

## AWCBC Spring Meeting

Yukon

April 6/7 2022

Can you provide an update on the following items:

- **What are the current claim volumes in your jurisdiction? Have there been changes in recent years/ what do you attribute this to?**

No significant changes for January and February 2022 besides an increase in Jan/Feb. in regards to covid claims. This has been leveled out as predicted as the omicron wave has passed and health measures have been lifted. Yukon ended its state of emergency as of March 18, 2022. Reduction claim # as well as accepted and lost time claims for 2020 and 2021 are due to covid and the reduced workforce.

Year	open claims	claims	accepted claims	lost time claims
2015	3399	1226	1047	444
2016	3168	1226	977	454
2017	3004	1267	1045	488
2018	3240	1241	997	417
2019	2994	1190	1004	460
2020	2381	994	795	388
2021	2543	959	790	376

- **Have there been any recent significant legislation or policy changes? Or any coming up this year?**

Dec. 2, 2021- the New and modernized Act passed in the house and was ascended. Immediately effective were

1. CPP offset removed and
2. And expanded cancer presumption for fire fighters.

On July 1, 2022 the new, modernized Act- Workers Health and Safety Act, (combined prevention OHS and compensation) is coming into effect.

Act changes in regards to Claimant Services:

**1. Section 77(1) Definition of Work Related Injury**

A “work-related injury” is defined as an injury or death arising out and in the course of a workers employment resulting from:

- a) A chance event occasioned by a physical or natural cause,
- b) A willful and intentional act, not being the act of the worker
- c) A disablement, or
- d) An occupational disease,

**But does not include**

- e) Mental stress, or
- f) An injury resulting from any decision by the worker’s employer relating to the workers employment, including a change in the work to be performed or working conditions or promotion, transfer, demotion, lay-off, discipline, suspension or termination.

**2. Section 88(3) Date of Occupational Disease.** If a worker suffers from an occupational disease, the date of the work-related injury is deemed to be the earliest of the following dates:

- a) The date when the occupational disease results in a loss of earnings capacity
- b) The date when the occupational disease is diagnosed
- c) The date when the workers death is caused by the occupational disease.

**3. Section 109 “Retirement benefit”**

All eligible injured workers entitled to a retirement benefit, will receive a lump sum payout regardless of the amount, on the date in which they are eligible to apply for benefits under the *Old Age Security Act* and will no longer be required to purchase an annuity from an external investment company. Our policy will change and we will cover costs for an investment if the worker wants.

**4. Section 97(1) Partial Permanent Impairment (PPI).** All workers who suffers a partial permanent impairment as a result of their work-related injury, will be paid out in a lump sum.

**5. Section 102(2) Minimum Compensation**

If an injured workers’ earnings are equal to or less than the minimum compensation the worker will receive 100% of their gross pre-injury earnings they return to work part time (minus any gross earnings earned post injury)

**6. Section 118(2) Employer’s obligation to re-employ**

The obligation does not apply to the following person or bodies:

- (a) An employer who regularly employs fewer than 20 people
- (b) A person or body who is deemed to be an employer under subsection 79(2), (3) or (4)
- (c) Or any of the following workers
  - (i) A learner
  - (ii) A person who is designated under section 82 to be a worker employed by the Government of Yukon
  - (iii) A member of the legislative assembly
  - (iv) The mayor, if any, or councilor of a municipality
  - (v) A person who is deemed under subsection 79(1), (3) or (4) to be a worker
  - (vi) A director of a corporation
- (d) any other employer or worker that the board determines.

7. **Section 103(2) Duration of Loss of Earnings for Older Workers.** Eligible Injured workers who are aged 61 and older are entitled to loss of earnings benefits for a duration of up to 48 months.
8. **Section 119(1)(a)(Compensation payable on the death of a worker.** If a worker dies as a result of a work-related injury, the board must pay
  - (a) \$15,000 to the worker's spouse or, if there is no spouse, to the worker's estate; and
  - (b) The costs of transporting the body to the deceased's place of residence, if the residence is in Canada to a maximum amount determined by the board. No receipts are required for the \$15k. Receipts are required for the transportation of the body.
9. **CPP disability deductions from the workers average earnings.** When setting average earnings, the board will no longer subtract 50% of CPP disability benefits from the average earnings (comp amount) as this section will be revoked. **\*\* note this was updated in the current Act\*\***
10. **Section 153(3) Reconsideration and Appeals.** Once a worker has submitted a written request for a review of a decision, the board must reconsider the decision. The hearing officer(s) will now reconsider all board decisions including claims, assessment and OH&S. The time limit to request a review, is 1 year. Once the reconsideration decision has been issued, the worker has an additional 1 year to appeal the decision to the WCAT. Also if new evidence is submitted during the "reconsideration process" it will no longer need to be sent back to claims.
11. **Section 94(1) Firefighters Presumptions.** The board order for the listed diseases for firefighters will be revoked and replaced with regulations which will include the new cancers. Updating regulations is easier and more efficient if changes to the list of diseases is required in the. **\*\*\*note the current Act was updated to include more cancers\*\*\***
12. **Sections 95(1,2,3) PTSD Presumptions** - all workers when the worker:
  - (a) Is exposed to a traumatic event or events in the course of the worker's employment; and
  - (b) Is diagnosed with post-traumatic stress disorder by a psychologist or a psychologist,

The post-traumatic stress disorder is presumed to be a work-related injury unless the contrary is shown.

**EXCEPT** if the PTSD is a result of any decision by the worker's employer relating to the worker's employment, including a change in working conditions, promotion, transfer, demotion, lay-off, discipline, suspension or termination.

- 13 **Section 170(1) Offenses** A person commits an offense if the person:
  - (a) Contravenes or does not comply with a provision of this Act or the regulations. The Board will now have the ability to issue Administrative penalties rather than prosecute in court. The time frames to issue administrative penalties and prosecutions has changed.

- **What are the current challenges your organization is experiencing?**  
Resource management in terms of staffing as we needed backfill for Act review and implementation. The overlay of covid (work from home/hybrid) and changing mandates for working in the office and at home, isolation requirements when family members were exposed to covid is leading to burnout and feeling of overwhelm.

- **Are there any new initiatives your jurisdiction is undertaking?** No, Act change has been all consuming for the last two years.
  
- **COVID-19 update: volume, claim management, impact on RTW, treatment, other challenges?**

We experienced an increase in volume of covid claims after changes in public health measures. Those are not to be able to get a PCR test if symptomatic as there was declared community spread in mid-January. The workload for first entitlement tripled for 6 weeks.

**RTW-** Covid response units (scheduling, greeting public and crowd managing...) as well as assembling test kits for communities provided RTW opportunities for claimants with mental health and physical injury.
  
- **Psychological injury update: volume, claim management, impact on RTW, treatment, other challenges?**
- In 2021 we had 45 claims submitted with mental health injuries. 21 were accepted with 10 being claims for PTSD. Most of the claims that were denied fell under stress as normal pressure and tension of employment.
  
- **Working from home: are you continuing to WFH? What is your jurisdiction's short term/long term plans?**

A part time, hybrid model has come into effect after March 18, 2022 as emergency measures ended and working from home falls under a new and different directive. For Claimant Services the maximum time allowed to work from home is 50% to meet operational requirements.

This is outside of any accommodation or flexible work arrangements (short term). We have 3 out of 20 staff applying for permanent remote work request.