

IJA COORDINATORS' MEETING

September 28-29, 1998

**Hosted by the Workers' Compensation Board of Nova Scotia  
Sheraton Halifax Hotel  
1919 Upper Water Street  
Halifax, Nova Scotia**

**In Attendance**

Brenda Croucher, AWCBC  
Doug Mah, Alberta  
Curtis Forbes, Alberta  
Pam Cohen, British Columbia  
Jay Rowland, British Columbia  
Lori Ferguson Sain, Manitoba  
Richard Tingley, New Brunswick  
Sheila Lilles, Yukon  
Terry Brown, Saskatchewan

Sophie Genest, Quebec  
Katherine Crosbie, Newfoundland  
Trevor Alexander, Northwest Territories  
Natalie Smurthwaite, Ontario  
Terry Dunsford, Prince Edward Island  
Al MacNeil, Nova Scotia  
Janet Curry, Nova Scotia  
Nancy MacCready-Williams, Nova Scotia

**Chairperson:** Trevor Alexander, Northwest Territories

**Minutes:** Nancy MacCready-Williams, Nova Scotia

MINUTES

**INTRODUCTORY REMARKS**

- Welcome to IJA Coordinators Meeting.
- Review of general housekeeping matters.
- Review of Agenda items.

**1. REVIEW OF PREVIOUS MINUTES**

- Minutes from the prior meeting in Edmonton, Alberta, on April 6-7, 1998 were reviewed, with minor changes:
  - p. 2, Agenda Item #3—Sophie Genest does not work for the Alberta WCB.
  - p. 5, Agenda Item #10, Case Studies, b) Lent Employee—Add the province of Quebec to the provinces "Saskatchewan, Yukon, and Manitoba".

- p. 7, Agenda Item #14—Curtis Forbes advised that the issue regarding the limitation period should be added to the list of proposed amendments to the IJA submitted to the Heads of Delegation.
- The Minutes were accepted as amended.

**ACTION: Brenda Croucher (AWCBC) to add the limitation period issue to the list of proposed amendments to the IJA.**

## **2. BUSINESS ARISING FROM THE PREVIOUS MINUTES**

### ***A. PERFORMANCE MEASUREMENT MODEL***

- Trevor Alexander (NWT) circulated the IJA Committee Evaluation Framework. In 1999, Heads are expecting that an evaluation take place of the performance of both the IJA itself and the IJA Committee. For example, is the IJA implemented and doing what it is supposed to do? Is the IJA working and, if so, is it worth keeping? Is the IJA Committee resolving issues and generally carrying out its mandate? How effective is the IJA Committee in resolving issues, etc.?
- Considerable discussion ensued regarding the process for carrying out the evaluation. Brenda Croucher (AWCBC) recommended that an analyst measure how well the IJA Committee has done against the target/goals set out in the 1998 work plan, and if something is not measurable in this regard, to go to the six questions posed on pp. 2 and 3 of the Evaluation Framework. Members of the Committee then discussed the appropriate membership of the IJA Committee, along with whose opinion should be sought in terms of the effectiveness of the IJA Committee. For example, should the members of the Committee themselves be asked? How about those staff members responsible for administering the IJA in various jurisdictions? Workers? Employers?
- Trevor Alexander (NWT) advised that we must clarify the mandate of the Committee and that it will be difficult to measure the effectiveness of the IJA because his understanding is that not all jurisdictions have implemented the Agreement.

**ACTION: All IJA Coordinators to provide feedback to Trevor Alexander (NWT) on the Evaluation Framework document no later than November 30, 1998.**

### ***B. IJA WORKING DOCUMENT***

- Brenda Croucher (AWCBC) advised the IJA working document, was not a "legal" document nor an agreement. All jurisdictions are to review the working document for accuracy, particularly the attached appendices, and to submit an appendix, if necessary.
- There was discussion as to whether more than one appendix from the same jurisdiction should be consolidated. Further, it was recognized that only those jurisdictions who are unable to fully participate should require an appendix. Brenda Croucher (AWCBC)

confirmed that this was not an opportunity to add new restrictions, but rather an opportunity to come up with an up-to-date working document.

- Lori Ferguson Sain (MB) confirmed a typo in the appendix for New Brunswick (repetitive "stain" injuries). Curtis Forbes (AB) suggested only what is absolutely necessary should go in the IJA appendices, as reference to policy and statute limitations are already set out in the IJA.

**ACTION: All IJA Coordinators to confirm that their jurisdiction's appendix is up-to-date and reflective of their position. Any jurisdiction still wishing to submit an appendix must do so as soon as possible.**

**IJA Coordinators to give the AWCBC permission to release the working document externally.**

### **C. STATISTICAL DATA—INFORMATION**

- Jay Rowland (BC) provided up-to-date cost reimbursement statistics for the period January 1, 1998 to July 31, 1998. Trevor Alexander (NWT) confirmed that "0s" confirm no IJA experience/activity for the period in question, and "blank spaces" means that the information has not yet been received by the AWCBC.
- Curtis Forbes (AB) also provided up-to-date cost reimbursement statistics for the period in question. Trevor Alexander (NWT) suggested that the lack of activity in any particular jurisdiction is reflective of the fact that the IJA may not be implemented in that jurisdiction.
- Discussion then turned to the question as to whether invoices "received" are the same as invoices "processed" and the members of the Committee agreed that these two items really refer to two separate types of activities. Further, a suggestion was made that the cost reimbursement statistics form should be modified to reflect an additional column entitled "# of Invoices" under the heading "Invoices Received from Other Jurisdictions". Although we may want track the number of invoices processed for administrative purposes, the Heads would want statistics on the number of claims involved. For most jurisdictions, members of the Committee agreed that for many cases, "# of claims" = "# of invoices" due to the fact that because of workloads, many reimbursing jurisdictions are billed after the claim is closed, instead of having been billed on a quarterly basis.
- Curtis Forbes (AB) believes that from Alberta's perspective, the "# of invoices" is important because they wish to pay out capitalized amounts in order to keep administrative costs down. Katherine Crosbie (NF) advised that it was important to track the amount of money shifting between jurisdictions and the number of people (i.e. the number of claims) affected. Natalie Smurthwaite (ON) asked if it was possible for all jurisdictions to keep track of their administrative costs associated with administering the IJA. The members of the Committee agreed that it is not feasible to capture this type of data at this time.

**ACTION:** Curtis Forbes (AB) to revise the Cost Reimbursement Statistics Form by:

- (1) Adding a column entitled "# of Invoices Billed" under the heading "Invoices Billed to Other Jurisdictions"; and
- (2) Adding a column entitled "# of Invoices Received" under the heading "Invoices Received from Other Jurisdictions".

***D. SECTION 10.4—VERBAL UPDATE***

- Sophie Genest (QC) requested that this matter be moved to the next IJA meeting agenda.

**ACTION:** Brenda Croucher (AWCBC) to add this item to the agenda of the next IJA Coordinators' Meeting.

***E. UPDATE ON THE RECENT CFO MEETING—IJT***

- Brenda Croucher (AWCBC) confirmed that the CFOs recently met to discuss the Interjurisdictional Agreement on Trucking ("IJT") which is due to end on December 31, 1998. To date, the reimbursement issue remains on the table. Brenda Croucher (AWCBC) advised that as a result of their recent meeting, CFOs will recommend that jurisdictions continue with the current arrangement regarding the IJT, as the odds of another significant issue arising, other than the reimbursement issue, is minimal. In terms of resolving the reimbursement issue, there does not appear to be a consensus on any pooling recommendation, although Prince Edward Island, the Yukon, and Nova Scotia suggest they may be able to find a way to pay above the statutory limits, and are encouraged to do so.
- Discussion of the Committee then turned to whether it was appropriate for the CFOs to make a recommendation to the Heads on the IJT and whether this was more appropriately a matter for the IJA Coordinators Committee to address. Brenda Croucher (AWCBC) confirmed that the CFOs were told by the Heads to find a solution to the reimbursement issue and, therefore, it was appropriate for the CFOs to make a recommendation to continue with the IJT, as there has been no consensus in terms of finding an alternate solution. There is presently no link between the CFOs and the IJA Coordinators. The CFOs intend to make a recommendation to the Heads to continue with the status quo, as all Departments of Assessment have to be ready to roll effective January 1, 1999. Katherine Crosbie (NF) indicated concern in terms of the IJA Coordinators having remained silent on the issue of the IJT and questioned whether it would be appropriate for the IJA Committee to make some comment on the issue.
- Trevor Alexander (NT) provided background in terms of the history relating to the reimbursement issue. The IJA Committee was initially responsible for setting up the IJT Subcommittee to resolve the reimbursement issue. The IJT Subcommittee was not successful in resolving the issue, and the Heads then gave the reimbursement issue to the CFOs to address. As there has been no consensus in terms of a pooled

arrangement, the CFOs intend to recommend that the Heads continue with the status quo, which would then remove the CFOs from the discussion of the IJT. The IJA Coordinators are ultimately responsible for implementing the IJT and liaising with Client Services and Assessment personnel. Following the recommendation of the CFOs, the IJA Coordinators will be the only committee left.

- Lori Ferguson Sain (MB) suggested that the CFOs may still remain active in terms of the IJT as they are responsible for comparative reporting and statistics, etc. Curtis Forbes (AB) suggested that the CFOs recommendation should have come to the IJA Coordinators who then would be in a position to make a recommendation to the Heads. It appears that this feedback to the IJA Committee was missed.
- Lori Ferguson Sain (MB) suggested that the IJA remind the Heads "by way of a carefully crafted letter" that the IJA Committee is responsible for the IJT, and that requests with respect to the IJT should be funnelled through the IJA Committee; that the IJA Committee has been comfortable to date with trucking procedure in place; and that the IJA Committee supports the CFOs' recommendation to proceed with the status quo.
- Katherine Crosbie (NF) suggested that the IJA Committee should say something on the issue, since the Committee had disbanded the IJT Subcommittee that was charged with saying something.
- Brenda Croucher (AWCBC) suggested that the IJA Committee agree to the time frame within which the IJT will be continued. She suggested coordinating this with the end of the IJA on December 31, 2000.

**ACTION:** IJA Coordinators should consult with their respective CFO to determine ASAP as to whether there any problems with the IJT procedure continuing as is. Trevor Alexander (NWT) is to write to the President of the AWCBC to advise (a) it is the responsibility of the IJA Committee, not the CFOs, to resolve any disputes arising from the IJT; (b) the IJA Committee agrees with the CFOs' recommendation that the status quo be continued; and (c) the status quo be continued until December 31, 2000.

The IJA Coordinators are to speak to their respective Director of Assessments to confirm figures on alternate assessment procedures appended to Alfred Black's letter, and to bring this information to the next IJA Coordinators meeting.

### 3. BUSINESS ARISING OUT OF 1998 WORK PLAN

The IJA Coordinators agreed to merge the following two items:

3. A. *IDENTIFY AND ADDRESS ISSUES RELATING TO COST REIMBURSEMENT MECHANISM; AND*
4. D. *REIMBURSEMENT OF INTERNAL/EXTERNAL HEALTH CARE MEDICAL REPORTS.*

- Lori Ferguson Sain (MB) posed the question "what is reimburseable and what is not?". Terry Brown (SK) advised that there are two items that Manitoba for which Manitoba has requested reimbursement, and which have been refused by Saskatchewan. These relate to:

1. Legal fees on third party matters; and
2. Internal health care consultant reports.

The question is "*are they benefits in kind*"? Manitoba confirmed that they charge legal fees on third party matters to the claim file.

- Curtis Forbes (AB) confirmed that WCBs either pay medical advisors as employees or as consultants, but with the cost being applied to the claim file. In his opinion, the reimbursement of costs should involve all items that we would charge to employers, and that section 11 of the IJA refers to the case management of a claim, which is normally something that would not be requested through reimbursement.
- In Lori Ferguson-Sain's (MB) opinion, the focus should be on service and not on whether a service is provided in-house or externally. Should medical costs, including an externally-provided service, be reimbursed? Terry Brown (SK) indicated that in Saskatchewan, they cannot reimburse for in-house medical advisers paid as consultants and charged as a claim cost.
- Trevor Alexander (NWT) confirmed that this issue likely cannot be resolved, as some jurisdictions consider administrative costs as internal costs and others treat administrative costs differently. As section 11 of the IJA suggests that administration costs should be absorbed by all jurisdictions, only those out-of-pocket expenses should be the subject of a request for reimbursement.
- The IJA Committee agreed that if costs are billed to an employer and are thereby charged to the claim file, these costs can be requested from the reimbursing jurisdiction.
- With respect to legal costs, section 4 of the Reimbursement Guidelines prevents asking for reimbursement until the net actual cost to the adjudicating board is determined at settlement. There was a suggestion that jurisdictions should give the reimbursing WCB a "heads up" that they may be asking for legal costs down the road upon settlement.
- Lori Ferguson-Sain (MB) then spoke to a situation involving a request for cost relief, and questioned which jurisdiction—the reimbursing board ("the accident board") or the adjudicating board—ultimately decides the question of cost relief? Curtis Forbes (AB) questioned whether jurisdictions should be implementing cost relief under the IJA.

**Action:**            **The IJA Committee confirmed that a cost relief policy should not be applied by an adjudicating board, but rather is at the discretion of the reimbursing (accident) board.**

**Frankie LaFayette (AB) has already circulated letters on the issue of cost relief and how to communicate this to employers. Curtis Forbes (AB) is to amend these letters to confirm that the reimbursing WCB has discretion regarding cost relief matters.**

**B. IDENTIFY AND DISCUSS MECHANISMS TO ADDRESS SELF-INSURED EMPLOYER ISSUES**

- An example was raised in terms of the reimbursement guidelines and the issue of having a self-insured employer in one jurisdiction and the same employer considered not to have that self-insured status in another jurisdiction. If an employer was self-insured in Alberta, and not in Manitoba, and Manitoba requested reimbursement, Alberta would have to reimburse Manitoba, and those costs would be charged as claims costs. As a point of clarification, the IJA Committee agreed that self-insurers fall outside the IJA, and therefore GECA employers do not fall within the scope of the IJA. In terms of cost reimbursement, Appendix C applies unless the employer is self-insured in *both* jurisdictions.

**C. CLARIFY INTER-JURISDICTIONAL EXCLUSIONS AND QUALIFICATIONS WITH A TERM "NATURE OF EMPLOYMENT"**

- Sophie Genest (QB) gave an overview of a problem scenario and requested input from the IJA Coordinators.
- A worker employed with Employer A from Saskatchewan came to Quebec to provide assistance to Employer B for two days. The worker died in an accident in Quebec. Survivors benefits were claimed in Saskatchewan. Saskatchewan asked Quebec for reimbursement. The employer was established in both jurisdictions, but was not at all aware of each other's business. All assessments for the worker who died were paid in Saskatchewan. The worker had no relationship with the same employer in Quebec—the worker was employed with the Saskatchewan employer and provided service to Employer B for two days in Quebec, but was paid by the Saskatchewan employer. The same employer in Quebec had no idea that the worker came to Quebec from Saskatchewan for two days.
- Two questions were raised by this scenario:
  1. Should the Saskatchewan employer have paid two days of assessment premiums to Quebec for two days of work there?
  2. Should Quebec reimburse Saskatchewan?
- Ms. Genest confirmed that Quebec has denied the reimbursement request as Quebec would not have paid the claim.
- Discussion then ensued in terms of whether the worker was an "IJA" worker. Sophie Genest was of the opinion that the work must be truly interprovincial work in order for the IJA to apply, and this would depend on what each jurisdiction considers to be established employment. The definition of "worker" would be key.
- Trevor Alexander (NWT) suggested that a common ground is that if an employee was eligible for compensation in another jurisdiction, regardless of whether assessments were paid by that employer, perhaps then the IJA would apply. Katherine Crosbie, (NF) confirmed that the private insurance model is similar to the assessment IJT procedure,

where an employer pays in the home jurisdiction and then the home WCB pays actual costs, regardless of where the accident occurs.

- Curtis Forbes (AB) questioned whether coverage under the IJA should be so liberal so as to extend to anyone who comes into a jurisdiction, or should it be such that coverage extends to someone covered in your jurisdiction who leaves to go to another jurisdiction?
- The comment was made that the IJA does not match the premiums to the jurisdiction who pays the claim. Rather, the risk should be assumed by the accident province.
- The IJA Coordinators agree that in terms of whether a worker can claim in the jurisdiction where he/she was injured or killed, the answer is "if the worker can claim in the jurisdiction where he or she was injured or killed, and assessment premiums can be backdated, the IJA applies."

***D. DEVELOP STRATEGY TO COMMUNICATE THE BENEFITS OF THE IJA TO EMPLOYERS—DISCUSSION***

- It was noted that Alberta's letters in this regard were included in the last mail out.
- Trevor Alexander (NWT) advised that he is drafting a brochure on the IJA with the assistance of their Board's Director of Communications.

***E. NAFTA UPDATE***

- Katherine Crosbie (NF) confirmed that she will be circulating the survey distributed by the Committee for Labour Cooperation. It is a generic survey, and is qualitative, not quantitative. The survey is to assess the breadth of issues that need to be addressed, and the survey may be followed up with a statistical survey.
- A draft report will be generated as the working group is meeting in December, 1998 to look at preliminary results. The survey is really being driven in the U.S., given the scenario that Mexican workers are coming into the U.S. and looking for U.S. jobs, as the minimum wage rules are more lucrative in the U.S. as compared to Mexico.
- The working group for NAFTA, the Committee for Labour Cooperation, is producing a comparative study of Mexican, U.S. and Canadian workers' compensation law and is looking for an objective review of workers' compensation law in Canada.

**Action: IJA Coordinators should make sure that they have this survey and have completed the same.**



#### **F. REIMBURSEMENT OF CAPITALIZED COSTS**

- Curtis Forbes (AB) questioned whether in terms of permanent partial disability claims, what is capitalized and what is "cost incurred"? Should we be reimbursing on a lump sum basis or should we be reimbursing on a periodic basis (as costs incurred—quarterly or once a year)? In Alberta's opinion, the preferred route is to pay out in one lump sum and be done with it, as there are administrative concerns that an increased workload will be generated by periodic payments.
- The risk with Alberta's suggestion is that if money is paid out in a lump sum, the reimbursing jurisdiction may actually pay out more monies than the actual costs incurred.
- Terry Dunsford (PE) suggested that in a small jurisdiction like Prince Edward Island, the WCB would simply be unable to afford to pay out large sums such as \$500,000 at one time. Some agreement would have to be worked out.
- Lori Ferguson-Sain (MB) confirmed that Manitoba pays actual costs, not the capitalized value, and Terry Brown (SK) confirmed that Saskatchewan pays the capitalized amount. Curtis Forbes (AB) suggested that the risk should partner with the jurisdiction collecting the appropriate premium. The suggestion was made that the CFOs should agree on how jurisdictions capitalize their costs, as the statutory maximum plays a large role.
- Katherine Crosbie (NF) suggested that the rate would be the same whether you paid costs incurred or capitalized value, as there should be no difference in the employer's experience rating.
- Issues flowing from this discussion were as follows:
  1. Premium rates need to be allocated to the "right" WCB; and
  2. The administration associated with dealing with ongoing reimbursements flowing from periodic payments needs to be addressed.

**Action:** The IJA Coordinators are to submit Curtis Forbes' paper to their respective WCBs for feedback and to bring forward comments to the Spring, 1999 meeting.

#### **G. ALBERTA'S PROPOSED AMENDMENT TO THE "DEFINITION OF WORKER"**

- Doug Mah (AB) advised that a new strategic plan will change the direction of the Alberta WCB. The Board will be customizing products and providing more choice for employers in the province. For example, Alberta is looking at providing employers with the option of insuring the excess (above \$45,600) if requested, up to a total of \$125,000, and providing employers with coverage in other jurisdictions (Asia, South America, the former Soviet Union, etc.). In essence, the WCB of Alberta is looking at globalizing workers' compensation coverage.

- Doug Mah advised that Alberta is examining whether the IJA is the appropriate tool to take Alberta down this road.
- Alberta proposes redefining the definition of "worker" in Alberta, and is suggesting that other jurisdictions follow their example over a 3-5 year time line.
- There are four features to the proposed definition of "worker":
  1. A need to develop significant connectors between the worker and the home jurisdiction. This would limit who becomes a worker. Residency would not be a conclusive test, and there would have to be some other connectors.
  2. Coverage has to be portable—the worker's coverage travels with him or her.
  3. The worker would only qualify in his/her own home jurisdiction (no right of election).
  4. The definition of worker has to be harmonized across Canada.
- Doug Mah (AB) suggested that the result of jurisdictions following Alberta's lead in this regard and amending their respective definitions of "worker", would be that there would be no need for an IJA—if the IJA is intended to prevent workers from falling through the cracks and to ensure that there are no duplicate assessments, these two issues would be resolved by a new definition of "worker".
- Discussion then focussed on whether this kind of proposed change would promote litigation between provinces, and Doug Mah (AB) confirmed that 50% of the jurisdictions in Canada already have the motor vehicle exception in their third party rules, and this exception has not led to an additional increase in the number of law suits filed.
- Alberta is serving notice that it is exploring this issue, and in response to a question from Brenda Croucher (AWCBC), Doug Mah (AB), confirmed that this issue was "completely conceptual" at the time of the September, 1998 meeting.
- Dick Tingley (NB) suggested that jurisdictions would need to harmonize their workers' compensation statutory bars or immunity systems.
- Trevor Alexander (NWT) advised that workers will not like the fact that their right of election in higher-paying jurisdictions will be taken away.

**Action: Doug Mah (AB) is to prepare a paper on the issue and circulate it for discussion.**

#### **H. 1999 IJA WORK PLAN**

- Trevor Alexander confirmed that we are able to add items to the 1999 IJA Work plan and that a plan will be submitted by the IJA Coordinators to the Executive Committee of the AWCBC on January 15, 1999.

**Action:** All IJA Coordinators are to submit additional 1999 Work plan issues to Trevor Alexander no later than October 31, 1999.

**Brenda Croucher (AWCBC) to distribute list of proposed amendments to the IJA Committee so that a subcommittee of the IJA Coordinators Committee can be formed to draft the proposed amendments.**

**The IJA Coordinators are to develop a protocol for dealing with benefits in kind that will set out the expectations of how jurisdictions will deal with requests for the same. This item is to be added to the 1999 work plan.**

#### **4. NEW BUSINESS**

##### ***A. OCCUPATIONAL DISEASE CLAIMS EXPERIENCE***

- Manitoba reported that they may have a case that would fall under section 7 of the Amending Agreement and British Columbia advised that they have a possible claim in the works as well. Both claims involve carbon monoxide poisoning.

##### ***B. STATUS OF ONTARIO'S POSITION***

- Natalie Smurthwaite (ON) confirmed that Ontario is not agreeing to participate in the section 7 Amending Agreement until the Amending Agreement is amended. Discussion ensued in terms of whether there is any real risk to Ontario fully participating in the section 7 Amending Agreement due to the fact that there have only been two claims that have arisen since January 1, 1998.
- Natalie Smurthwaite (ON) agreed to promote the spirit of the Amending Agreement and confirmed that the IJA itself is supported by Ontario.

##### ***C. STATUS OF COMMUNICATION OF DISSOLUTION OF SUBCOMMITTEES***

- The concern is that some CFOs and Directors of Assessment Services do not know that the IJT working committee/group has been dissolved by the IJA Committee. The CFOs and Directors of Assessment Services are still encouraged to meet; however, their discussion of assessment matters is not to be reported through the IJA Coordinators.
- Brenda Croucher (AWCBC) advised that there is no need to formally set up a Director of Assessment Services Group reporting to the Heads of Delegation, as the group can remain informal to meet on an ad hoc basis, as does the WCB lawyers group. However, if an issue arises, the Heads can ask a particular working group to consider an issue, if necessary.

- Sophie Genest (QB) recommended that Trevor Alexander (NWT) send a "carefully crafted letter" to IJT members formally advising of the dissolution of the IJT working committee and thanking them for their input.

**ACTION: Trevor Alexander (NWT) to formally advise the IJT members that the IJT working subcommittee has been dissolved and to thank them for their input.**

***D. REIMBURSEMENT OF INTERNAL/EXTERNAL HEALTHCARE MEDICAL REPORTS***

- Merged with discussion under clause 3(a) on p. 5 of these Minutes.

***E. ADDITIONAL ITEM—ONTARIO'S ANNOUNCEMENT RE OUTSOURCING CASE MANAGEMENT SERVICES***

- Natalie Smurthwaite (ON) advised that effective October 5, 1998, and phased in up to December 1, 1998, Ontario will be outsourcing case management services. Claims adjudicators will take over some of the former caseworker (VR) services and will liaise between workers and employers. All services will be outsourced. The emphasis will be on employers have case management responsibility.
- This may have implications for "benefits in kind" pursuant to the IJA. In practice, Ontario would find a provider for a worker moving to Ontario and the other WCB would then liaise with this service provider. Perhaps there may be one individual at the WSIB who could act as a contact person. The adjudicating jurisdiction would still make the adjudication decision; however, Ontario will now *bill* for some services that other jurisdictions are providing free-of-charge.

***F. SOPHIE GENEST'S (QB) CASE STUDY***

- Sophie Genest (QB) discussed the following case scenario: A Quebec worker suffered an accident in New Brunswick on June 14, 1997. The worker claimed benefits in New Brunswick, and the claim was accepted. The worker received temporary benefits from June 15- July 8, 1997. In September, 1997, the worker claimed for a worsening of his condition and was denied further benefits by New Brunswick. In January, 1998, the worker again claimed a worsening of his condition, and again New Brunswick denied further benefits in February, 1998. In February, 1998, the worker requested that his claim be transferred to Quebec. In March, 1998, New Brunswick informed the worker that they could transfer his file to Quebec and close the file if the worker reimbursed New Brunswick all benefits paid to date. If benefits were denied by Quebec, the worker would be unable to have his claim reopened in New Brunswick, and the worker would not be reimbursed the benefits he was originally paid. It was only by chance that Sophie Genest (QB) learned of the file and the fact that the worker had already claimed in New Brunswick. Quebec denied the worker's claim and found that because the worker had accepted benefits in New Brunswick, there was a "deemed election" in New Brunswick. This finding has been appealed by the worker.

- The question raised by this scenario is does the worker have the right to "shop around" like this? If Quebec accepted the claim, would New Brunswick then be on the hook, as the accident jurisdiction, to reimburse Quebec? What is the effect of the election form being unsigned?
- The IJA Coordinators agreed that if a worker has a choice of jurisdictions in which to elect, the election form should be signed. If the form is signed, the worker should not have the ability to go elsewhere. It was recognized that in an effort to get cheques out the door as soon as possible, not all jurisdictions are having workers—who have a choice to elect—fill out an election form.
- The question was raised as to whether the completion of a report of accident form is a "deemed" election. What if a worker was not advised by the WCB that he/she had the right to elect?

**ACTION:       The IJA Coordinators agreed to add "prohibiting forum shopping" to the 1999 Work Plan.**

***G.   DATE AND PLACE OF THE SPRING, 1999 IJA COORDINATORS MEETING***

- Lori Ferguson-Sain (MB) kindly agreed to host the next IJA Coordinators meeting on April 26 and 27, 1999 in Winnipeg, Manitoba.