

1. Introduction

In April 1996, the government of British Columbia announced a Royal Commission into the B.C. workers' compensation system. As part of its preparation for this Commission, the Workers' Compensation Board (WCB) is preparing a series of documents which provide information about the WCB.

This document contains:

- a summary of the historical development of workers' compensation in B.C.;
- an overview of the current operational and administrative structure of the WCB;
- a bibliography of resource material.

Detailed information about WCB operations and analyses of key policy issues will be contained in separate documents. A list of issues for which separate documents will be prepared is included in section 7 of this document.

2. Some Basic Information About the Workers' Compensation Board

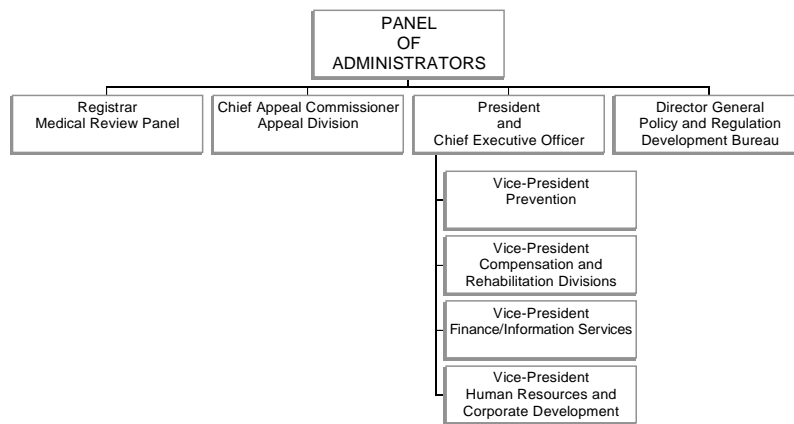
The Workers' Compensation Board is an independent provincial agency created by the *Workers Compensation Act*. It provides compensation to occupationally injured or diseased workers and their dependants, and rehabilitation to injured workers. It is also responsible for the province's occupational safety and health program.

The WCB is an unusually complex organization. The complexity of the WCB organization results from the fact the WCB has responsibility to:

- exercise quasi-judicial functions that affect rights and responsibilities of workers and employers;
- exercise quasi-legislative functions that interpret the *Act*;
- develop regulations;
- perform regulatory functions;
- perform rate setting functions;
- perform inspection functions;
- perform investigative functions;
- manage large amounts of money which must be collected and prudently invested to ensure the capacity to meet current and future responsibilities;
- employ and manage a large, diversified work force which is deployed throughout the province;
- establish fee rates and oversee the quality of care provided by regulated health professionals;
- operate a vocational treatment centre and residence;
- function in a highly politicized environment;
- make decisions which can affect competition in the marketplace.

The WCB is governed by a Panel of Administrators consisting of a chair and three panel members. The Panel was appointed in July 1995 by the Minister of Labour to replace a 13-member Board of Governors which was required by the *Act* to be representative of employers, workers and the public interest. The Panel, which is not required by the *Act* to be representative of any identified interest groups, discharges the statutory powers, duties and functions of the Governors.

ORGANIZATIONAL CHART



The Panel sets the policies and direction of the WCB. The President/CEO is responsible for day to day operations. The Chief Appeal Commissioner is responsible for the direction of the Appeal Division.

The WCB has five main operational divisions: Prevention, Compensation Services, Rehabilitation Services, Finance/Information Services, and Human Resources/Corporate Planning. There are also number of special purposes departments which report directly to the President, including Legal Services and the WCB's internal Ombudsman.

The WCB administers the *Act* from its head offices in Richmond, nine area offices, and a number of work centres throughout the province. The WCB also operates the Rehabilitation Centre which is adjacent to the main administration building in Richmond. The WCB employs the equivalent of 2,462 full-time staff (FTE's).

The WCB also administers the *Criminal Injury Compensation Act* on behalf of the Ministry of Attorney General. The amounts paid as compensation to victims of crime and the costs of administration are fully recovered from government.

3. A Summary of the Historical Development of Workers' Compensation in B.C.

3.1 The Need for Workers' Compensation Legislation

The Industrial Revolution changed the nature of employment and the nature of employment relationships. The incidence of injury and disease was significantly higher in an environment where factories and mines played major roles than it had been in an agricultural, cottage industry environment. This increase was coincident with a decrease in the legal remedies available to workers who were disabled by occupational injury or disease. Such a state of affairs provided impetus for governments to seek legislative means to provide financial and medical benefits for the victims of work related injury and disease.

3.2 Early Legislation

The first legislative solutions were directed towards restricting the impact of the common law defences. The legislative changes made it easier for workers to sue their employer if an injury was the result of the employer's, or a fellow worker's negligence. However there were still considerable problems related to the enforcement of rights through the judicial system (e.g. delay, cost, and uncertainty of results). In addition many work related injuries which disabled workers were not the result of employer negligence and in such cases there was no remedy available to the injured worker.

The next legislative solutions were directed to changing the test of liability - from negligence and fault - to work connection. The first *Workmen's Compensation Act* in England created a schedule of benefits and placed the full responsibility on an individual employer to compensate that employer's own workers for their work caused injuries, regardless of fault. However there was no requirement that the employer insure the risk and there was no protection for the worker if the employer was unable to pay the mandated benefits.

3.3 The Meredith Commission (1913)

It was legislation such as that described above that was in place in the province of Ontario when the first major study into workers' compensation in Canada was conducted by the Chief Justice of Ontario, Sir William Meredith. Meredith quickly agreed with those who contended that:

... the law of Ontario is entirely inadequate in the conditions under which industries are now carried on to provide just compensation for those employed in them who meet with injuries, or suffer from

industrial disease contracted in the course of their employment, ... under a just law the risks arising from these causes should be regarded as risks of the industries and ... compensation for them should be paid by the industries.¹

Meredith therefore set himself the task of recommending “ in what form and by what means the compensation should be paid.”²

After conducting his study and hearing submissions Meredith concluded that a just workers’ compensation system would:

- Incorporate the already existing idea of compensation based on work connection rather than fault. Legislation would mandate the payment of benefits and these benefits would be in lieu of any damages which might be obtained through the enforcement of a right to compensation under the common law tort system. A worker would receive benefits, regardless of fault, and an individual employer would be relieved of the direct responsibility to pay benefits, regardless of fault.
- Require that the costs of compensation be collected from industry as a cost of production.
- Require that the compensation should be paid as long as the disability caused by the injury or disease should last and that the amount should have relation to the earning power of the injured worker.

The pre-eminent characteristics of a just workers’ compensation system were stated to be that:

... as far as is practicable there should be certainty that the injured workman and his dependants shall receive the compensation to which they are entitled, and it is also important that the small employer should not be ruined by having to pay compensation³

In order to achieve these objectives Meredith recommended a system with the following characteristics:

¹ Hon. Sir William Meredith, The Workmen's Compensation Act with Reports on Laws Relating to the Liability of Employers, (Toronto, Ont.: King's Printer, 1913), p. 3.

² Ibid., p. 3.

³ Ibid., p. 5.

- Industry would be compelled, by legislation, to pay benefits to injured workers and their dependants in accordance with the provisions of a *Workmen's Compensation Act*.
- Employers would not be individually liable to pay the mandated benefits to their own workers. Rather the liability would be shared by all employers who would collectively contribute to one accident fund from which payments of all benefits would be paid. While industry would be collectively liable to fund the accident fund different industries would pay different rates in accordance with the relative hazards of the industries.
- The proposed *Workmen's Compensation Act* would be administered by a Board, appointed by the state, but one intended to be free from political partisanship. The Board would be responsible to collect the money for the accident fund and to disburse all benefit payments. The Board would have exclusive jurisdiction to determine all matters and questions arising under the *Act*, and subject to a power to reconsider any of its own decisions, its actions or decisions would be final and not subject to appeal. Such a system would completely oust the jurisdiction of the courts to adjudicate entitlement and assess damages.

3.4 The Pineo Report (1916)

Shortly after Meredith prepared his report for the Ontario government the government of British Columbia created a commission chaired by Avarad Pineo to study the workers' compensation system.

The Pineo Commission reached conclusions which were similar to those which had been reached by Meredith. In particular the Pineo Commission recommended that whatever legislation was passed be based on the principle:

... that industry should bear the burden of its accidents and that the costs should be assessed on the employers to be ultimately distributed among the consumers of the products of the respective industries the same as other elements of the cost of production.⁴

Pineo concurred with the findings of Meredith as to the principles of a just compensation system. However he recommended two further principles.

The first principle was that the workers' compensation system should be primarily responsible for occupational health and safety. In reviewing a proposed draft bill of

⁴ Pineo, Avarad V., *Report of the Committee of Investigation on Workmen's Compensation Laws*, (Victoria, BC: King's Printer, 1916), p. 5.

the *Workmen's Compensation Act* for British Columbia Pineo commented as follows:

Laws which provide for the taxing of industry to furnish compensation for the victims of industrial accidents irrespective of fault are commendable and desirable, but laws which will prevent the happening of such accidents are of more vital importance ...

The power to make safety orders or accident prevention rules, as well as the duty to see that those rules are carried out in practice, [should be] imposed directly on the same board which administers the workmen's compensation law.⁵

The second principle was that the Board's accident fund should be fully funded. Meredith had been ambivalent about whether the fund should be created in accordance with current cost principles (assessing only for the amounts required to meet the payments of compensation which fall due during the year next preceding that in which the assessments are made) or based on the fully funded principle. Pineo recommended:

That the Board establish each year capitalized reserves on a proper actuarial basis to provide for the payments accruing in future years in respect of all accidents of that year which result in death or permanent disability.⁶

The Legislature accepted Pineo's recommendations and the system which was established under the *Workmen's Compensation Act* and which came into force in British Columbia on January 1, 1917 has remained unchanged in its essentials since that time.

3.5 Commissions of Enquiry into the B.C. Workers' Compensation System (1942 - 1966)

The fact that the essential principles of the Workers' Compensation system in B.C. have remained unchanged does not mean that there have not been controversies over the years related to the performance of the Board which was created to administer the *Act*. The Royal Commission which was announced in April, 1996 will be the fourth Royal Commission into the operations of the workers' compensation system in British Columbia.

The first Royal Commission was appointed on July 1, 1941. The Commissioner was Chief Justice Sloan of the B.C. Court of Appeal. The Commission hearings began on August 5, 1941 and ended on March 6, 1942. The second Royal

⁵ *Ibid.*, p. 8.

⁶ *Ibid.*, p. 15.

Commission was also conducted by Chief Justice Sloan. It began its hearings on November 7, 1949 and concluded them on November 23, 1951.

The submissions to both Royal Commissions did not seriously question the essential characteristics of the workers' compensation system. Rather they were primarily directed towards how well the WCB was carrying out its mandate and toward the adequacy of the benefits provided to injured workers.

From the beginning the system was designed to reflect the idea that both employers and workers were to contribute to the no-fault collective liability system. The contribution of employers was direct in the form of money paid into the accident fund pursuant to the assessments imposed by the WCB. The contribution of workers was indirect and found expression in several methods (e.g. foregoing compensation for pain and suffering; foregoing compensation for the first 3 days of disability; receiving benefits of only 55% of the lost income at a time when income tax did not exist).

In a study entitled *The Impact of Royal Commissions on Public Policy: Workers' Compensation in British Columbia - 1941-1968*⁷ the author has identified the major issues which were the subject of both Sloan inquiries. With the possible exception of one issue, all these matters dealt with attempts to improve the benefit levels for the workers, to adjust to some degree the relative contributions to the scheme made between employers and workers, or to improve the adjudicative and administrative practices of the WCB.

- Blanket Coverage

The concern here was that more workers should be included under the workers' compensation system and that the number of industrial diseases for which compensation would be paid should be increased.

- Average Earnings

The issue here was whether the large amount of discretion in the *Act* given to the WCB in determining average earnings should be reduced.

- General Level of Benefits

⁷ Anjan K. Chaklader, *The Impact of Royal Commissions on Public Policy: Workers' Compensation in British Columbia - 1941-1968*, (Vancouver, BC: University of British Columbia, 1992).

By 1942 the compensation rate which had been 55% in the first *Act* had been increased to 66 2/3%. Submissions were made that the rate should be raised to anywhere from 75% to 100% of average earnings.

- Specific Level of Benefits

Proposals were made to increase the level of benefits for dependants of workers who had died as the result of occupational injury or disease.

- Waiting Period

Submissions were made that the 3-day waiting period during which benefits were not paid should be reduced or eliminated.

- Medical care

Legislation did not give workers a right to obtain treatment from a practitioner other than a “qualified practicing physician” although it did give the WCB a discretion to permit payment for treatment from others (e.g. chiropractors). Submissions were made there should be a right to obtain treatment from alternative care providers.

- Rehabilitation

Arguments were made that the WCB should have a formalized rehabilitation program.

- Evaluation of Disability

There were submissions regarding the alleged deficiencies in the way that the WCB adjudicated the question of disability.

The one issue which did touch upon an essential characteristic of the workers' compensation system was the call for an appeal system. In the first Sloan Commission the Commissioner recommended that there not be any appeal system. In his second Commission he did recommend the creation of a Medical Appeal Board (the forerunner of the current Medical Review Panels) to enable dissatisfied parties to question the heretofore final and conclusive decisions of the WCB. The scope of the appeal was restricted to medical disputes. The *Act* was amended in 1954 in accordance with this recommendation.

The third Royal Commission began hearings on October 1, 1962 and ended on November 24, 1964. The length of the hearing period was extended due to the fact that the original Commissioner died during the proceedings and was replaced by Mr. Justice Tysoe on January 20, 1964. Because of this complication the final report of Mr. Justice Tysoe was further delayed until its release to the Legislature in

January, 1966. The issues dealt with by Tysoe were similar to those which had been dealt with in the earlier Royal Commissions.

3.6 Changes to the Pension System (1973-74)

In 1974, the *Workers Compensation Amendment Act* made substantial changes to how pensions were calculated for dependants of deceased workers. Instead of flat rate amounts, pensions for widows, invalid widowers, children, foster mothers and common law wives were based on a percentage of what the deceased would have received if he or she had become permanently totally disabled instead of dying. The percentage varied with the type of dependant and the age of the widow or widower. The amendments also included provisions for a fixed lump sum instead of a pension for childless widows under 40 and non-invalid widowers; a special provision for separated spouses; and the granting of authority to the WCB to provide training or retraining for surviving dependant spouses.

At about the same time, the WCB began granting pensions to injured workers with spinal disabilities based on actual loss of earnings. Prior to this time, all pensions had been provided on the basis of functional impairment only. This practice change arose from a concern that the amounts given as pensions based on functional impairment were often significantly less than the real loss of earning capacity. In 1977, this practice was expanded to non-spinal disabilities.

3.7 Changes to the Appeal System (1974)

The question of whether there should be a right to appeal decisions of the WCB had been the subject of contention in all three Royal Commissions. As noted above the creation of a Medical Review Panel process following the recommendations of the second Sloan Commission was the first significant response to these concerns. However this appeal process was restricted to resolving medical disputes.

The Tysoe Commission was specifically requested to inquire into the appropriateness of making changes to the system for appealing decisions of the WCB. The system in place at the time of the Tysoe Inquiry consisted of a review of decisions made in the Claims Department by a Board of Review. The Board of Review was made up of the Chief Claims Officer of the WCB as Chairman, the Chief Medical Officer of the WCB, and the Chief Solicitor of the WCB. This was really an administrative procedure developed by the WCB under its powers to determine all questions under the Act rather than a true appeal. Tysoe specifically commented on this but recommended only slight changes to this system.

The initial response of the government was to provide, in the *Act*, that the Chairman of the Board of Review should be appointed by the Lieutenant-Governor

in Council. The other members of the Board of Review continued to be senior officers of the Workmen's Compensation Board appointed by the WCB.

The Board of Review system operated within the parameters of the authority of the WCB to "reopen, rehear, and redetermine any matter which has been dealt with by it."

However by legislation which became effective in 1974 the government of the day did make a significant change to the appeal structure. Independent boards of review, all of whose members were appointed by the Lieutenant-Governor in Council, were established to hear appeals affecting workers. A right of appeal from decisions of the boards of review to the Commissioners of the WCB was also formalized in this legislation.

3.8 Changes to the Board's Policy of Non-Disclosure (1981)

In 1981 another significant change occurred, which was the result of a decision of the Courts, (*Re: Napoli v WCB*) rather than a decision of the WCB or the Legislature.⁸ Prior to 1981 the WCB was very restrictive in disclosing the information on its files, even to those who were questioning the WCB's decisions. In response to complaints by labour about the WCB's policy of non-disclosure Tysoe had responded as follows:

In support of the position it has taken, labour has appealed to the rules of natural justice, and it has contended that the non-disclosure of what it complains offends against those rules. There is, of course, no doubt the Board, where it acts in a judicial or quasi-judicial capacity, is subject to the rules.

I do not propose to get into the very large subject that is embraced in the term "rules of natural justice." It is sufficient for me to say that I have not been referred to any case, nor am I aware of any, in which it has been intimated or from which it can properly be inferred that natural justice as it applies to the administration of the workmen's compensation scheme requires that a man in a position of a workman claiming compensation is entitled to see such things as medical reports and statements of evidence of non-medical facts, which the Board has in its possession, let alone that he is entitled to know the identity of the Board's informants.

In *Napoli* the Court took a decidedly different view of this issue with the result that the WCB was required to disclose the contents of its files. While the *Napoli* decision dealt specifically only with a claimant's right to see his or her file, the Commissioners felt that the principles behind the Court decision required the WCB

⁸ *Re Napoli v WCB* (1981) 27 B.C.L.R. (306) BCSC; affirmed (1981) 29 B.C.L.R. 371 (BCCA).

to also make disclosure of the board's file to employers if they were parties to an appeal.⁹

3.9 The Munroe Committee (1988)

Further calls for Royal Commissions following Tysoe were resisted by the various governments but in 1988 the Minister of Labour did appoint an advisory committee to examine the structure of the WCB and provide recommendations:

as to what needs to be done to ensure that the parties of interest, i.e. employers and workers, can participate effectively in initiation, development and approval of Workers' Compensation Board policies, programs and procedures.

The committee was chaired by Donald R. Munroe, QC, Barrister and Solicitor. There were 13 members on the committee including the Assistant Deputy Minister of Labour. The other members were senior executives and officials of trade unions, labour organizations, private companies, and employer associations.

The original recommendation of Pineo, which was acted upon by the B.C. Legislature, was that the Workmen's Compensation Board consist of three Commissioners. The primary characteristics that these Commissioners were intended to have were expertise and independence in performing the duties authorized by the *Act* to collect all assessments and adjudicate and pay all claims. This intent was underscored by Pineo's recommendation that the terms of office of the Commissioners should be "at least 10 years, with appointments alternating in such a manner as to ensure there always being at least 2 members with experience on the Board."¹⁰

This approach gave pre-eminence to the quasi-judicial nature of the WCB.

By 1988 the concern reflected in the terms of reference of the Munroe Committee was not so much expertise and independence as it was accountability. In supporting the recommendation that there be a new form of governance to superintend the general direction of the WCB the committee said:

The Workers' Compensation Board has great powers and obligations, the exercise and discharge of which may profoundly affect individual workers and employers. The Board is also the immediate guardian of the important social policies reflected in the legislation. It follows that the Board's officers and personnel should have regular input from the

⁹ Item No. 338 5 WCR 109.

¹⁰ op cit, Pineo, p. 16. In fact, when Sloan conducted his 1942 inquiry 2 of the 3 Commissioners who had been appointed in 1917 were still in office. The third had died in 1934 while still in office and had been replaced. The replacement was still in office in 1942.

parties of interest and the public generally, and should be accountable in the usual ways in the carrying out of their duties.¹¹

This approach would give equality, if not pre-eminence, to the quasi-legislative and administrative nature of the WCB in comparison with its quasi-judicial nature.

The recommendations of the Munroe Committee were reflected in amendments to the legislation which were passed in 1988 and came into effect on June 3, 1991. The policy making, administrative, and appellate functions which had formerly been held by the Commissioners were separated and assigned to new, statutorily created components of the WCB.

The responsibility for approving and superintending the policies and direction of the WCB was placed with a Board of Governors. In discussing the possible makeup of a Board of Governors the Munroe Committee had commented as follows:

... the Committee gave consideration to a number of options - inspired by both existing models and by original submissions. One model would have the Board of Governors comprised solely of persons who are not representative of any particular groups or constituencies. Another model would confine membership to persons representative of labour and management. Yet another model would see government directly represented. Still another model would require that some members have medical, actuarial or other professional qualifications. A final model would acknowledge the predominant position of labour and management, but would argue for the inclusion of a limited number of lay or public interest members.¹²

The Committee recommended the final model listed above, and the legislation passed was consistent with this recommendation. The *Act* provided for a Board of Governors to be comprised of thirteen voting members, five who were "representative of workers" and five who were "representative of employers". Two governors were designated as "public interest" governors, and the thirteenth voting member of the Board was its Chairman. All governors were to be appointed by the Lieutenant Governor in Council.

The *Act* also provided for the appointment of a President and Chief Executive Officer to be responsible for implementing the policies of the Governors and administering the WCB. The Board of Governors was made responsible for appointing the President/CEO.

¹¹ Report and Recommendations to the Minister of Labour and Consumer Services by the Advisory Committee on the Structure of the Workers' Compensation System in British Columbia (October 31, 1988) 8 WCR 231, p. 233.

¹² *Ibid.*, p. 234.

The appellate functions were assigned to an Appeal Division which consisted of a Chief Appeal Commissioner appointed by the Governors and one or more Appeal Commissioners appointed by the Chief Appeal Commissioner.

The Munroe Committee Report had characterized the role of the Chief Appeal Commissioner to be “ to ensure the proper and expeditious discharge of the Workers’ Compensation Board’s quasi-judicial duties. ”¹³ The Committee was concerned, and the legislation reflects this concern, that, although the final level of appeal be carried out by a division of the WCB, these quasi-judicial duties should be performed at arms-length from the administrative and policy making duties. The Chief Appeal Commissioner and the President/CEO have no mutual reporting relationship, each being accountable solely to the Board of Governors.

3.10 Bill 63 (1993)

The question of how wide compulsory WCB coverage should extend was an issue when the first *Act* was created and continued to be the subject of presentations at each of the Royal Commissions. The original B.C. *Act* listed industries to which the *Act* applied and required compulsory coverage for all workers employed in those industries. The approach of those who had argued for broader coverage in the various Royal Commissions had been to seek to add industries to those covered by the *Act*.

However, in Bill 63 (1993), which took effect on January 1, 1994 the list of industries was extinguished and compulsory coverage was extended to all employers and workers in British Columbia except employers or workers exempted by order of the board. The Governors subsequently stated, through policy, that exemptions would be granted only to “ exceptional industries whose circumstances do not fit the purpose and intent of the Workers’ Compensation Act”.¹⁴ Few exemptions have been granted.

Bill 63 did not change the fact that the *Act*’s definition of a worker does not include self-employed, independent contractors. The WCB continues to provide optional protection to such members of the labour force who are not classified as workers and who are therefore not subject to the mandatory coverage provided by the *Act*.

The universal coverage which now exists in B.C. applies only to the compensatory scheme contained in the *Act*. As the result of court decisions based on constitutional arguments the WCB’s authority to enforce its health and safety provisions does not apply to companies which are characterized as federal undertakings. Federal undertakings are essentially those companies whose labour relations are governed by the Canada Labour Code e.g. federal government agencies, federally chartered companies. In addition, some provincial acts assign

¹³ Ibid., p. 237.

¹⁴ Governors’ Decision No. 60, 10 WCR 167.

responsibility for health and safety to other provincial agencies (e.g. elevating devices, provincial railways, mines).

3.11 The Korbin-O'Callaghan Report (1995)

In January 1995 the Minister of Skills, Training and Labour hired two management consultants (Patrick O'Callaghan and Judi Korbin) to review the structure and operations of the Board of Governors. The request was prompted by events which "had suggested that the governance system at the W.C.B. might be in jeopardy."¹⁵ The consultants were asked to provide a report and recommendations aimed at restoring confidence in the governance structure and improving the overall effectiveness of the Board. A final report was presented to the Minister on April 18, 1995.

The report concluded that one of the factors which interfered with the effective operation of the Board was that the ten governors representing workers and employers had been unable to rise above their particular representative interest with the results that contentious issues were not capable of resolution and a fractious Board resulted. The report made several recommendations intended to assist the Board to act in the best interests of the organization and stakeholders generally rather than to act solely or primarily as the equivalent of parliamentarians representing their respective constituencies. The conclusion of the consultants was:

With the goodwill and cooperation of all stakeholders and the implementation of our recommendations we believe that the current Governance system can function effectively for the benefit of all stakeholders.¹⁶

3.12 Bill 56 (1995)

The belief that the recommendations in the Korbin-O'Callaghan report would lead the governance system to function effectively turned out to be overly optimistic. On July 11, 1995 the President/CEO of the WCB tendered his resignation to the Minister of Labour, explaining that the ability of the WCB to achieve its long term strategies:

... is in jeopardy due to external attempts to intervene in operational matters that rightfully rest with management Unfortunately the Board of Governors is not sufficiently united in purpose to provide effective governance or voice support for its management team.¹⁷

¹⁵ The Workers' Compensation Board of British Columbia, Board Governance Review, Report and Recommendations, Patrick O'Callaghan and Judi Korbin (April 18, 1995) p. 4.

¹⁶ *Ibid.*, p. 32.

¹⁷ The Workers' Compensation System of British Columbia: Still in Transition, H. Allan Hunt, Peter S. Barth, Michael J. Leahy, W.E. Upjohn Institute for Employment Research, (1995) p. 16.

The Government's response to the letter of resignation was to pass Bill 56 - (1995). This Bill amended the *Act* to provide that the Lieutenant Governor in Council could appoint a panel of public administrators to discharge the functions of the Governors under the *Act*. This provision was immediately acted upon and the Board of Governors was dismissed and replaced by a Panel of Administrators. The President/CEO's resignation was not accepted and he continued in his position.

The *Act* provides that the Panel of Administrators shall consist of one or more persons appointed by the Lieutenant Governor in Council to discharge the powers, duties and functions of the Governors under the *Act*. The legislation provides that a member of a Panel of Administrators ceases to hold office 12 months from the date of appointment unless the Lieutenant-Governor in Council orders otherwise. The terms of the Administrators originally appointed in July, 1995 were extended in 1996 by Order of the Lieutenant Governor in Council.

3.13 Royal Commission Announcement (April 25, 1996)

The Government announced in the Throne Speech on April 25, 1996 that a Royal Commission to inquire into the workers' compensation system in British Columbia was to be appointed. The following Terms of Reference were passed by Order in Council on April 30, 1996.

1. To examine the statutory framework, mandate, structure, organization, and governance and administration of the British Columbia workers' compensation system in order to meet the needs of the people of British Columbia for a high quality public system that is equitable, effective and efficient in the context of changing workplaces and consistent with the underlying principles of workers' compensation in British Columbia, namely:
 - (a) accident prevention
 - (b) no-fault compensation
 - (c) collective employer liability
 - (d) industry funding
 - (e) universal coverage
 - (f) administrative adjudication.

2. To examine the process for the development and implementation of health and safety regulations and to provide recommendations for an efficient, timely process to establish and update these regulations appropriate to changing workplaces and work organizations into the 21st century and to examine the current statutory framework to ensure that appropriate legislation protects and promotes workplace health and safety including:

- (a) the need for a new health and safety statute, and
 - (b) the consolidation of regulatory jurisdictions.
3. To inquire into recurring and current issues pertaining to the operation and administration of the workers' compensation system, and without limiting the number, nature and scope of these issues, to include:
 - (a) benefits for fatality claims,
 - (b) other compensation matters,
 - (c) rehabilitation and re-employment matters,
 - (d) assessments,
 - (e) appeals, and
 - (f) organizational performance and service.
4. To examine the initial and follow-up administration inventories commissioned by the Workers' Compensation Board since 1991, including measures taken in response to those inventories.
5. To inquire into and hear representations from the public, workers, employers, representatives of workers and employers, and other interested parties on the matter set out in the terms of reference and any other related matters.
6. To report the findings and make recommendations on the matters included in these terms of reference and on any matters deemed by the Commission to be relevant and important.

4. Overview of the Operational Structure of the WCB

4.1 Governance

The Panel of Administrators is currently comprised of three Panel members and one Chair. The Panel is responsible for all the functions of the Governors including:

- setting policy;
- promulgating regulations;
- approving budgets;
- appointing the President and Chief Appeal Commissioner; and
- planning for the WCB's future.

The Policy and Regulation Development Bureau was created in January 1996 to advise the Panel of Administrators about policy and regulation development issues, and to develop proposals in accordance with priorities set by the Panel of Administrators. The Bureau reports directly to the Panel.

4.2 Administration

The WCB administration is organized into five divisions reporting to the President: Prevention, Compensation Services, Rehabilitation Services, Finance/Information Systems, and Human Resources/Corporate Planning. The President is also responsible for the Internal Ombudsman, Community Relations, Special Projects, Internal Audit, and the Legal Department. The total 1996 administrative budget is \$191.5 million.

4.2.1 Prevention

The WCB's jurisdiction over occupational safety and health flows from the terms of the *Workers Compensation Act* and the *Workplace Act* as well as other provincial and federal statutes and regulations. The WCB's prevention jurisdiction over certain industries is limited by provincial statutes which give jurisdiction to other agencies, and by the constitution and federal statutes that reserve jurisdiction to the federal government.

The Prevention Division is responsible for fulfilling the WCB's mandate to prevent occupational injuries and diseases. The Division assists employers and workers in fulfilling their responsibilities under the legislation and the health and safety regulations promulgated by the WCB. It does this by:

- investigating accidents;
- conducting inspections of workplaces;
- enforcing regulations through warning letters, penalty assessments, or closure orders, or prosecutions;
- providing information to industry, workers, and the general public;
- educating and consulting with employers and workers about regulations.

Except for minor changes, the Industrial Health and Safety regulations have been in place since 1978. Over the years attempts to update these regulations have been unsuccessful. In January, 1992 the former Board of Governors initiated another review of the Occupational Safety and Health regulations as a priority issue. This process is nearing completion under the direction of the Panel of Administrators.

A second administrative inventory of the WCB's prevention activities is currently underway. The first was completed in 1992 by Ashford Associates. It is anticipated that the results of this second inventory will be available shortly.

4.2.2 Compensation

The WCB is charged with responsibility to pay the benefits specified by the *Act* to injured workers, their dependants, and survivors. This responsibility is carried out

by the Compensation Services Division, which is the largest division within the WCB.

Compensation Services adjudicates claims for compensation, including determining eligibility under the *Act*, and the type and amount of compensation to be paid. To determine whether compensation is payable in a particular case, the Claims Adjudicator determines whether the claimant was employed under the terms of the *Act*, was injured in covered employment, whether the injury arose out of and in the course of that employment, whether the claimant is suffering from an occupational disease caused by his/her employment, and any other issues that might affect compensation. Medical Advisors are available to assist adjudicators in reaching these decisions.

Following acceptance of a claim, the Claims Adjudicator is responsible for determining the type and amount of compensation to be paid. This includes entitlement to wage-loss and health care benefits. Benefits are paid on the basis of 75% of average earnings at the time of the injury.

The Claims Adjudicator also has the responsibility to determine whether a claim should be referred to the Disability Awards Department for a permanent disability pension evaluation, or to Rehabilitation Services for clinical and/or vocational rehabilitation services.

4.2.3 Rehabilitation Services

The Rehabilitation Services Division consists of the Rehabilitation Centre, the Vocational Rehabilitation Department, the Medical Department, and the Psychology Department. The focus of the Division is clinical and vocational rehabilitation. The Medical Department also assists in the assessment of temporary and permanent disability.

The WCB's Rehabilitation Centre provides comprehensive physical and occupational therapy services, as well as physical conditioning programs. In addition to specialized units such as the Head Injury Unit and the Back Evaluation and Education program, the Centre has a Psychology Department, Occupational Rehabilitation Program, and Functional Evaluation Unit. The Centre also includes a residence which can house up to 195 workers who are receiving treatment at the Centre.

The Vocational Rehabilitation Services Department provides vocational assessment and planning, placement assistance, counseling, skill training, job readiness referrals, and employability assessments for disabled workers and dependants.

Referrals to vocational rehabilitation are made by WCB claims adjudicators, medical practitioners, unions, social service agencies, and claimants themselves. Referrals are made for claims where medical evidence indicates that the workers will experience difficulty in returning to the pre-injury employment and claims where the pre-injury employment is no longer available.

The Vocational Rehabilitation Services Department also has the responsibility of conducting “employability assessments” which are used by the Disability Awards Department when making permanent disability pension awards.

4.2.4 Finance

The WCB operates a “modified collective liability” system, where employers as a whole are responsible for the benefit payments and administrative costs of the system. For assessment purposes, businesses are grouped into 71 subclasses, depending on their similarity and cost experience. An assessment rate is established for each subclass on the basis of the subclass cost experience. The assessment rate is an amount per \$100.00 of payroll which actuaries estimate will cover the total year’s claims costs, including capitalized reserves for payments accruing in future years, arising from all the employers in the subclass.

The Experience Rated Assessment (ERA) system allows the rates of individual employers within a subclass to be further modified in accordance with the employer’s own claims cost experience. The intent of the ERA system is to encourage prevention of injury while promoting equity among employers.

The WCB employs a self-reporting system. Employers report their payrolls, and calculate and send in their WCB assessments on either a quarterly or annual basis. Audits are conducted to ensure that employers are meeting their reporting and remittance obligations. The audits are performed by Assessment Officers who examine a variety of financial, payroll and other records of registered firms to determine the accuracy of the information provided. The WCB has the authority to levy penalties on employers who fail to remit assessments or provide information related to payroll.

Management of the assessment and classification system is the responsibility of the Finance/Information Services Division. The Division also manages the WCB’s investment portfolio, tracks expenditures, and calculates actuarial liabilities.

The WCB recently initiated a comprehensive review of the classification and ERA systems. This review is ongoing.

4.3 Appeal Process

The current appeal system has been in place since June, 1991.

Section 90 of the *Workers Compensation Act* provides a right to appeal decisions made by officers of the WCB with respect to a worker. The appeal is to the Review Board. This is an external tribunal whose roots extend to legislation enacted in June 1974. Both workers and employers can appeal these decisions, although over 97% of the appeals are made by workers¹⁸.

The review may consist of a read and review or an oral hearing. Applicants can request the form of hearing but the final decision rests with the Review Board.

Review Board decisions can be appealed to the Appeal Division. The Appeal Division is an internal but independent division of the WCB, operating under the direction of the Chief Appeal Commissioner. It was established in 1991 by legislative amendment.

In addition to appeals from the Review Board, the Appeal Division also hears appeals by employers from decisions related to assessments and penalties for safety and health violations. Employers appeal these decisions directly to the Appeal Division. The right of appeal is restricted to errors of law or fact, or contravention of published policy of the Governors.

The WCB does not have the authority to reopen, rehear and redetermine decisions of the Appeal Division. Appeal Division decisions on individual claims can only be reopened, reheard and redetermined by the Appeal Division itself, and only in certain circumstances.

Although not described as an “appeal” in the *Act*, there is another component to the dispute resolution system. That is the Medical Review Panel process. In disputes over a medical issue which affects the right of a worker to compensation, a worker or an employer may request a review of a medical finding made by a WCB officer or by the Review Board. Such reviews can occur when a physician certifies that there is a bona fide medical dispute to be resolved and provides sufficient particulars to define the question in issue.

The Medical Review process requires examination of the worker by a panel of three doctors (including at least two specialists) who are then required to certify to the WCB as to their findings. The certificate of the panel is conclusive as to the matter certified and is binding on the WCB. If the Medical Review Panel does not uphold the medical finding on which the WCB’s decision has been made, the WCB must readjudicate in light of the new medical findings as certified to by the Medical Review Panel.

The Medical Review Department reports directly to the Panel of Administrators through the Medical Review Panel Registrar.

¹⁸ op cit, Hunt et al, p. 85, Between 1991 and 1994 only 420 of 17,739 appeals were launched by employers.

Number of Young Workers injured (time loss injury)	
Under 20 years of age	3,192
Age 20-24	7,614
Claimants with back strains (%)	25
Female Claimants (%)	24
Disallow and reject rate (%)	5
Workers receiving benefits within 17 days of injury (%)	52

6.3 Financial Statements

Balance Sheet As At June 30, 1996 (Unaudited)

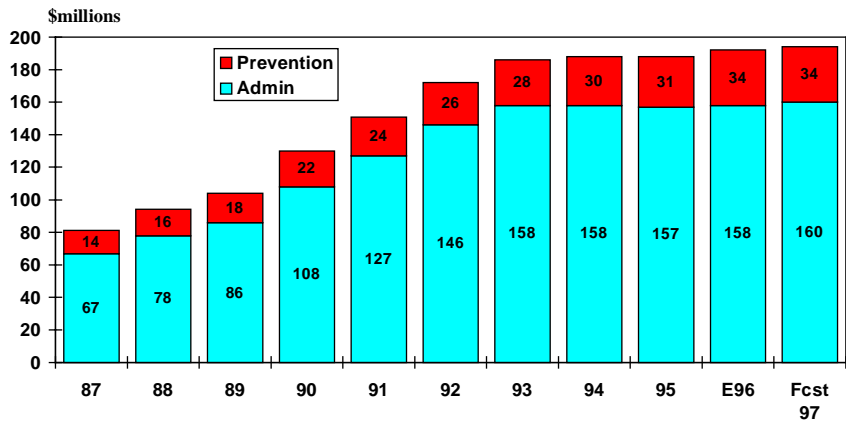
(\$ million)	June 30 1996	Dec 31 1995	June 30 1995
Assets			
Receivables	459.3	416.0	419.1
Portfolio Investments	5028.7	4757.1	4464.9
Capital Assets	90.5	93.6	89.4
	<u>5578.5</u>	<u>5266.7</u>	<u>4973.4</u>
Liabilities, Reserves and Unfunded Liability			
Payables and accruals	53.6	49.0	43.5
Benefits liabilities	5652.0	5413.2	5230.9
Total liabilities	5705.6	5462.2	5274.4
Special Reserves	40.0	40.0	40.0
Unfunded liability			
Opening balance	(235.5)	(317.7)	(317.7)
Add: surplus (deficiency)	68.4	82.2	(23.3)
Closing balance	<u>(167.1)</u>	<u>(235.5)</u>	<u>(341.0)</u>
	<u>5578.5</u>	<u>5266.7</u>	<u>4973.4</u>
Percent funded	98%	96%	94%

Statement of Operations and Unfunded Liability for the six months ended
(Unaudited)

(\$ million)	June 30 1996	June 30 1995
Income		
Assessments	536.3	495.7
Investments	219.2	191.8
	<u>745.5</u>	<u>687.5</u>
Expenses		
Claims costs:		
Short-term disability	133.9	156.0
Long-term disability	260.9	271.6
Survivor benefits	27.2	33.1
Health care	130.2	92.3
Rehabilitation	35.9	66.5
Total	<u>588.1</u>	<u>619.5</u>
Administration & Prevention:		
Administration	74.4	77.0
Prevention	14.6	14.3
Total	<u>89.0</u>	<u>91.3</u>
	<u>677.1</u>	<u>710.8</u>
Surplus (deficiency) from operations	68.4	(23.3)
Unfunded Liability - January 1	(235.5)	<u>(317.7)</u>
Unfunded Liability - June 30	<u>(167.1)</u>	(341.0)

Total Administration expenses are shown in the following chart:

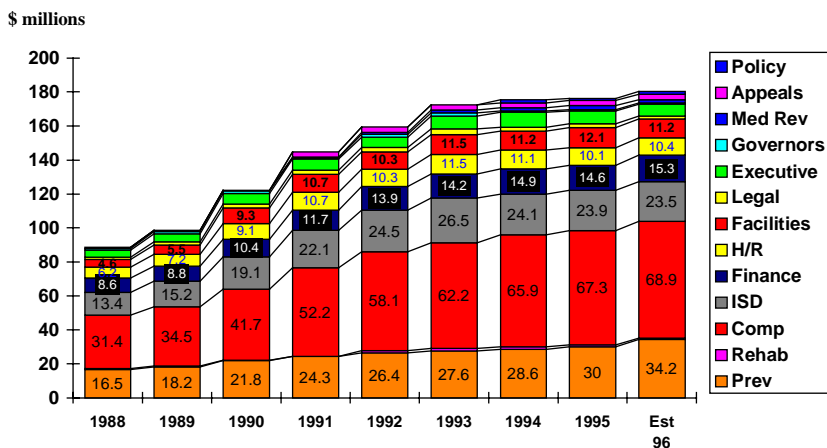
10 year total administration costs



The following chart excludes those costs that are administered by the Ministry of Labour:

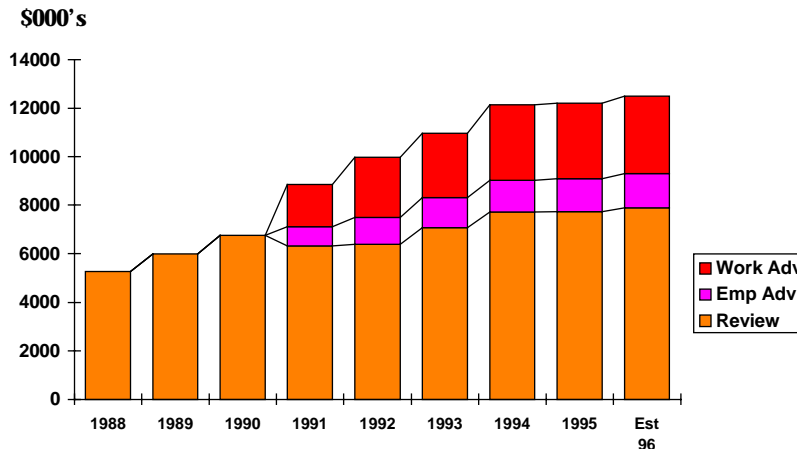
WCB Administration costs

Internal administration (excluding Advisors and Review Board)



Administrative costs of the Review Board and Worker and Employer Advisers:

 **WCB Administration costs**
external advisory & review board



7. Issues

The WCB's Policy and Regulation Development Bureau is preparing briefing documents on a number of issues falling within the Royal Commission's terms of reference. These documents will not include recommendations for resolution, or take a position with respect to the issues. They will provide:

- an outline of the source of the issue;
- a report on its current status;
- an overview of its history, including any consideration by past Royal Commissions;
- a discussion of the significant aspects of the issue;
- a comparison with approaches taken in other jurisdictions.

Where appropriate, the discussion will also include a list of options identified by stakeholders, WCB administration, and the Policy Bureau. The following is a list of the documents that will be prepared.

- A Comparison of Occupational Safety and Health Legislation.

This paper will review the occupational safety and health legislation in B.C.. Particular attention will be directed towards the statutory schemes in other Canadian and selected foreign jurisdictions as they relate to jurisdiction, administration, and regulatory development.

- Compensation and the Death of a Worker

This paper will discuss benefit levels for dependants of workers who have died as a result of occupational injury or disease.

- Problems Defining Who is a Worker

This paper will discuss the implications for the workers' compensation system of the fact that work is increasingly being performed in many industrial sectors by self-employed, independent operators who are not subject to the mandatory coverage provisions of the *Act*.

- Compensability of Chronic Stress and Chronic Pain

This paper will discuss the problems related to the adjudication of entitlement which results from the subjective nature of chronic stress and chronic pain.

- Recognition of Occupational Disease

This paper will review medical and legal issues related to the recognition by the WCB of diseases that arise out of and in the course of employment.

- Compensation Rate

In B.C. compensation is based on 75% of the worker's average earnings at the time of injury. Average earnings have been defined as the worker's gross earnings. Some jurisdictions have changed their compensation rate from "75% gross" to a percentage (often 90%) of the injured worker's net earnings (i.e. gross earnings minus deductions for income tax, CPP, and UIC). This paper will discuss the "gross" and "net" approaches with particular emphasis on the questions of equity and benefit levels.

- Benefit Stacking

This paper will discuss the question of whether benefits paid by other agencies for the effects of a compensable injury should be taken into account when determining the level of workers' compensation.

- Calculation of Average Earnings

Most benefit levels are related to a worker's "average earnings". Average earnings is a phrase that is broadly defined in the *Act* but which requires the WCB to develop policy and practices to apply the definition in the adjudication of individual claims. Many appeals relate to disputes about the determination of average earnings. This paper will discuss the issues and the process which began in 1991 for revising average earnings policy.

- Pensions

This paper will discuss the permanent disability pension system. The paper will review the definition of disability in the *Act*, and the method used to calculate the quantum of disability pensions, including the relationship of tariff based functional impairment pensions to actual loss of earnings pensions.

- Health Care Issues

The WCB provides health care to workers with occupational injuries or diseases. Under s. 21 of the *Act*, the WCB will pay for care and treatment furnished by physicians, hospitals, certain "qualified practitioners" and other treatment and service providers. This paper discusses the issues that arise in this area.

- Rehabilitation and Re-employment Matters

This paper will review issues related to WCB's vocational rehabilitation and return to work programs, and the movement in some jurisdictions towards having a statutorily mandated responsibility for employers to accommodate the return to work of injured workers.

- Classification and Experience Rating

This paper will discuss concerns about the current classification and experience rated assessment (ERA) systems. This paper will review the WCB strategy in responding to these concerns and discuss preliminary results of the assessment system review currently underway.

- Unfunded Liability

The *Act* requires the WCB to administer its accident fund on a fully funded basis. This means that in each year it is necessary to set aside capitalized reserves sufficient to meet the periodical payments of compensation occurring in future years in respect of all injuries which occur during the year in addition to collecting the funds to pay current year benefits. This paper will discuss why this model rather than the current costs model was chosen in B.C. It will discuss the WCB's record in maintaining a fully funded status; the problems related to accurately calculating the funded status; and the views of stakeholders regarding the relative importance of the issue of unfunded liability.

- The Appeal System

This paper will discuss the significance of the appeal system within a system which originally envisaged no formal rights of appeal because the WCB was given unlimited power to reconsider its own decisions. The paper will discuss the introduction of the various types of appeals into the B.C. system and issues which are currently the subject of some debate, including how many levels of appeal there should be, whether the final authority on appeal should be internal or external to the WCB, and the relationship between appeal decisions and Governors' policy.

- Form of Governance

This paper will review governance issues at the WCB, including events leading up to the passage of Bill 56 and the appointment of the Panel of Administrators who currently discharge the statutory powers, duties and functions of the Board of Governors. The paper will include a review of forms of governance in other jurisdictions.

- Disclosure Policies

This paper will discuss the impact of court decisions (related to the requirements of natural justice and administrative fairness) and legislative provisions (the *Freedom of Information and Protection of Privacy Act*) with respect to the confidentiality and disclosure practices of the WCB.

- Fishing Assessments

The WCB is funded by assessments paid by employers on the basis of payroll. An exception is made in the case of the fishing industry. Assessments are paid by the buyers of fish on the proceeds of sale. During the recent development of

health and safety regulations for the industry, the Board agreed to review the question who should pay assessments and how to deal with the situation where fish are sold outside of the province. This paper will look at the question of how the WCB should collect assessments from the fishing industry.

Detailed information about administrative issues facing the WCB is currently being compiled by WCB's operational divisions and will be available in the form of operational status reports. These status reports will include information about the WCB's *Strategic Plan*, the WCB response to the Administrative Inventories, and recent strategic initiatives undertaken by the WCB.

8. Resource Material

The following bibliography is a compilation of resources available through the WCB library.

8.1 Origins and Foundations of Workers' Compensation in British Columbia

Meredith, William Ralph. Interim Report on Laws Relating to the Liability of Employers to Make Compensation to their Employees for Injuries received in the course of their employment which are in force in other countries. Toronto, ON: L.K. Cameron, King's Printer, 1912. 733 pp.

Meredith, William Ralph. Final Report on Laws Relating to the Liability of Employers to Make Compensation to their Employees for Injuries received in the course of their employment which are in force in other countries. Toronto, ON: L.K. Cameron, King's Printer, 1913. 58 pp.

Pineo, Avard V., David Robertson, & Jas. H. McVety. Report of the Committee of Investigation on Workmen's Compensation Laws. Victoria, BC: William H. Cullin, King's Printer, 1916. 21 pp.

Coneybeer, Ian Tom. The Origins of Workmen's Compensation in British Columbia: State Theory and Law. M.A. Thesis, School of Criminology, Simon Fraser University, Burnaby, BC, 1990. 310 pp.

8.2 Royal Commissions on Workers' Compensation in British Columbia

Sloan, Gordon McG. Report of the Commissioner, the Honorable Mr. Justice Gordon McG. Sloan relating to The Workmen's Compensation Board. Victoria, BC: Charles F. Banfield, King's Printer, 1942. 245 pp.

Sloan, Gordon McG. *Proceedings, Workmen's Compensation Board Inquiry*, August 4, 1941. Typescript. 10 volumes. [WCB Library Archives].

Sloan, Gordon McG. Report of the Commissioner, the Hon. Gordon McG. Sloan, Chief Justice of British Columbia, relating to The Workmen's Compensation Act and Board. Victoria, BC: Don McDiarmid, Queen's Printer, 1952. 432 pp.

Sloan, Gordon McG. *Transcripts of Sessions, Workmen's Compensation Board of Inquiry, Honourable Gord McG. Sloan, Chief Justice*, November 7, 1949 - November 23, 1951. Typscript. 43 volumes. [WCB Library Archives].

Tysoe, Charles W. Commission of Inquiry, Workmen's Compensation Act: Report of the Commissioner, the Honourable Mr. Justice Charles W. Tysoe. Victoria, BC: A. Sutton, Queen's Printer, 1966. 451 pp.

Tysoe, Charles W. Commission of Inquiry, Workmen's Compensation Act: Report of the Commissioner, the Honourable Mr. Justice Charles W. Tysoe, 1964. Transcript. 7 volumes. [WCB Library Archives].

8.3 Related Publications

Anthony, R.J. & A.R. Lucas. *A Handbook on the Conduct of Public Inquiries in Canada*. Toronto: Butterworths, 1985. [Not available WCB Library; Available UBC Library]

Commissions of Inquiry: A Handbook on Operations. Ottawa: Ministry of Supply and Services Canada, 1983. [On order for WCB Library]

Law Reform Commission of Canada. *Commissions of Inquiry*, Working Paper #17. Ottawa: Ministry of Supply and Services Canada, 1977.

Pross, A.P., I. Christie & J.A. Yogis (Eds.). *Commissions of Inquiry*. Toronto: Carswell, 1990. [Available UBC Library]

Smith, J.R. & R.A. Patterson. Managing a Royal Commission: A Planning and Organization Model Derived from the Experience of the Royal Commission on National Passenger Transportation. Management Practices #7. Ottawa: Canadian Centre for Management Development, October 1994. [Available UBC Library; On order for WCB Library]

8.4 Studies & Reviews of the Workers' Compensation System in British Columbia

Deloitte & Touche. Workers' Compensation Board of British Columbia: Review of the Adjudication Function. [Vancouver, BC]: Deloitte & Touche, June 1992.

Eckler, Brown, Segal & Company. *Report on Actuarial Aspects of the Workers' Compensation Board of British Columbia*. [Vancouver, BC]: Eckler, Brown, Segal, 1976. 124 pp.

Fulton, Jane & John Atkinson. *Medical and Rehabilitation Programs in Workers' Compensation: An Administrative Inventory in British Columbia*. Ottawa, ON: The Health Group, May 1993. 163 pp.

Hunt, H. Allan. *Workers' Compensation Board of British Columbia: Assessment Department Administrative Inventory*. Kalamazoo, MI: W.E. Upjohn Institute for Employment Research, November 1992. 89 pp.

Hunt, H. Allan, Peter S. Barth & Michael J. Leahy. *Workers' Compensation in British Columbia: An Administrative Inventory at a Time of Transition*. Kalamazoo, MI: W.E. Upjohn Institute for Employment Research, November 1991. 171 pp.

Hunt, H. Allan, Peter S. Barth & Michael J. Leahy. *The Workers' Compensation System of British Columbia: Still in Transition*. Kalamazoo, MI: W.E. Upjohn Institute for Employment Research, 1996. 282 pp.

Munroe, Donald R. et al. *Report and Recommendations to the Minister of Labour and Consumer Services by the Advisory Committee on the Structure of the Workers' Compensation System of British Columbia*. Donald R. Munroe, QC, Barrister & Solicitor, Vancouver, BC, 1988. 31 pp.

Owen, Stephen. *Workers' Compensation System Study. Public Report No. 7*. Victoria, BC: Ombudsman of British Columbia, July 1987. 106 pp.

O'Callaghan, Patrick & Judi Korbin. *The Workers' Compensation Board of British Columbia Board Governance Review: Report and Recommendations*. Vancouver, BC: Patrick O'Callaghan & Associates, April 18, 1995. 38 pp.

Reid, Linda, Allan Warnke, & Ken Jones. *A Crisis in Leadership: The Workers' Compensation System in British Columbia*. Final Report of the B.C. Liberal Official Opposition WCB Review Panel. Victoria, BC: BC Liberals, November 1, 1994. 19 pp.

Rest, Kathleen M. & Nicholas A. Ashford. *Occupational Safety and Health in British Columbia: An Administrative Inventory*. Cambridge, MA: Ashford & Associates, October 1992. 264 pp.

Ross, P.S. *Review of Organization and Administration: Workers' Compensation Board of British Columbia*. Vancouver, BC: P.S. Ross & Partners, Management Consultants, 1976. 83 pp.

Sanderson, Susan. *Report of the B.C. Federation of Labour's Public Inquiry into the B.C. Workers' Compensation System*. [Vancouver, BC]: B.C. Federation of Labour, Occupational Health and Safety Committee, 1985. 105 pp.

8.5 Studies & Reviews of Workers' Compensation Systems in Other Canadian Jurisdictions

Aird, A.R., R.D. Johnston & Michael Starr. *The Administration of Workmen's Compensation in Ontario: Report of the Task Force/Workmen's Compensation Board*. Toronto, ON: Task Force, Workmen's Compensation Board, 1973. 117 pp.

Gardiner, Catherine, Edward MacNeil & John Guildford. *Workers' Compensation in Nova Scotia: The Turning Point*. Halifax, NS: Nova Scotia Ministerial Action Group, 1988. 75 pp.

Jackson, Cam. *New Directions for Workers' Compensation Reform: A Discussion Paper*. Toronto, ON: Government of Ontario, Minister Without Portfolio Responsible for Workers' Compensation Reform, January 1996. 52 pp.

Legge, B.J. *The Canadian System of Workmen's Compensation*. Toronto, ON: Ontario Workmen's Compensation Board, 1972.

MacLachlan, Letha J. *Workers' Compensation in the N.W.T.: Reports of the Review Committee*. Yellowknife, NT: Northwest Territories Workers' Compensation Board, 1986. 51 pp.

McGillivray, G.A. *Report of the Royal Commission in the Matter of The Workmen's Compensation Act*. Toronto, ON: Government of Ontario, 1967. 217 pp.

McKinnon, Alexander H. *Report, Workmen's Compensation Commission*. Halifax, NS: Government of Nova Scotia, December 1958. 193 pp.

Millard, Vern. *Report of the Task Force on the Workers' Compensation Board*. Edmonton, AB: Alberta Task Force on the Workers' Compensation Board, 1988.

Muir, A.J. *Report of the Workers' Compensation Act Review Committee*. Regina, SK: Saskatchewan Workers' Compensation Act Review Committee, 1986. 78 pp.

Roach, W.D. *Report on the Workmen's Compensation Act: Report of the Honourable Mr. Justice Roach, Commissioner appointed to inquire into and report upon, and to make recommendations regarding The Workmen's Compensation Act upon subjects other than detail administration*. Toronto, ON: Baptist Johnston, King's Printer, 1950. 125 pp.

Sorbara, Gregory. *Workers' Compensation Reform*. Toronto, ON: Ontario Ministry of Labour, 1988.

Weiler, Paul C. *Reshaping Workers' Compensation for Ontario: A Report submitted to Robert G. Elgie, Minister of Labour*. [Toronto, ON: Ministry of Labour], November 1980. 146 pp.

Woods Gordon. *A Review of the New Brunswick Workers' Compensation Board*. [Toronto, ON]: Woods Gordon, Management Consultants, 1987-1988. 3 volumes.

8.6 Research on Canadian Workers' Compensation Issues

Bogyo, Terrance J. *Long Term Disability Benefits: Horizontal and Vertical Equity in Workers' Compensation Pensions in British Columbia*. M.B.A. Research Paper, Executive M.B.A. Program, Simon Fraser University, 1994. 184 pp.

Chaklader, Anjan K. *The Impact of Royal Commissions on Public Policy: Workers' Compensation in British Columbia - 1941-1968*. M.A. Thesis, Department of History, University of British Columbia, 1992. 108 pp.

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Ison, Terence G. *Compensation Systems for Injury and Disease: The Policy Choices*. Toronto, ON: Butterworths, 1994.

Liberty International Canada. *Unfolding Change: Workers' Compensation in Canada*. Toronto, ON: Liberty International Canada Holdings Ltd., 1995. 5 vols.

Thomason, Terry & Richard P. Chaykowski (Eds). *Research in Canadian Workers' Compensation*. Kingston, ON: IRC Press, Industrial Relation Centre, Queen's University, 1995. 224 pp.

Thomason, Terry, Francois Vaillancourt, Terrance J. Bogyo & Andrew Stritch. *Chronic Stress: Workers' Compensation in the 1990s*. Toronto, ON: C.D. Howe Institute, 1995. 178 pp.

Vaillancourt, Francois. *The Financing of Workers' Compensation Boards in Canada, 1960-1990*. Toronto, ON: Canadian Tax Foundation, 1994. 214 pp.

8.7 Association of Workers' Compensation Boards of Canada Publications

The Association of Workers' Compensation Boards of Canada is comprised of all workers' compensation boards, commissions, and related agencies in Canadian jurisdictions. Based in Edmonton, Alberta, the AWCBC regularly produces relevant and timely publications to support the management and administration of workers' compensation systems in Canada. A selected list of titles is presented below.

Benefit Comparisons as of January 1, 1995.

Chronic Pain and Workers' Compensation. 1994.

Comparison of Canadian and United States Workers' Compensation Systems. 1993.

Comparison of Workers' Compensation Legislation in Canada. 1995.

Compensating for Occupational Disease in Canada. 1995/1996.

Occupational Stress: How Canadian Workers' Compensation Boards Handle Stress Claims. 1995/1996.

Workers' Compensation and Taxation. 1994.

Workers' Compensation Industry Classifications, Assessment Rates, and Experience Rating Programs in Canada. 1995.

8.8 Workers' Compensation Research Institute Publications

The Workers' Compensation Research Institute (WCRI) is a nonpartisan, not-for-profit research organization providing objective information about public policy issues involving workers' compensation systems. Located in Cambridge, Massachusetts, the Institute's publications help those interested in improving workers' compensation systems by providing new, objective, and empirical information that bears on crucial issues. The WCRI is particularly recognized for its series of Administrative Inventories of various state compensation systems (e.g., California, Michigan, Minnesota, New Jersey, New York, Pennsylvania, Washington, and others). A selected list of specialized publications follows:

Boden, Leslie I. *Medical Costs in Workers' Compensation: Trends and Interstate Comparisons.* 1989.

Boden, Leslie I., Susan M. Johnson & Joseph C.H. Smith. *Medical Cost Containment in Workers' Compensation: A National Inventory, 1991-1992.*

DeVol, Karen R. *Income Replacement for Short-term Disability: the Role of Workers' Compensation.* 1985.

Grannemann, Thomas W. (Ed.) *Review, Regulate or Reform? What Works to Control Workers' Compensation Medical Costs.* 1994.

Victor, Richard A. (Ed.) *Twenty-four-hour Coverage.* 1991.

Victor, Richard B. & Charles A. Fleischman. *Designing Benefit Structures for Temporary Disability: A Guide for Policymakers.* 2 volumes. 1989.

8.9 Internet Sites and Resources related to Workers' Compensation and Allied Agencies

Canadian Centre for Occupational Health & Safety (CCOHS)

URL <http://www.ccohs.ca/>

The CCOHS site offers information about their products and services, demonstrations of safety-related CD-ROM products, and a description of courses available from CCOHS. It also includes links to other sites as well as an extensive index to safety & health resources on the Internet.

Insurance Information Institute (III)

URL <http://www.iii.org/>

The III Internet service contains fulltext consumer brochures and reports, news releases, and access to the III catalogue.

National Council on Compensation Insurance (NCCI)

URL <http://bocaraton.com/ncci/>

For more than 70 years NCCI has been the largest information company serving the workers' compensation marketplace in the United States. NCCI services include: proof of coverage verification for state industrial commissions, customized analysis and exhibits on costs by classification and by state, administration of state-mandated programs (safety credits, managed care credits, premium adjustment programs, merit rating programs, 24-hour coverage pilot project), and data source for workers' compensation medical services by injury diagnosis. Their WWW site describes the NCCI organization, research and reference products, and online news bulletins. Recent examples of the latter include:

A Return-to-work Program Puts Employees and Costs in Their Proper Place.

Simple "Stress-Busters" Relieve Burnout, Workers Comp Costs.

Let Quality Process Compliment Your Workplace Safety Program.

Repetitive Stress Wanes When Employers Modify Workplace.

Occupational Safety and Health Administration (OSHA)

URL <http://www.osha.gov/>

The OSHA site contains information about the agency, publications, programs and services, software, statistics and data, standards and regulations, and links to related sites.

Workers' Compensation Board of Nova Scotia

URL <http://www.hypercomp.ns.ca/wcb/home.html>

The NS WCB homepage was the first Canadian workers' compensation board presence on the Internet. In addition to its mission statement and office addresses,

the site includes their Policy Manual, Act, Annual Report, Newsletter, Publications, and Research activities. As well, links are provided to related sites.

Workplace Health, Safety, and Compensation Commission of New Brunswick
URL <http://www.gov.nb.ca/whscc/>

The WHSCC site is relatively new, but contains the Commission's mission statement, benefits calculation examples, industry assessment rates, and news releases pertaining to the WHSCC. Addition of their 1995 Annual Report is currently under development.

8.10 Library Resources

The WCB library houses many of the documents noted in the previous sections and, through inter-library loans and databases can obtain or locate other resource material. A significant pamphlet collection and internet access with updated links to specific sites is also available.

For more information on WCB library resources, please contact:

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