

ITF (Industry Task Force) Association

Effecting positive change and ensuring sustainability of the workers' compensation system through the views of Alberta employers

Government Engagement

In follow-up to discussion at the November meeting, the ITF Association has written to Minister Jean outlining concerns regarding the WCB definition of egregious conduct and the lack of an oversight role with the repeal of the Fair Practices Office legislation. The Executive has requested a meeting to discuss these two proposed legislative changes in greater detail.

Access to Information

Following discussion at the subcommittee meeting in December, ITF requested a copy of the correspondence/opinions from the OIPC and WCB's internal counsel regarding employer claim file access. On January 19th we received copies of three Orders from OIPC regarding WCB's release of information (F2009-041, F2011-006 and F2013-52). WCB also indicated that subsequent conversations or interactions internally have been informal in nature, and they have not had further discussions with the OIPC on this matter.

All three decisions involved worker complaints about WCB disclosure of personal information to the employer, in addition to various other issues. All decisions describe a responsibility for the WCB to make a determination of relevancy prior to disclosing information to employers.

Order F2009-041 notes that section 147(3) requires the WCB to disclose only the information that is relevant to a matter under review or appeal, and in this case the WCB did not establish that it limited its disclosure in this way. The claim file in its entirety had been provided to the employer.

Order F2011-006 notes records provided to the date of accident employers consisted of correspondence from the worker, medical reports and invoices, memos from the special investigation unit, and documents relating to the worker's readiness to work. Although portions of the file had been redacted, almost the entirety of the claim file had been released. In this case, the Order noted that what was disclosed was relevant to the issues under appeal and disclosure did not contravene the Act.

Order F2013-52 noted the records provided by WCB only established that the WCB provided the claim file to the employer because the employer completed a Notice of Intention to Participate form for a hearing at the Appeals Commission, and a Request for Claim File Information

form. WCB indicated it was its standard practice to provide the entire claim file to an employer who had completed both forms. The Order noted disclosure in this case was not appropriate because relevance to the issue of appeal had not been demonstrated.

Options for advancing this issue are being explored.

Policy Consultation

Consultation is now open on Working Remotely (Policy 02-01, Part I, and Part II, Applications 1 to 3). The Policy Consultation Subcommittee has met to review the consultation document and a submission is being drafted for review by the membership. Consultation closes on March 6th but we have requested an extension to March 20th which would be after our next meeting.

Subcommittee Updates:

- **Industry Custom Pricing** – a meeting is scheduled for February 15th. The WCB will be providing an update on actions completed and a plan for moving forward in addressing issues identified as priorities.
- **Duration of Disability Working Group** – a meeting is scheduled for February 16th. The primary focus will be on discussing factors other than availability of modified work that are contributing to the increase in duration.
- **Psychological Injury Working Group** – a meeting will be scheduled in February. The agenda will include better defining “psychosocial barrier” as a work restriction, the 2022 year end stats, change management in the way these claims are to be handled, operationalizing the Cognitive Job Demands Analysis form and new processes, and a model whereby a claim is “paused” if there is a non-compensable barrier impacting return to work.

Upcoming ITF Association meetings

The next Guest Presentation webinar will be held on Thursday March 9th starting at 1:00. Confirmed topics will include the Appeals Commission quarterly update, an update from Dr. Cho on physician engagement. The third presenter is being confirmed.

The next quarterly membership is on Wednesday March 15th. This will be a hybrid in-person and virtual meeting. The in-person meeting is at Genesis Place in Airdrie.

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