



July 5, 2017

Pat Parenteau
Director, Policy Central Services
Ministry of Labour Relations and Workplace Safety
300 - 1870 Albert Street
Regina, SK S4P 4W1

Dear Ms. Parenteau:

RE: Workers' Compensation Board Governance and Appeals – Consultation Process

Thank you for extending us the opportunity to provide our input to this process outside of the original timelines. As well, thank you for undertaking to forward a copy of future invitations for consultation to our Saskatoon office, to the attention of Barb Cape (with cc to Shawna Colpitts, Director of Political Action & Education).

SEIU-West's contribution to the present consultation process is contained in the following letter. Our submission focuses on Recommendation 2 of the Committee of Review (COR) report (November 2016) regarding the modernization of Board structure.

SEIU-West recognizes the importance of continually seeking to improve the governance and appeals processes of the Workers' Compensation Board. In our respectful submission, however, the pursuit of improvement must be driven above all by the needs of the injured worker: to count as an improvement, changes in WCB structures or processes must smooth the injured worker's access to much needed benefits, by ensuring that the appeal process is as comprehensible and timely as possible.

During the lead up to the COR process in 2015 SEIU-West heard that there was pressure from some quarters in Saskatchewan to adopt the external, stand-alone WCB appeal tribunal model seen in provinces such as British Columbia. In our submission to the COR we argued strongly against adopting this model. Our research suggested that the Saskatchewan model, where Board members have both governance and appeal responsibilities, was the envy of many stakeholders in other provinces because of its relative informality, flexibility, and focus on the merits of the injured worker's case. The dual responsibilities, we submitted, gave Board members a broader, more holistic strategic perspective, allowing them to quickly identify and respond to problematic trends—as seen for example in the development of the Appeal Commissioner position to deal with a growing backlog of appeals. We submitted that moving

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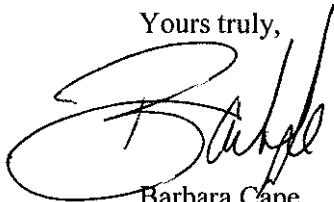
to the standalone tribunal model would inevitably result in a more expensive, adversarial and lawyer-dominated process focused on precedent instead of on the unique circumstances of the case. We submitted that the move to the BC model would make the workers' compensation system in Saskatchewan more intimidating and less accessible to injured workers. We therefore recommended retaining the "dual role" model, with an expansion of full-time board membership from three to five—as allowed for under the current *Workers Compensation Act*. We were pleased that the standalone tribunal model was not among the recommendations of the COR.

Having read and reflected on the COR's report, SEIU-West endorses COR Recommendation #2 as a principled, workable compromise of the various interests and issues at play. **We urge the government to immediately implement COR recommendation #2** and expand the Board structure to include seven members – three full-time members responsible for both governance and appeals and four part-time members responsible for governance only. As recommended by the COR, the expanded Board should have equal representation from both employer and employee groups.

SEIU-West does not support adding "public interest" representatives to the Board. This has the potential to undermine compliance with the Meredith Principles, which place the needs of injured workers at the forefront and assert that the Board should be independent from government. We wonder what the Ministry's motives are in raising this idea (which it does not define or discuss) at this late date, and giving it such prominence in a relatively brief and narrowly-focused consultation paper. The idea did not arise in the COR process, which included extensive public consultation. The information about it in the table on page 4 is seriously misleading: only the BC and Manitoba legislation speak of "public interest" representatives, and one of the three such representatives on the BC Board is the Chair; the other two are part of a complex system of functional representation not contemplated by the COR nor (we suspect) by the Ministry. The Saskatchewan government already has unlimited authority under s. 10 of the Act to appoint the WCB Chair.

Finally, as the COR identified, proper implementation of its Recommendation #2 will require both initial and ongoing investment. The COR reported that the current Board of three full-time members spends 90% of its time on appeals and 10% on governance matters. Clearly, merely adding four additional part-time Board members devoted exclusively to governance will on its own do very little to reduce the appeal backlog. Additional staff and other resources on the appeal side will be necessary. We urge the government to commit the resources needed to ensure that the expanded "hybrid" WCB results in sustained improvements to the WCB's response to the needs of injured workers.

Yours truly,



Barbara Cape
President
SEIU-West

BC/ajz USW 5917

cc: SEIU-West Worker Safety Committee
SEIU-West Executive Board