



Association of Workers' Compensation Boards of Canada
Association des commissions des accidents du travail du Canada

Jurisdictional Update Report

Date: May 2015

To: Compensation and Benefits Committee

From: NL

Committee Member: Craig Noseworthy

Committee Mandate	
	The AWCBC Compensation & Benefits Committee works collaboratively to share experiences, identify and improve claim-related outcomes and identify and action opportunities around operational, research and policy development initiatives.
Goals	
	1. To share jurisdictional experiences and knowledge
	2. To put before the committee, emerging issues that are deemed high priority, for consideration of planning
	3. To identify, plan, and carry out specific projects for the benefit of the committee members and their respective jurisdictions.
	4. To be available to other AWCBC / national committees to provide input and or partner with when requested.
	5. To provide feedback to AWCBC Executive when required or requested.

Objective	Activities	Target Date(s) /Status	Budget
<p>Repetitive Strain injuries</p>	<p>Repetitive strain injuries occur overtime as a result of repetitive activities in the workplace. The Worker’s report of injury and the employer’s report of injury assist in identifying these types of injuries. The forms ask the following question “did this injury happen overtime?”</p> <p>Adjudication process/best practices</p> <p>Once identified as an RSI, the adjudicator will contact the workplace parties to verify the injury.</p> <p>Questions for employers:</p> <ul style="list-style-type: none"> • What are the workers duties • Verification of hours of work • Any overtime worked in relation to the time of the claim being reported • Previous work station set-ups or ergonomic equipment supplied • Job site analysis available for job classification or specific to the worker’s job • Open link for the questionnaire: Non-Specific Incident Report - Employers <p>Questions for workers:</p> <ul style="list-style-type: none"> • A non-specific form is required to be filled out. Forms are either mailed or filled out by the adjudicator during their initial conversation. • Open link for the questionnaire: Non-Specific Incident Report - Workers <p>Following the discussions with the workplace parties, the information is compiled and the adjudicator may consult with the Commission’s Occupational Therapy consultant for an opinion of the diagnosis and how it relates to the work activities.</p> <p>Two policies used in the Adjudication process</p> <ul style="list-style-type: none"> • EN-19 “<i>Arising out of and in the course of employment</i>” <ul style="list-style-type: none"> ○ Open link: EN-19 - Arising Out of and in the Course of Employment 		

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	<ul style="list-style-type: none"> • EN-20 “<i>Weighing of evidence</i>” <ul style="list-style-type: none"> ○ Open link: EN-20 - Weighing Evidence <p>Successes</p> <p>The Early and Safe Return to Work (ESRTW) process begins as soon as the claim is registered and before a decision on compensability is made. The system will recognize the claim as a RSI injury and make a secondary referral to Case Management at the same time the file is being registered and sent to an adjudicator for an entitlement decision. The secondary referral will go to an ESRTW facilitator who will contact the workplace parties in an effort to start the ESRTW process as soon as possible following the work injury.</p> <p>Challenges</p> <p>The adjudication process is often lengthy as it’s not always clear as to whether the worker’s problems are related to the work environment.</p> <p>Challenges exist for case managers as return to pre-injury work is often prolonged or modifications/alternate work is required due to the repetitive nature of the work.</p> <p>See Attached <i>life cycle of a claim</i></p>		

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<p>Psychological Injuries</p>	<p>Mental Stress</p> <p>Compensation for mental stress is only considered where disability develops as an acute reaction to a sudden and unexpected traumatic event arising out of and in the course of the employment.</p> <p>Mental stress that develops gradually over time due to general workplace conditions, or stress that may be the result of an employer's decision or action relating to the employment of a worker including a decision to change the work to be performed or the working conditions, to conduct disciplinary or investigative processes, to discipline the worker, or to terminate the worker's employment, do not constitute an injury.</p> <p>Medical evidence from the treating physician must confirm mental stress resulting from the traumatic event (PTSD). The Commission may require medical confirmation under the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV) to substantiate ongoing entitlement.</p> <p>Reference policy <i>EN-18 Mental Stress</i></p> <ul style="list-style-type: none"> • Open link: EN-18 - Mental Stress <p>Mental Health Adjustment following a physical injury</p> <p>The Commission recognizes that some individuals experience adjustment difficulties following serious physical injuries or the onset of industrial disease. Such reactions may arise at any stage of the recovery process for these individuals. The Commission supports early intervention and necessary health care treatments for conditions of this kind affecting these injured workers.</p> <p>For those physical injuries which are not serious or life threatening, the Commission also recognizes that some individuals may experience temporary adjustment difficulties during the recovery period. Payment of compensation benefits solely to support mental health treatments will not usually exceed three months. However, the merits of each case are review when the case reaches three months.</p>		

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	<p>Reference policy <i>EN-06 Mental Health Adjustment Following Physical Injury</i>.</p> <ul style="list-style-type: none"> Open link: EN-06 - Mental Health Adjustment Following Physical Injury <p>Challenges</p> <p>Both types of psychological injuries presents return to work challenges. The case managers work closely with the workplace parties and the Commission's Health Care Consultants to ensure the worker receives the necessary treatment while facilitating recovery at work.</p>		
Quality Assurance	<p>Through the development of the claims management model, the Commission identified the need to have a QA framework. Much of the framework is based on research and discussions with other jurisdictions.</p> <p>Through the roll out of the Commission's quality assurance framework in 2015, the QA Team is providing increased oversight of the proper application of ESRTW KPIs and other critical elements of the Commission's claims management model that directly impact the success of the ESRTW program. The QA framework will allow for the monitoring and reporting on performance results in relation to established ESRTW KPIs, and the delivery of the ESRTW program, including the identification of performance gaps and recommend practical solutions that can be implemented toward improvement.</p> <p>Attached is the draft <i>QA framework</i> and an example of <i>QA oversight</i> that we are implementing in Q2 2015 for our 48 hour early intervention contact.</p>		
Return to Work	<p>The Commission's flag ship program for return to work is the ESRTW program. The main focus of the ESRTW program is to facilitate recovery while working. Going back to work may involve making changes to duties and/or the hours of work. It may also involve changes to the workplace such as acquiring equipment or other devices to assist with return to work. Communicating is critical during the ESRTW process and it is recommended that contact by the workplace parties occur weekly unless there is improvement or deterioration in the injury. If this happens, immediate contact should be</p>		

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	<p>made.</p> <p>The Commission provides return to work services and programs to an injured worker in the following sequence with the goal of which is to safely return the worker to employment or employability that is comparable to the pre-injury level as soon as possible.</p> <p>1. ESRTW</p> <ul style="list-style-type: none"> • All employers and workers are obligated under the WHSC Act to cooperate in the worker's early and safe return to suitable and available employment with the injury employer. This may involve modified work, ease back to regular work, transfer to an alternate job or trial work. <p>2. Re-employment obligation</p> <ul style="list-style-type: none"> • Employers who have a legislative duty to modify the workplace in order to accommodate the injured worker's return to the workplace are obligated to do so to the extent that it does not cause undue hardship for the employer. This may include work site/job modifications or on-the-job skills development for alternate work. <p>3. Labor Market Re-entry Assessment Plan</p> <ul style="list-style-type: none"> • In cases where the injury employer is unable to accommodate an injured worker or has been found to be non-cooperative in the ESRTW process, the Commission will facilitate a Labour Market Re-entry (LMR) assessment for the worker (including consideration of any transferable skills). Depending on the assessment, it could result in a plan involving: <ul style="list-style-type: none"> i. Employment readiness services ii. A return to work program with another employer iii. A training program iv. A self-employment venture <p>ESRTW Strategies:</p> <ul style="list-style-type: none"> • Early Intervention • ESRTW Facilitators 		

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	<ul style="list-style-type: none"> • RTW program Coordinator • Physician Resource and Education Program (PREP) • ESRTW Key Performance Indicators (KPI's) • Quality Assurance Framework • Team Reviews • Enhances ESRTW KPI and Management reporting • Revised ESRTW plan form and enhanced online functionality • Occupational Medicine initiative with Memorial University • Implementation of Disability Management Guidelines <p>See attached <i>strategies</i> for more details.</p> <p>Also, see the link http://www.whscc.nl.ca/policiesandprocedures.whscc for all the RTW policies and procedures under the Chapter <i>Return to work</i>.</p>		
<p>Non Diagnostic Conditions</p>	<p>The Commission may accept entitlement for chronic pain disability when it results from a work related injury and there is sufficient credible subjective and objective evidence establishing disability.</p> <p>The Commission defines chronic pain as pain whose characteristics are compatible with a compensable injury except that it persists for six or more months beyond the usual healing time for the injury. Chronic pain disability is the term used to describe the condition of a person whose chronic pain has resulted in marked life disruption.</p> <p>Reference policy EN-07 <i>Chronic Pain</i></p> <ul style="list-style-type: none"> • Open link: EN-07 - Chronic Pain 		

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