



March 2, 2018

WCB Policy Review

Transmitted via email mailbox.pd.policy@wcb.ab.ca

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RE: Code of Rights and Conduct; Obligation to Return Injured Workers to Work Policy 04-05 Part II; Estimating Earning Capacity Policy 04-04 Part II; Interim Relief Policy 01-10 Part II

The Alberta Construction Association appreciates the opportunity to provide input. With 3200 member firms and construction representing approximately 25% of WCB account holders, ACA places great importance on the opportunity to provide input.

ACA is also a member of the Industry Task Force. ACA's Safety / WCB Committee have had the opportunity to review ITF comments on WCB's proposed policy changes, and ACA endorses the ITF comments (attached).

ACA wishes to emphasize the following points:

Code of Conduct

The Code should clearly state that financial compensation will not be a potential remedy.

Return to Work

The new Return to Work obligations extend the WCB's mandate of returning an injured worker to employability to employment obligations with the existing employer, which seems to extend WCB beyond an insurance program and the obligations embodied in employer premiums.

The obligation is particularly challenging in construction's project-based industry, in which work frequency and location change dramatically. Approximately half of Alberta's construction workers are employed by employers with twenty employees or less, adding to the challenges of accommodation. Alberta's construction industry is concerned about the potential of "bonusing", in which the employment prospects for the returning injured worker are more favorable than is true for the other employees. ACA would support an exemption for firms of twenty employees or less.

The 3 day timeframe for employer's making and accepting an offer of reinstatement is too short given the challenges of receiving documentation from physicians, and in accommodating across different projects and work crews.



Estimating Earning Capacity

Significant changes to Employment Standards regarding banked overtime and averaging agreements, coupled with other regulatory changes to Occupational Health and Safety legislation and to the WCB (notably return to work) may foster new employment relationships in Alberta's construction industry. Estimating earning capacity based on previous "normal" periods of employment may require monitoring and adjustment.

Interim Relief

The process should ensure that the employer can make the WCB aware of any other sources of income available to the worker (eg. Sick leave, disability benefits).

Undue hardship for construction employers is more likely the impact on bidding arising from a lost time claim that may be overturned. ACA urges the WCB to provide interim relief by not including such claims until the appeal outcome has been determined. The WCB would need to develop clarity on what would be an "arguable" appeal with reasonable chance of success, and ACA would be pleased to review any such WCB proposals.

ACA does not support the proposal that "When interim relief is granted, a hearing must be held within two months". Once interim relief is granted, there is no financial urgency from the injured worker to be heard, and the two month limit creates an incentive for queue jumping.

Sincerely,

A handwritten signature in blue ink that reads "Paul Heyens".

Paul Heyens
Chairman

ITF comments attached