

August 14, 2019

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

