meggs@gov.bc.ca>, Hockin, Amber PREM:EX <Amber.Hockin@gov.bc.ca>
Cc: Smith, George PREM:EX <George.Smith@gov.bc.ca>
Sent: August 14, 2019 4:54:34 PM PDT
Received: August 14, 2019 4:54:37 PM PDT
Attachments: August 14 2019 letter to Employers' Forum.pdf, CFIB boycotts biased WorkSafeBC consultation _ CFIB.pdf, Employer_Community_Letter_Re_Patterson_Memo_Aug_14_FINAL.pdf

Apologies – now with correct attachment

From: Talbot, Sarena GCPE:EX
Sent: Wednesday, August 14, 2019 4:53 PM
To: Meggs, Geoff PREM:EX ; Hockin, Amber PREM:EX
Cc: Smith, George PREM:EX
Subject: Worker's Compensation Review

Hi Geoff and Amber,

So all of the relevant materials are in one place, attached please find:

- The letter from employers to Janet Patterson
- Janet Patterson's reply which has already been sent.
- News release from the CFIB

The Worker's Compensation Review Terms of Reference can be found here:

<https://engage.gov.bc.ca/workerscompensationreview/terms-of-reference/>

I'll send along the Aug 6 memo that is referred to once I get a copy from LBR.

Sarena

CFIB boycotts biased WorkSafeBC consultation

August 14, 2019 -

Copyright

Copyright

For media enquiries or interviews, please contact:

Richard Truscott, Vice President, BC and Alberta

604-684-5325

ms.bc@cfib.ca

About CFIB

The Canadian Federation of Independent Business (CFIB) is Canada's largest association of small and medium-sized businesses with 110,000 members across every industry and region. CFIB is dedicated to increasing business owners' chances of success by driving policy change at all levels of government, providing expert advice and tools, and negotiating exclusive savings. Learn more at

cfib.ca.

Post Date: August 14, 2019

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 Mihar, Deputy Minister, Ministry of Jobs, Trade and Technology
Mr. Andrew Wilkinson, Leader of the Opposition
Mr. Andrew Weaver, Leader of the Green Party

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,

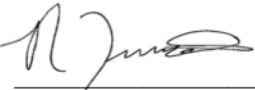



Doug Alley
Managing Director




Greg D'Avignon
President & CEO





Richard Truscott
Vice President,
BC & AB




Val Litwin
President & CEO





David Crawford
Interim CEO

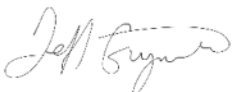



Chris Gardner
President




Reg Ens
Executive Director




Jeff Guignard
Executive Director

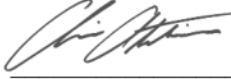



Daniel Fontaine
CEO





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

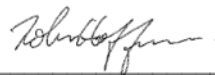



David Black
Director, Government
Relations & Public Policy





Tyson Craigg
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

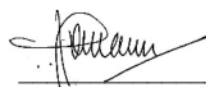



Damian Stathonikos
President




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

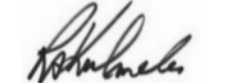



Anne McMullin
President & CEO




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

Re: Amber Hockin

From: Janet Patterson <j.patterson@wcbreview.ca>
To: Hockin, Amber PREM:EX <Amber.Hockin@gov.bc.ca>
Sent: August 14, 2019 4:57:25 PM PDT
Received: August 14, 2019 4:57:38 PM PDT
Attachments: August 14 2019 letter to Employers' Forum (1).pdf, Memo to Stakeholders - August 8 2019 Amendments noted.pdf, Employer_Community_Letter_Re_Patterson_Memo_Aug_14_FINAL.pdf

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" wrote:

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

WCB Review 2019

Janet Patterson, Reviewer

To: Key Stakeholders in the British Columbia Workers' Compensation System

Copy to: Ralph McGinn, Chair, Board of Directors – WorkSafeBC
Andrew Pendray, Chair, WCAT

From: Janet Patterson, Reviewer, WCB Review 2019

Date: ~~August 6, 2019~~ **(Amended August 8, 2019 – changes noted)**

RE: Selected Issues for further Stakeholder Consultation
(August 6 - September 11, 2019)

INTRODUCTION

The following issues were identified as important or urgent issues in the course of the WCB Review 2019's (Review's) public consultation process¹ and as such, are within the scope of this Review.

These issues are likely well known to key stakeholders, as are the views and concerns of other stakeholders. Some issues have already been reviewed in other venues. Therefore, I would like to commence this next consultation process by meeting with each stakeholder group for a frank discussion about both the issues and what type of further consultation process (if any) is indicated within the Review's timeframe. Please contact Donna Hanson at the Review office to set up this meeting.

The list below does not represent the full scope of this Review. Many issues identified in the Terms of Reference (TOR) were well canvassed in the public process and do not

¹ Public hearings were held in 14 locations and the Review heard from 210 presenters, of which 160 were injured workers and 2 were employers. The remaining presenters were family members and representatives. The Review received 164 written submissions (totaling 1407 pages) with 76 from workers or family members and 41 by employers. The Review also received 1980 responses to the on-line questionnaire with 1018 responses from workers or family members, 313 responses from employers and over 600 responses from each of health care professionals, concerned citizens and others. The Review also consulted with experts inside and outside the Board and reviewed research and practices across other jurisdictions.

require additional consultation (return to work (RTW) process, the duty to accommodate (DTA), Fair Practices Office, Board service to and communication with Stakeholders). Other matters relate to internal Board processes or are integrated with the matters below, and so are not listed separately.

Finally, some matters are beyond the scope of the Review, including those addressed in the *Accident Fund Report: Balance-Stability-Improvement. Bogoyo December 2018* ("Bogoyo Report"). All submissions made to the Review on the Bogoyo Report were forwarded to the Minister of Labour for consideration.

ISSUES FOR CONSULTATION

The issues are set out in three sections:

- A. Proposed changes to the Workers Compensation Act (Act) and/or policy;
- B. Proposals to assist disadvantaged groups (GBA+ lens); and
- C. New Concepts in Compensation.

A. Proposed changes to the Workers Compensation Act (Act) and/or policy:

- 1. Add a Preamble to the Act, setting out the statutory purpose of the legislation and confirming its commitment to the Meredith Principles. In addition to setting out the statutory purpose a preamble could clarify issues that arise from the legal name of the Workers' Compensation Board and branding as WorkSafeBC.
- 2. Include a statutory requirement for periodic reviews.
- 3. Amend section 99(2) to read "the Board must make its decision based on the merits and justice of the case" (with a companion amendment for WCAT in section 250(2). That is, take the requirement for binding policy out of the Act.
- 4. Include a duty to fairly investigate and obtain enough evidence to make a well-founded decision.
- 5. Include a different process to review a policy's consistency with the Act. Several court decisions have commented negatively on the section 251 process.
- 6. Include a Code of Conduct to help set a service standard.
- 7. Include a provision to provide protection and/or a remedy to injured workers who face negative consequences or retaliation intended to prevent them from making a claim, or as a result of making a claim (Claims Suppression).

8. Amend section 96(5) to allow the Board to re-open and reconsider its own decisions at any time.
9. Amend 96(2) to require that, under this provision, the Board must adjudicate the changed condition as a reopening, a re-injury or a new injury and in doing so, must consider each possibility. On appeal, the appeal body has the jurisdiction to consider the matter differently without returning the matter to the Board for new adjudication.
10. Amend section 95 and policies and practices on disclosure to better protect workers' privacy issues in the compensation context.
11. Include a provision to address compensation for permanent chronic pain.
12. Amend section 6(1) to remove the requirement that the worker must be "disabled from earning full wages" to be eligible for compensation for a work-related occupational disease (OD), and remove section 6(2) from the Act. Matters of timeliness for making an OD claim would be addressed in section 55.
13. Amend 6(3) to include an exception to the "immediately before" requirement for a presumption as follows:

An exception to this is where the medical and scientific evidence has established that there is a long latency period between exposure to the process, agent or condition of employment and the time the disease first becomes manifest.
14. Amend the Act to specify that repetitive strain injuries (now referred to as ASTD's) are adjudicated under section 5 as gradual onset injuries. Schedule B would need to be amended to reflect this change.
15. Amend the Act to provide for the payment of interest at the Board rate for retroactive compensation awards to workers.
16. Amend the Act to provide for greater adequacy of benefits to workers, including:
 - a. Wage rate is based on 100% of net;
 - b. No offset for CPP Disability awards from compensation awards to seriously injured workers; and
 - c. ~~Index pensions at CPI rate.~~ (Addressed in Bogoyo Report)
17. Amend section 33 to provide for flexibility in setting wage rates for young and casual workers and other special circumstances.

18. Provide both appeal bodies (Review Division and WCAT) with broad discretion to grant extension of time (EOT) relief.
19. Include a new provision to provide WCAT with power to reconsider its own decisions on common law grounds.
20. Amend the *Administrative Tribunals Act* (ATA) to provide WCAT with jurisdiction over *Charter* matters and the *Human Rights Code*. This will be important to address duty to accommodate (DTA) issues.
21. Include a new provision to grant Review Division broad remedial discretion.
22. Amend provisions for benefits to family survivors.
23. Amend section 5.1 to remove predominant cause and not require DSM diagnosis for short-term psychological disability (emphasis on treatment), so psychological injuries are treated consistently with other section 5 claims. Alternatively, delete section 5.1 and adjudicate mental disorder claims under the same criteria of “arising out of and in the course of employment” for personal injury claims.
24. At the same time, address special issues that arise in the management and RTW for mental stress claims including:
 - a. Training staff and setting service standards for Board’s role in mental stress injuries;
 - b. Identify special RTW issues and processes for mental stress claims, including a psychological safe workplace. Specialized Board staff to support RTW plans.
25. Change presumption language for PTSD claims to apply to all occupations equally, consistent with DSM criteria.
26. Add provisions respecting vocational rehabilitation – this would involve several parts of the Act:
 - a. Change language in section 16 to clarify the VR mandate;
 - b. All VR decisions, including DTA decisions, be appealable to WCAT;
 - c. Provide a statutory requirement for a duty to accommodate, with special provisions and supports for small employers – may be based on Ontario language; and
 - d. Provide a process for expedient non-binding mediation for VR and DTA disputes, prior to a formal decision.

- ~~27. Amend the Act to authorize diagnostic and prophylactic treatment prior to claim acceptance. (Addressed in Bogyo Report)~~
27. Confirm the right of workers to choose their own practitioner under section 23(7) with possible refinement of the definition of a practitioner.
28. Modernize the language of section 55 to reflect that most claim applications are made by Teleclaim or on an electronic form.
29. *Amend section 23.1 to provide that the Board must assess whether the worker would retire at the statutory date (now age 65) or at a later date and in doing so, must consider evidence from both before and after the injury and the impact of the injury on a retirement date. (Addition)*
30. *Amend section 23(3) and (3.1) and (3.2) to provide that the Board must conduct a loss of earnings assessment when the worker's compensable loss of earnings is, or is likely to be, greater than the PFI pension amount and after the assessment, award the higher of the two pensions. (Addition)*

B. Proposals to assist disadvantaged groups (GBA+ lens)

There are several issues and recommendations for remedying barriers or negative impacts for vulnerable and precarious workers.

1. Special services to vulnerable workers:
 - a. Navigators
 - b. Ambassadors
 - c. Identifying and addressing special compensation issues – Task Force.
2. Relationship building with Indigenous stakeholders - develop cultural sensitivity and cultural competencies, especially in VR.
3. Renew inter-jurisdictional agreements to address gaps, inconsistencies and barriers for workers who are inter-provincially mobile.
4. Special provisions to address claims and compensation barriers for temporary foreign workers.
5. Special compensation supports for small employers.
6. Process for addressing “self-employed” decisions by the Assessment Department, where the individual is found to be a “worker” in a claims matter.

C. New Concepts in BC Compensation

The concepts below have evolved from many discussions inside and outside the Board and research, and from concerns repeatedly raised by participants.

1. Develop New Category of “Pre-injury Risk Management” in Prevention.

Where a worker is developing symptoms of a physical injury, OD or psychological condition but is not yet disabled, the worker may be designated as a “worker at risk”. This allows for Board resources to be utilized for intervention (“pre-injury” risk management) before onset of disability. Resources could be available at the employers’ or workers’ request and could cover what is needed to head off injury (ergonomic assessment, counselling, investigation) and keep the worker and workplace safe. If no injury develops, then there are no claims made and no claims cost to the employer. If injury develops, then all material from risk intervention evidence becomes part of the worker’s claim without delay and without gaps in service. [Model of Critical Incidence Counselling - useful for RSI and developing Mental Stress injuries.] The goal is for the worker to stay at work and avoid injury or, if injured, quick adjudication, treatment and RTW. This could be developed in conjunction with the concept of psychological safe workplaces, with education and training and resources provided by the Board’s Chief Mental Health Officer.

2. Develop and support a capacity for independent medical evidence and effective resolution of medical disputes.

This approach has two parts:

Internally, set up a Clinical Services Division within the Board, with Board medical advisors (BMAs) able to liaise with treating physicians, advise Claims and Preventions, refer workers to treatment programs, advise the Board, etc.;

Externally, set up an independent medical service model, based on either the Alberta Medical Services Panel (MSP) or Washington State COHE, to provide reliable and expedient IME’s and health services.

For medical disputes, there would be an informal process to resolve these matters between the BMA and the treating physician. If these were not resolved informally or where there was another type of medical conflict (e.g. between an employer and the worker’s doctor in a RTW or light duties situation), the Board, the worker or the employer could request for an IME. The IME process can also be used by the appeal bodies and parties before appeal bodies.

3. New Pension Framework for “non-economic” loss (of function) and LOE awards, where there is a LOE after VR.

British Columbia is only one of two jurisdictions in Canada that does not treat the functional award as an award for non-economic loss. It is proposed that British Columbia adopt the following model and provide for a transition plan to change its pension awards.

- i) Change the “PFI” award to a “non-economic” loss lump sum award, based on a common scale, and awarded as a lump sum award at the time of MMR; and
- ii) Everyone who suffers a LOE after attempting a RTW, within the framework of a DTA and VR, is assessed for a LOE at that time, with a follow-up assessment after 2 years.

Yours truly,

A handwritten signature in dark ink, appearing to read "Janet Patterson", with a stylized, flowing script.

Janet Patterson, Reviewer
WCB Review 2019

Re: Amber Hockin

From: Janet Patterson <j.patterson@wcbreview.ca>
To: Hockin, Amber PREM:EX <Amber.Hockin@gov.bc.ca>
Sent: August 14, 2019 5:01:37 PM PDT
Received: August 14, 2019 5:01:51 PM PDT
Attachments: July 29, 2019 Letter and Progress Report to Trevor Hughes.pdf

And here is our progress report, which sets out the public engagement process.

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" wrote:

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

WCB Review 2019

Janet Patterson, Reviewer

July 29, 2019

Mr. Trevor Hughes
Deputy Minister, Labour
Deputy Minister's Office
PO Box 9594
Stn Prov Govt
Victoria, BC V8W 9K4

Dear Mr. Hughes,

RE: WCB REVIEW 2019 – GENERAL SERVICE CONTRACT NO. C19WCA-01

I am pleased to provide you with the attached Progress Report for the WCB Review 2019.

Yours truly,



Janet Patterson, Reviewer
WCB Review 2019

Attachment (Progress Report for the WCB Review 2019)

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

PROGRESS REPORT - WCB REVIEW 2019

This Progress Report for the WCB Review 2019 (Review) is made in fulfillment of a requirement in the General Service Contract (Contract) C19WCA-01, and in accordance with the revised timeline.

The Contract was signed with the Ministry on April 2, 2019, pursuant to my appointment by the Honourable Harry Bains, Minister of Labour, to conduct a targeted review of the British Columbia's workers' compensation system in accordance with the Terms of Reference (TOR) signed by the Minister on March 4, 2019. The Contract included specific terms about my engagement and how the Review was to be conducted, including that I was to work with the Deputy Minister to further design the Review's consultation process. Substantial agreement on the consultation process was reached on April 9, 2019 and there has been ongoing consultation as new issues arose.

This Progress Report summarizes the progress made by the Review to date, towards fulfilling the TOR, the Contract and the consultation process.

BACKGROUND

The Contract recognizes the key personnel for the Review: Jim Parker, Review Researcher, Donna Hanson, Review Coordinator, and Doreen Russell, Review Administrator. This Progress Report outlines the activities of the Review as a whole, including myself and the key personnel.

After the Contract was signed, the Review set up offices at the Workers' Compensation Board a.k.a. WorkSafe (the "Board") and arranged independent administrative services including secure data services, emails, phone and fax lines, a mailbox and translation services. All administrative arrangements had to be independent of the Board but coordinated with the Board. The Review also arranged a special disclosure process with the Board, through discussions with their Legal and Disclosure departments, to allow the Review to request and receive a worker's claim file (with authorization) in a way which met the legal, privacy and operational obligations of both the Review and the Board.

A senior retired Director, Rhonda Trudeau (brought back on contract) was assigned by the Board to act as a liaison between the Review and the Board. Ms. Trudeau handled all Review requests for Board information or consultations and provided training on the Board's computerized management system (CMS) for the Review.

PREPARATION FOR THE WEBSITE LAUNCH ON MAY 24, 2019

By agreement, the Review held early information meetings with key stakeholders and the Board, to provide an overview of the TOR and the consultation process. Information meetings were held with the Employers' Forum, the BC Federation of Labour, Community Legal Assistance Society (CLAS) and interested non-affiliated trade unions (BCNU). Three other stakeholders – the Workers' Advisers Office (WAO), the Employers' Advisers Office (EAO), and the Workers' Compensation Appeal Tribunal (WCAT) – preferred to meet later in the consultation process.

The agreed consultation process included consulting widely with the stakeholders and the public and to use the website services of Engage BC. The Review worked with Ministry staff to develop the website materials, including the following:

1. **QUESTIONNAIRES:** The Review developed a questionnaire for 8 categories of respondents with the assistance of a Ministry contact experienced in questionnaire design. This was originally developed and launched as an on-line questionnaire but a PDF form was later made available.
2. **WRITTEN SUBMISSIONS:** The Review developed a process to receive and document written submissions (made either on-line or to the Review directly). It also vetted each submission according to Ministry criteria for posting and provided the qualifying submissions to the Ministry.
3. **PUBLIC HEARINGS:** The Review set out a schedule of public hearings between June 14 to July 19, 2019, held in 14 locations, in all geographical areas of the province. The Review developed a process for participants to register and schedule a hearing slot in a public hearing. A process to record and document this participation was also created. Each hearing slot was 20 minutes and at registration, 50% of the hearing slots were reserved for injured workers until one week before the hearing date. At one week, any remaining slots were filled from a waiting list (if any).

OTHER CONSULTATIONS AND RESEARCH

The Review made itself aware of Board practice, culture and CMS by consulting inside the Board at all levels and research requests to the Board. The Review also met with some external experts and reviewed external research for best practices. The Review did much of this consulting and research prior to the commencement of the public hearings on June 14th.

At the Board, the Review consulted with and obtained information from the following WorkSafeBC areas:

- Board of Directors
- Senior Executive Committee
- Worker and Employer Services
- Policy, Regulation & Research Division
- Vocational Rehabilitation Services
- Disability Awards
- Clinical Services
- Review Division
- Fair Practices Office

The Review also consulted with front-line staff in two ways:

- Through the Compensation Employees' Union, workshops were arranged for the Review with Board case managers, entitlement officers, vocational rehabilitation consultants and return-to-work specialist-nurse advisors; and
- The Board arranged for anonymous input to the Review from staff through Ms. Trudeau.

The Review held external consultations with:

- National Disability Strategy Representatives
- Vocational Rehabilitation Consultants
- Medical Experts
- Research Partners
- The Workers Compensation Appeal Tribunal (WCAT).

The Review also made several information requests and to date, 62 Information Request Responses were provided by the Board.

PUBLIC CONSULTATION AND STAKEHOLDER ENGAGEMENT

The Engage BC website “went live” on May 24, 2019. The announcement was made with media support from the Ministry and the Review sent out announcements to stakeholders and email lists of organizations linked to Indigenous groups and temporary foreign workers. Later, the Review took out newspaper advertisements in some locations due to low registration and feedback from stakeholders.

1. Questionnaires

It was reported to the Ministry, that **1980 questionnaires** were completed between May 24 – July 19, 2019 and the responses were from the following categories:

Worker:	878
Family of Injured Worker:	140
Family of Deceased Worker:	8
Employer:	313
Self-Employed:	28
Health Care Professional	207
Concerned Citizen	216
Other	190

2. Written Submissions

The Review accepted written submissions from May 24, 2019 to July 19, 2019 with a short grace-period for late submissions.

The Review received **164 written submissions** to date, totaling **1,407 pages**. The breakdown of the written submissions, by source, is outlined as follows:

Worker:	69
Family of Worker:	7
Worker representative:	30
Employer/Employer Representative:	41
Other:	17

A number of stakeholders raised questions about the December 6, 2018 report “*Balance. Stability. Improvement. Options for the Accident Fund*” (*Bogyo Report*) prepared by Mr. Terrance J. Bogyo. This report on how to manage the unappropriated balance in the WorkSafeBC Accident Fund is a matter identified under this Review’s TOR and defines, in part, the scope of the review. The *Bogyo Report* was not available to stakeholders until July 18, 2019. As a result, an extension to July 30, 2019 has been provided to key stakeholders to provide additional submissions related to the impact of the *Bogyo Report*. There may be a small increase in the written submission numbers received due to the extended deadline of July 30, 2019.

3. Public Hearings

Hearings were originally scheduled in 14 locations between June 14 - July 19, 2019. However, two locations (Cranbrook and Terrace) were changed to teleconference participation due to low registration numbers.

In other locations, some participants were given an opportunity to participate in the public process by teleconference when in-person participation was not practicable. In these cases, the teleconference was recorded and if practicable, held in the scheduled public venue.

In total, the Reviewer heard **210 public presentations**. The participants were in the following categories:

Workers:	160
Family Members:	10
Union / Representatives:	30
Employers:	2
Other:	8

Of these 210 public presentations, 163 participated in person and 37 by teleconference.

In addition, the Review heard from 10 workers who asked for, and were granted, anonymity, according to agreed criteria.

NOTE: The Review received 101 claim disclosure authorizations from workers who authorized the Reviewer to look at their claim files to confirm details they provided through public hearing and/or through a written submission. Workers were advised that the Reviewer would request their claim file through the special disclosure process; this meant that the Review would not retain their claim file as part of the Review record.

4. Additional Consultations

At the request of the Workers Advisers Office (WAO) and the Employers Advisers Office (EAO), the Reviewer met with each group separately to get their input in a group setting, and to assist them in formulating a focused written submission.

At the request of the Health Sciences Association, the Reviewer met with a group of their disability management staff for the same purpose.

Finally, while the public consultation process included some participation from Indigenous workers and organizations, it became clear that there were few links or engagement between the Board and Indigenous bands – either as employers or workers. With Ministry approval, the Review engaged the services of Pauline Henry, a resident and band member within the territory of the Nicola Tribal Council. She will interview selected band members to identify barriers and key issues for consultation and engagement on these issues.

NEXT STEPS

On July 19, 2019, the Review provided a letter to key stakeholders, attached as Appendix A. As noted in the letter, the Review will provide key stakeholders with a list of new and/or specific issues which were raised in the public consultation process and which are properly within the TOR. This list will be provided by August 6, 2019 and the Review will consult on these matters until September 11, 2019. Each key stakeholder will be consulted regarding an appropriate consultation process, given this timeframe.

SUMMARY

The public engagement in this Review between May 24 - July 19, 2019 may be summarized as follows:

- 1980 completed on-line questionnaires
- 164 written submissions (totaling 1407 pages)
- 220 public presentations

Further, the Review is committed to further consultation with key stakeholders regarding specific issues which arose in this public process.

The Review is confident that a broad and comprehensive consultation process with stakeholders and with the community affected by the workers' compensation system has been completed at this time.

WCB Review 2019

Janet Patterson, Reviewer

To: Key Stakeholders in the British Columbia Workers' Compensation System

Copy to: Ralph McGinn, Chair, Board of Directors, WorkSafeBC
Andrew Pendray, Chair, Workers' Compensation Appeal Tribunal (WCAT)

From: Janet Patterson, Reviewer, WCB Review 2019

Date: July 19, 2019

The public participation process for the WCB Review 2019 (Review) (which includes written submissions, questionnaires and public hearings) concludes today, July 19, 2019. For your information and update, the Review has provided a grace period to July 26, 2019 in certain cases, and a second grace option, until July 30, for those wishing to respond to Terrance J. Bogyo's Report, *"Balance. Stability. Improvement. Options for the Accident Fund"*, dated December 6, 2018, released on July 18, 2019 and published on the Review website at: https://engage.gov.bc.ca/app/uploads/sites/482/2019/07/Appendix-2_Accident-Fund-Report_Balance-Stability-Improvement_Bogyo-December-2018.pdf

Many comments have been received expressing that the Terms of Reference ("TOR") for the Review were too general. As the Review progressed, the TOR gained greater specificity and clustered around certain issues.

The Review would now like to identify these specific issues for key stakeholders and consult further with them on these matters.

It is understood that the key stakeholders are familiar with the issues. Therefore, at this stage of the consultation process, I would like to obtain feedback and dialogue on how best to address these issues in the current compensation system. The Review has read all submissions made through the public process; therefore, a repetition of submissions is not necessary.

On August 6, 2019, the Review will provide a list of the specific issues to the key stakeholders identified below and invite each stakeholder representative to discuss a preferred consultation process with the Review. The consultation process may include meetings, (possibly with other stakeholders), submissions or both. The Review will make as many accommodations as possible.

The last day for this consultation process will be **Wednesday, September 11, 2019**. This timeline is necessary in order to allow the Review enough time to complete the report by September 30, 2019.


Key stakeholders to be consulted are:

EMPLOYERS	LABOUR / WORKERS
Employers' Forum Employers' Advisers Office	BC Federation of Labour Community Legal Assistance Society (CLAS) Workers' Advisers Office Non-Affiliated Unions: Unifor BCNU PPWC CMAW GVRDEV CLAC

The Review will separately consult with the Board of Directors of WorkSafeBC. In addition, WCAT will be consulted as a key stakeholder on those issues which affect WCAT directly.

I look forward to this further consultation process.

Yours truly,



Janet Patterson, Reviewer
WCB Review 2019

Re: Worker's Compensation Review

From: Meggs, Geoff PREM:EX <Geoff.Meggs@gov.bc.ca>
To: Talbot, Sarena GCPE:EX <Sarena.Talbot@gov.bc.ca>, Talbot, Sarena MCF:EX
Cc: Hockin, Amber PREM:EX <Amber.Hockin@gov.bc.ca>, Smith, George PREM:EX <George.Smith@gov.bc.ca>
Sent: August 14, 2019 6:53:04 PM PDT
Received: August 14, 2019 6:53:06 PM PDT

Sarena, Amber will step back from this issue given perceived labour interest.
Geoff

Sent from my iPhone

On Aug 14, 2019, at 4:53 PM, Talbot, Sarena GCPE:EX <Sarena.Talbot@gov.bc.ca> wrote:

Hi Geoff and Amber,

So all of the relevant materials are in one place, attached please find:

- The letter from employers to Janet Patterson
- Janet Patterson's reply which has already been sent.
- News release from the CFIB

The Worker's Compensation Review Terms of Reference can be found here:

<https://engage.gov.bc.ca/workerscompensationreview/terms-of-reference/>

I'll send along the Aug 6 memo that is referred to once I get a copy from LBR.

Sarena

FW: Draft

From: Wright, Don J. PREM:EX <Don.J.Wright@gov.bc.ca>, Hold - 210203 - Wright, Don J. PREM:EX <Don.J.Wright@gov.bc.ca>
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>
Sent: August 15, 2019 7:17:26 AM PDT
Received: August 15, 2019 7:17:27 AM PDT
Attachments: MHB Reply to Employers Forum - Aug 15 2019.docx

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

Date: Wednesday, August 14, 2019 at 8:42 PM

To: "Wright, Don J. PREM:EX" , Christine Kennedy

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.

Ref: XXXXX

August 15, 2019

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

Dear Mr. Alley:

I appreciate your copying me on your letter to Janet Patterson, Reviewer, Workers' Compensation System 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 Ms. 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 Ms. 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 Ms. Patterson will deliver a report based on a focused review of the system which contains recommendations that are consistent with the TOR. In addition, she must approach the review in an "independent, impartial and balance manner". 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,

Harry Bains
Minister of Labour

cc: Honourable John Horgan, Premier
Don Wright, Deputy Minister to the Premier
Fazil Mihar, Deputy Minister, Ministry of Jobs, Trade and Technology
Trevor Hughes, Deputy Minister, Ministry of Labour
Janet Patterson, Reviewer, WCB Review 2019

Re: Amber Hockin

From: Janet Patterson <j.patterson@wcbreview.ca>
To: Hockin, Amber PREM:EX <Amber.Hockin@gov.bc.ca>
Cc: Meggs, Geoff PREM:EX <Geoff.Meggs@gov.bc.ca>
Sent: August 15, 2019 8:51:26 AM PDT
Received: August 15, 2019 8:51:36 AM PDT

Understood. Thanks Amber. Janet

Sent from my iPhone

On Aug 14, 2019, at 6:33 PM, Hockin, Amber PREM:EX <Amber.Hockin@gov.bc.ca> wrote:

Janet thanks very much for sending this information. Given the BC federation of labour interest cited herein I will recuse myself from this file. Please continue to work with the Ministry DM Trevor Hughes and our communications team and I have also copied Chief of Staff Geoff Meggs on this email. Thanks again. Amber

Amber Hockin
Deputy Chief of Staff
7785840867
Amber.hockin@gov.bc.ca<mailto:Amber.hockin@gov.bc.ca>
Sent from my iPhone

On Aug 14, 2019, at 4:57 PM, Janet Patterson <j.patterson@wcbreview.ca<mailto:j.patterson@wcbreview.ca>> wrote:

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<mailto: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<mailto:amber.hockin@gov.bc.ca>

<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>

FW: Letter regarding Workers' Compensation Reviews

From: Wright, Don J. PREM:EX <Don.J.Wright@gov.bc.ca>, Hold - 210203 - Wright, Don J. PREM:EX <Don.J.Wright@gov.bc.ca>
To: Meggs, Geoff PREM:EX <Geoff.Meggs@gov.bc.ca>, Hockin, Amber PREM:EX <Amber.Hockin@gov.bc.ca>
Sent: October 30, 2019 9:56:45 AM PDT
Received: October 30, 2019 9:56:47 AM PDT
Attachments: image001.png,
Employer_Community_Letter_Minister_Bains_Oct_30_2019.pdf

FYI

From: Doug Alley

Date: Wednesday, October 30, 2019 at 9:52 AM

To: "Bains, Harry LBR:EX"

Cc: "OfficeofthePremier, Office PREM:EX" , "Ralston.MLA, Bruce LASS:EX" , "Wright, Don J. PREM:EX" , Trevor Hughes , Fazil Mihlar , "Wilkinson.MLA, Andrew LASS:EX" , "Weaver.MLA, Andrew LASS:EX"

Subject: Letter regarding Workers' Compensation Reviews

Please find attached a letter to Minister Bains from the Employer Community regarding the Workers' Compensation reviews. If you have questions, please do not hesitate to contact me.

Doug Alley

Managing Director

The Employers' Forum

doug@employersforum.org

Phone: 778-265-8813



EMPLOYERS' FORUM

October 30, 2019

Honorable Harry Bains
Minister of Labour
Government of British Columbia
c/o Parliament Buildings
Victoria BC V8V 1X4

Submitted via email: LBR.Minister@gov.bc.ca

Dear Minister:

Over the past 18 months, the government has commissioned three reviews of British Columbia's workers' compensation system. These include:

- Review of Rehabilitation and Claims Services by Mr. Paul Petrie;
- Review of Options for the Unappropriated Surplus in the Accident Fund by Mr. Terry Bogyo; and,
- Review of the Workers' Compensation System by Ms. Janet Patterson.

It is our understanding that Ms. Patterson's report will be submitted to you by October 31. You will recall, the Employer Community (as represented by the undersigned associations) made a comprehensive submission to Ms. Patterson's Review. You will also recall that the Employer Community subsequently voiced our concern about an "apprehension of bias" leading us to withdraw from Ms. Patterson's review process. At the time, we also indicated we believed the nature and scope of issues under consideration had "evolved" beyond the original Terms of Reference you established for Ms. Patterson's review.

The Employers' Forum also recently sent a letter to the Chair of WorkSafeBC (WSBC) and copied you and other senior government officials asking for "structured stakeholder engagement" on Mr. Bogyo's suggested options for the use of the unappropriated \$2.6 billion surplus in the accident fund. As the letter noted, Mr. Bogyo conducted very little consultation with the Employer Community, and we had minimal input into the contents of his report. Parenthetically, we understand the findings of Mr. Petrie's report are currently undergoing recommendation-by-recommendation review by the WSBC Policy Bureau prior to implementation.

While we recognize some modest adjustments may be necessary to strengthen the workers' compensation system and bring benefits and rehabilitation services into line with prevailing norms in other jurisdictions, we are acutely mindful of the fact that employers fund the entire workers' compensation system and the imperative to maintain the financial viability of the system. To help maintain stability in the system, we also believe it is important to recognize and plan for the reality that BC's economic performance is deteriorating.


Given the foregoing, the Employer Community urges you to provide stakeholders with a structured opportunity for feedback, framed by a consultation paper, before proceeding with any legislative changes. Fundamentally, we believe any changes to BC's workers' compensation system should be based on a consultation process where all issues can be thoroughly examined and analyzed to ensure there are no unintended consequences. Proposed changes need to be carefully considered and recognize the need to

balance fair compensation and worker rehabilitation programs with the need to maintain the system's overall financial viability.

We look forward to your response to our request at your earliest convenience.

Sincerely,

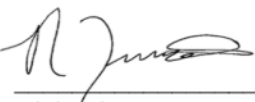



Doug Alley
Managing Director




Greg D'Avignon
President & CEO





Richard Truscott
Vice President,
BC & AB





Val Litwin
President & CEO





David Crawford
Interim CEO

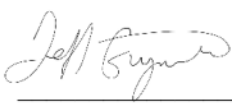



Chris Gardner
President




Reg Ens
Executive Director




Jeff Guignard
Executive Director





Daniel Fontaine
CEO

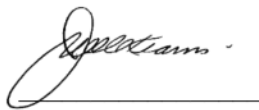



Caroline Andrewes
President & CEO




Chris Atchison
President




John Kearns
Chairman of the Board





Christopher Nicolson
President & CEO





Ian Tostenson
President & CEO





Brad Herald
Vice President,
Western Canada





Kelly Scott
President

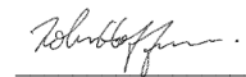



David Black
Director, Government
Relations & Public Policy

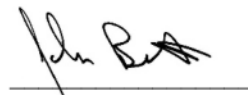



Tyson Craiggs
1st Vice President





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



Anne Kothawala
President & CEO



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

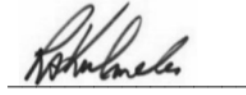



Anne McMullin
President & CEO




Fiona Famulak
President




Rory Kulmala
CEO

CC:

Honourable John Horgan, Premier of British Columbia
Honourable Bruce Ralston, Minister of Jobs, Trade and Technology
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

RE: Janet Patterson report - release date

From: Ranjan, Ramesh AGRI:EX <Ramesh.Ranjan@gov.bc.ca>, Hold - 210205 -
Ranjan, Ramesh LBR:EX <Ramesh.Ranjan@gov.bc.ca>
To: Meggs, Geoff PREM:EX <Geoff.Meggs@gov.bc.ca>, Hockin, Amber PREM:EX
<Amber.Hockin@gov.bc.ca>
Sent: August 19, 2020 6:06:25 PM PDT
Received: August 19, 2020 6:06:25 PM PDT

Hi Geoff,

Absolutely. A Minister's statement (with backgrounder) is in the works currently and I will be able to share with you a copy on Friday.

Ramesh Ranjan

A/Senior Ministerial Assistant to the Honourable Harry Bains,
Minister of Labour

Ph: [604-220-5303](tel:604-220-5303)

From: Meggs, Geoff PREM:EX
Sent: August 19, 2020 5:17 PM
To: Hockin, Amber PREM:EX ; Ranjan, Ramesh AGRI:EX
Subject: Re: Janet Patterson report - release date

Thanks, Ramesh. Could you please share the draft bulletin, news release or whatever it is?

Geoff

From: Hockin, Amber PREM:EX
Sent: Wednesday, August 19, 2020 3:15 PM
To: Ranjan, Ramesh AGRI:EX
Cc: Meggs, Geoff PREM:EX
Subject: Re: Janet Patterson report - release date
Thanks Ramesh. Please keep us posted on the release.

Amber Hockin
Deputy Chief of Staff
Office of the Premier
7785840867
Amber.hockin@gov.bc.ca
Sent from my iPhone

On Aug 19, 2020, at 2:51 PM, Ranjan, Ramesh AGRI:EX <Ramesh.Ranjan@gov.bc.ca> wrote:

Hi Geoff and Amber,

Just wanted to flag for you that we've secured Aug 26 at 11 am for the release of the Patterson report with the addendum that Alex previously sent to you. I've talked Sage through any flags. Let me know if there's anything further to discuss.

Ramesh Ranjan

A/Senior Ministerial Assistant to the Honourable Harry Bains,
Minister of Labour

Ph: [604-220-5303](tel:604-220-5303)

RE: Patterson report - Minister's statement

From: Ranjan, Ramesh AGRI:EX <Ramesh.Ranjan@gov.bc.ca>, Hold - 210205 -
Ranjan, Ramesh LBR:EX <Ramesh.Ranjan@gov.bc.ca>
To: Meggs, Geoff PREM:EX <Geoff.Meggs@gov.bc.ca>, Hockin, Amber
PREM:EX <Amber.Hockin@gov.bc.ca>
Sent: August 23, 2020 1:21:26 PM PDT
Received: August 23, 2020 1:21:27 PM PDT
Attachments: ST - Patterson report release.docx

Geoff and Amber,
Attached is the statement updated with your revisions.

Ramesh Ranjan

A/Senior Ministerial Assistant to the Honourable Harry Bains,
Minister of Labour
Ph: [604-220-5303](tel:604-220-5303)

From: Ranjan, Ramesh AGRI:EX
Sent: August 23, 2020 9:31 AM
To: Meggs, Geoff PREM:EX
Cc: Hockin, Amber PREM:EX
Subject: Patterson report - Minister's statement

Hi Geoff and Amber,
Attached is a draft of the Minister's statement that is currently on track to be released on Wednesday, the date of the release of the Patterson report. Let me know if you have any feedback.
Also, we'll be receiving the report from Sandra Banister on recall rights for hotel workers tomorrow. We'll be putting out a statement acknowledging that we've received it and I will share that and the report with you tomorrow, before the statement goes out.

Ramesh Ranjan

A/Senior Ministerial Assistant to the Honourable Harry Bains,
Minister of Labour
Ph: [604-220-5303](tel:604-220-5303)

STATEMENT

For Immediate Release
[release number]
Aug. 26, 2020

Ministry of Labour

Province releases report on workers' compensation

VICTORIA – Harry Bains, Minister of Labour, has issued the following statement on the release of Janet Patterson's report, *New Directions: Report of the Workers' Compensation Board Review, 2019*:

"I'm committed to making B.C.'s workplaces the safest in Canada and improving our workers' compensation system to be more supportive and responsive to injured workers and their families.

"My approach for legislative improvements is to make changes informed by consultation with people and advice from expert reviews. Earlier this month, we passed Bill 23 which amended the Workers Compensation Act based on three expert reports; however, the legislation did not address a fourth report that reviewed several other areas of the workers' compensation system. Last year, retired labour lawyer Janet Patterson was contracted to undertake a focused review of the workers' compensation system and to make recommendations on what an improved system should look like.

"I would like to thank Ms. Patterson for her detailed review and thank the many injured workers, and others, who took time to share their experiences. Ms. Patterson consulted widely and heard from more than 2,000 people and organizations from around the province. The feedback was both extensive and thoughtful, and I am grateful to everyone who participated.

"We are making this report public so the people who provided feedback know that their voices have been heard and reflected in the report and its findings. This is an extensive review to consider. There are over 100 recommendations, of which about 60 are for operational and process changes within WorkSafeBC. It contains substantial information and recommendations that will take some significant time to carefully review.

"In Bill 23, we made modest but meaningful improvements to the Workers Compensation Act that support worker safety, improve the effectiveness of the system while also being financially prudent. At this time, we are focused on implementing these improvements – along with doing our part to keep people healthy and safe as we work together to address the impact of COVID-19 on both workers and employers across British Columbia."

Ms. Patterson's report is available at: <https://engage.gov.bc.ca/workerscompensationreview/>

Contact:
Ministry of Labour

Media Relations
Government Communications and Public Engagement
250 508-5030