

IJA COORDINATORS' MEETING APPROVED

April 29 - 30, 1999

**Hosted by The Workers Compensation Board of Manitoba
333 Broadway
Winnipeg, Manitoba**

In Attendance:

Brenda Croucher, AWCBC	Jay Rowland, British Columbia
Trevor Alexander, Northwest Territories	Pam Cohen, British Columbia
Katherine Crosbie, Newfoundland	Ed Bates, British Columbia
Doug Mah, Alberta	Frankie Lafayette, Alberta
Terry Brown, Saskatchewan	Sheila Lilles, Yukon
Nancy MacCready-Williams, Nova Scotia	Jean Mercier, Quebec
Sophie Genest, Quebec	Lori Ferguson Sain, Manitoba
Terry Dunsford, Prince Edward Island	Lynne Hiebert, Manitoba

Regrets:

Natalie Smurthwaite, Ontario

Chairperson: Trevor Alexander, Northwest Territories

Minutes: Lynne Hiebert and Lori Ferguson Sain, Manitoba

Observer: Dale Sobcovitch, Northwest Territories

MINUTES

INTRODUCTORY REMARKS

- The Chair welcomed members to the IJA Coordinators Meeting.
- Review of general housekeeping matters.

1. REVIEW OF AGENDA ITEMS

- The Committee reviewed the Agenda and the following items were added:
 - 5(g) - Helicopter Association
 - 5(h) - C1.6 Benefits
 - 5(i) - C1.7 Election Forms
 - 6(d) - Forum Shopping

2. REVIEW OF PREVIOUS MINUTES

- Minutes from the prior meeting in Halifax, Nova Scotia, on September 28-29, 1998 were reviewed, with the following changes:
 - p. 5, Agenda item #2 - Trevor Alexander works for the Northwest Territories WCB.
 - p. 6, Agenda item #3 - If requested, Saskatchewan will reimburse only external costs that are billed to an employer and which are thereby charged to the claim file.
- Action items were reviewed and confirmed that they had been completed.
- The Minutes were accepted as amended.

3. PROPOSAL FOR A UNIFORM WORKERS' COMPENSATION LAW - DISCUSSION

- The summary of responses prepared by AWCBC was distributed and discussed. The consensus is that most jurisdictions either do not have the desire or the means to consider this proposal beyond a conceptual basis.
- Doug Mah (AB) advised that Alberta continues to support the principles behind the IJA. This proposal is not intended to prevent workers from going to other jurisdictions.
- The Committee discussed the desired course of action regarding this proposal. Trevor Alexander (NWT) indicated Mary Cameron has asked the Committee to discuss this issue and report to her on the next steps. Members discussed a response to Ms Cameron and it was agreed that we should continue working within the existing IJA. All jurisdictions have supported the IJA and have expressed an interest in working on the problems, which exist within the context of this Committee. The majority of jurisdictions, including Alberta, support continuation of the IJA and the Committee and believe that the benefits outweigh the problems that have been identified.
- Katherine Crosbie (NF) stated that differing definitions of "workers" in various jurisdictions could lead to more gaps in coverage.
- Doug Mah (AB) stated that the IJA does not create or extend coverage that comes from the legislation. Rather it is merely administrative. He advised that Alberta plans to extend coverage in furtherance of global compensation. It will not introduce a residency requirement.

ACTION: Lori Ferguson Sain (MB) to draft a letter to Mary Cameron summarizing the responses from each jurisdiction generally, by May 10, 1999. A draft of this letter will be circulated to all provinces before responding to the Heads of Delegation.

4. EXPIRY OF SECTION 7 AND APPENDIX E JANUARY 1, 2000 - DISCUSSION

- It was recognized that Section 7 and Appendix E expire on January 1, 2000, and the Heads of Delegation are looking for a recommendation on this issue.
- All jurisdictions present confirmed that they support continuation of Section 7 and Appendix E. It was noted that Section 7 does not apply in Ontario but that Ontario has not indicated whether it supports the continuation of Appendix E. Ontario's position will be solicited from Natalie Smurthwaite (ON).
- The discussion turned to which jurisdictions discount industrial disease exposure and when reimbursement would be sought. Frankie Lafayette (AB) stated that the Boards that actually discount occupational disease claims based on exposure are the Boards that have the most need for this agreement. She indicated that Alberta will pay 100% if they can establish any exposure, which could cause the condition in an industry in Alberta, except on hearing loss claims, which they do discount.
- Sophie Genest (QB) advised that if the exposure in Quebec is enough to cause the condition as it exists, Quebec will pay 100% and not seek reimbursement from other provinces, even if there has been exposure in other provinces.
- There was discussion about adding hearing loss to Section 7. Trevor Alexander (NWT) stated that Section 7 is the real problem with the agreement because each Board handles industrial disease claims differently. Until we determine why Section 7 has not been implemented, we cannot address the hearing loss issue. Sophie Genest (QB) expressed concern that since hearing loss represents the majority of claims with extraterritorial exposure, adding it to section 7 will require more staff to administer the agreement. Trevor Alexander (NWT) stated that we need to determine why we do not have very many Section 7 claims.
- A discussion ensued regarding whether all appendices should have the same expiry date. The response to the Heads only needs to deal with Section 7 and Appendix E. Trevor Alexander (NWT) suggested that Section 7 and Appendix E be extended for one year, until the expiration date of Appendix C. There was discussion about extending them for more than one year because the Committee would have to discuss this issue again next year, and employers need to know what is happening with this agreement. There was also discussion about having no expiry date on these appendices, or alternatively an extension of five years for all. It was suggested that it may be better to have different effective dates so that it is not necessary to evaluate all at the same time, however, having all different expiry dates may be confusing for outside stakeholders.
- Ed Bates (BC) indicated that BC has no difficulty in extending Section 7 for two to four years, but does not want Appendix C (Cost Reimbursement) tied with these extensions. Jay Rowland (BC) indicated that BC has employer groups expressing concerns about Appendix C and assessments.
- It was agreed that the Committee needs more time to evaluate the IJA and the appendices. Appendices C and E were established as pilot projects. We need to look at the problems and determine and evaluate how the Committee has been solving them.

- An important question is to what extent Section 7 has been implemented in each jurisdiction and whether there are barriers to implementation. Each jurisdiction present responded as follows:
 - ⇒ Terry Dunsford (PEI) advised that the majority of its industrial disease claims are for hearing loss. There is one adjudicator who deals with these claims and monitors whether there has been any interjurisdictional exposure. He indicated that other types of these claims really do not exist in PEI, given the nature of the workforce.
 - ⇒ Katherine Crosbie (NF) advised that Newfoundland looks for exposure in its jurisdiction. Newfoundland does not have a specific unit for occupational disease claims. Materials and the procedure manual have been circulated and NF tries to keep adjudicators aware of the IJA. Staff is trained to flag the issues and discuss them with legal counsel.
 - ⇒ Frankie Lafayette (AB) advised that Alberta has a group of individuals who are responsible for industrial disease claims. They did not have to change the procedure that was in place in order to implement the IJA. Claims that involve interjurisdictional exposure are referred to Frankie. Case managers and adjudicators need to be aware of the issues and be able to direct them to the person who deals with these claims.
 - ⇒ Sheila Lilles (YK) advised that they have trained all of the adjudicators on the IJA and are currently working through the backlog. Difficult issues that arise go to the manager who may bring it to Sheila. The occupational disease claims are handled by one person who is aware of Section 7 and how it works, but they have not yet seen a claim to which it applies.
 - ⇒ Sophie Genest (QB) advised that Quebec is in the process of putting together a manual to distribute to its 21 regional offices. One person in each branch is responsible for IJA issues and knows whom to call with any questions. In the future, there will be training at each branch. There is a problem identifying the exact number of claims, given the numbers of claims and adjudicators. Quebec believes there are more claims than identified in the statistics.
 - ⇒ Jay Rowland (BC) advised that British Columbia has a centralized occupational disease section that he manages. They have developed procedural guidelines on the adjudication of these types of claims with reference to Section 7. Staff have been notified to discuss interjurisdictional exposure claims with Pam Cohen. Pam Cohen (BC) stated that the problem for the larger Boards is recognizing these claims.
 - ⇒ Trevor Alexander (NWT) stated that they can only accept exposure in NWT for white hands and hearing loss but for other claims, NWT will accept 100%, with no reimbursement, if there is enough exposure in Canada. They have six people trained on the IJA.

- ⇒ Terry Brown (SK) advised that Saskatchewan has one person dealing with traumatic injuries. They use the procedure manual. They are waiting for their first Section 7 claim.
- ⇒ Lori Ferguson Sain (MB) advised that Section 7 has been fully implemented in Manitoba. Manitoba has an Occupational Disease Unit.
- ⇒ Nancy MacCready-Williams (NS) advised that Nova Scotia has an Occupational Disease Unit. The individuals in this unit have had some training and are aware of the IJA, but they usually consult with her. As their Board is small, they have no formal procedures or manuals. She also advised that their residency rules have changed again.
- Trevor Alexander (NWT) stated that it looks like Section 7 has been implemented. All provinces have some type of system in place to deal with these claim, if necessary. It does not look like any claims are falling through the cracks.

ACTION: Coordinators recommend to Heads of Delegation that Appendix C, Appendix E and Section 7 be extended to December 31, 2001.

5. ACTION ARISING OUT OF THE 1999 WORKPLAN

a.) Performance Measurement

Objective B1-B3 Evaluation Framework

- Trevor Alexander advised that as part of the evaluation of the IJA, Dale Sobcovitch has developed a questionnaire and wants to meet with each IJA Coordinator or have them fill out the questionnaire on their own, to determine how well the IJA has been implemented, staff has been trained and what barriers still exist. Dale will follow up with each Coordinator.

b.) Interjurisdictional Agreement

Objective C1.1. Working Document - Update

- Brenda Croucher (AWCBC) advised that Nova Scotia wishes to remove its Appendix from the Agreement. Prince Edward Island has requested the addition of a letter to its Appendix. Everyone present agreed to these changes.

c.) Interjurisdictional Agreement

Objective C1.2. Cost Reimbursement Statistics - Review

- Brenda Croucher (AWCBC) distributed statistics.
- Discussion turned to whether Committee wants to go with old or new format for capturing the statistics. Jay Rowland (BC) felt it would be confusing to change the format to tracking by invoice. British Columbia tracks claims and a claim may have more than one invoice. It would be hard to compare with past statistics and will require a lot of work to go back and change it now. He also stated that it is important to see the quantum of activity between jurisdictions. Doug Mah (AB)

stated that if the new format is more informative there is a reason to have it, but if old format does what the committee needs then we should continue to use it.

- Brenda Croucher (AWCBC) advised that there has been an increase in the implementation of Appendix C each year.
- Katherine Crosbie (NF) suggested that we could show the accrued outstanding balance at the end of the year without being as specific as the new format.
- The Committee agreed that the outstanding balances are not needed and that previous years' totals could be added as an extra line.

ACTION: The IJA Committee confirmed that there is no need for the outstanding balances and agreed that the Committee will go back to using the old format.

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d.) Interjurisdictional Agreement

Objective C1.3 Limitation Period - Discuss a Recommended Amendment

- Discussion turned to whether signatory Boards should consider implementing a limitation period for advising potential reimbursing boards of an IJA claim. Concerns were expressed that boards want to know about potential claims that may be coming. Some jurisdictions may not have fully implemented the IJA, and when they start sending out invoices, other boards may suddenly end up with a lot of requests for reimbursement. There is a concern to prevent "stockpiling" of old requests.
- Frankie Lafayette (AB) asked how a delay in seeking reimbursement would affect an employer's account as there is a concern that delays do not negatively affect employers' assessments. She suggested that as soon as the adjudicating board knows about a potential IJA claim, it should provide notice to the other board, then issue the reimbursement notice once the dollar figures come in.
- Lori Ferguson Sain (MB) provided an example where the request for reimbursement was submitted three years after the claim was paid. The paying board did reimburse and the employer's experience in that jurisdiction was charged in the year of reimbursement, with a resulting impact on the employer's assessment rate for that year. Therefore, this issue has a direct impact on employers.
- Terry Brown (SK) expressed concern that the limitation be worded very carefully so that the adjudicating board can still claim reimbursement of costs for recurrences where the costs exceed \$1,000 several years after the accident. Trevor Alexander (NWT) pointed out that claims are rarely under \$1000 and even less frequently do those claims under \$1000 dramatically increase many years later.
- The Committee discussed various proposals, including:
 - i.) A limitation which runs from the date that the costs of the claim reach \$1000.

- ii.) A one-year limitation from the date of the acceptance of the claim to give the other board notice and a two-year limitation from that date to submit the first invoice for reimbursement.
 - iii.) A provision that is worded such that in certain listed circumstances the limitation is waived.
 - iv.) A two-year limitation from the acceptance of the claim by which time the adjudicating board must notify the reimbursing board that a claim for reimbursement is likely.
- The Committee agreed that the limitation date should run two years from the date of the initial decision (acceptance) on the claim.

ACTION: The IJA Committee confirmed that the adjudicating board must provide some type of notice to the reimbursing board of a potential IJA claim within two years from the date of the acceptance of the claim.

***e.) Interjurisdictional Agreement
Objective C1.5 Clarify Capitalized Cost Reimbursement***

- The Committee discussed which boards had a position with respect to the capitalization of costs. The agreement provides that capitalization is available where both jurisdictions agree. British Columbia, Ontario, Saskatchewan, New Brunswick, Quebec and Manitoba pay costs as they are incurred. Doug Mah (AB) advised that the problem is really different methods of capitalization. Terry Dunsford (PEI) advised that employers do not understand this issue and stated that “pay as you go” is simpler. Frankie Lafayette (AB) advised that Alberta capitalizes full value at the time of billing.
- Trevor Alexander (NWT) suggested that this issue be passed on to the CFO’s to determine the best way to reimburse boards of the capital costs of a pension.
- Each Coordinator stated their board’s position on this issue as follows:
 - ⇒ Terry Dunsford (PEI) - pay as you go (costs as they are incurred)
 - ⇒ Frankie Lafayette (AB) - capitalize costs on pensions; will pay full value to other boards and willing to “mirror” other boards’ methods.
 - ⇒ Jay Rowland (BC) - Do capitalization; willing to pay costs as they occur on pensions that do not meet the lump sum criteria.
 - ⇒ Terry Brown (SK) - Do capitalization; will pay one-time reimbursement.
 - ⇒ Lori Ferguson Sain (MB) - costs as they occur.
 - ⇒ (ON) - costs as they occur.
 - ⇒ Katherine Crosbie (NF) - costs as they occur, same as BC on pensions.
 - ⇒ (NB) - costs as they occur.
 - ⇒ Nancy MacCready-Williams (NS) - will respond at later date.
 - ⇒ Trevor Alexander (NWT) - capitalized amounts, like AB will mirror other boards.
 - ⇒ Sheila Lilles (YK) - costs as they occur.
 - ⇒ Sophie Genest (QB) – costs as they are incurred and no capitalization.

f.) Objective C1.8 Development of IJA Brochure - Discussion

- The Committee discussed to whom a brochure would be given if one were developed. Brenda Croucher (AWCBC) advised that the intent was to provide the brochure to stakeholders. She receives about two calls each quarter on the IJA generally.
- There was discussion that employers are interested in cost reimbursement and avoidance of duplicate assessments. Workers are interested in elections. In addition, it would be useful to advertise cooperation among boards. It was agreed that the brochure should be aimed at workers and employers.

ACTION: Katherine Crosbie (NF) will develop IJA brochure and circulate draft text prior to the next IJA Coordinators meeting.

g.) Helicopter Association

- Trevor Alexander (NWT) advised that the Helicopter Association is interested in an appendix under the IJA like the Trucking Agreement. The Committee has previously been asked to consider a like appendix for the aviation industry.
- Brenda Croucher (AWCBC) advised that the Heads of Delegation resolved that the alternate assessment procedure would not be extended to new groups.
- Lori Ferguson Sain (MB) stated that there are a number of big industries that are interested in this type of initiative and the Committee needs to evaluate which assessment model is better. She advised that the Manitoba trucking industry supports the alternative assessment model. However, she is not sure whether MB would be willing to extend this model to other industries.
- Katherine Crosbie (NF) suggested that perhaps the Committee should be initiating this question by determining to what other industries this may be useful and doing a feasibility study. Trevor Alexander advised that assessment revenues and claims costs would be considered.

ACTION: IJA Coordinators to seek their boards' positions on possible extension of the alternate assessment procedure to other industries and report to the next IJA Coordinators Meeting.

g.) NAFTA Update

- Katherine Crosbie (NF) advised that the cross-border workers compensation working group (Committee for Labor Cooperation Secretariat) is preparing comparative documents on workers compensation systems and comments will be sought. A survey was done of American, Canadian and Mexican WCB administrators on cross border issues and a researcher reviewed the results. There are not a lot of problems with cross border issues. Most of the problems can be worked out and there is not much to do in this regard. The working group

is essentially finished except reviewing final documents. The responses from across Canada were relatively uniform.

- Katherine Crosbie (NF) suggested that major employers may have some concerns about assessments in connection with employees working in the U.S.
- The comparative study and results of questionnaire will be produced in the next year and must be approved by the federal governments of the U.S., Canada and Mexico.

ACTION: IJA Coordinators to advise their respective Departments of Labour about this comparative study to make them aware it will be coming forward for review in the next year.

6. ACTION ARISING OUT OF PREVIOUS MINUTES - SEPTEMBER 28 & 29, 1998

a.) Section 10.4 - Update

- This item was deleted from the Agenda.

b.) IJA Amendments Sub-committee - Discussion

- Brenda Croucher (AWCBC) has captured all amendments to the IJA on one page and an amending agreement must now be drafted. New expiry dates for the appendices will also be added to the list of amendments. Lori Ferguson Sain (MB) and Nancy MacCready-Williams (NS) volunteered to sit on this committee.
- Trevor Alexander advised that the Heads of Delegation will not open the IJA for discussion this year. A draft amending agreement should be prepared for consideration next year (one year).

ACTION: Lori Ferguson Sain and Nancy MacCready-Williams will prepare a draft amending agreement for consideration at the April, 2000 IJA Coordinators meeting.

c.) Benefits in Kind Protocol Discussion

- Pam Cohen (BC) advised that this issue arose from a claim referred to B.C in which the adjudicator from the requesting board requested services but did not also advise B.C. of the claimant's psychological problems. There is a need to provide sufficient information in connection with requests, including any security concerns.
- There was discussion whether a protocol was needed, and if so to whom should requests be communicated e.g. to IJA Coordinators or adjudicators. Pam Cohen (BC) advised that all that was really needed was for contact to be made between boards before the worker is contacted.
- Sophie Genest (QB) advised that in Quebec, benefits in kind requests are to be centralized through one person. Sophie is that person and she then refers the

request to the appropriate person and/or regional office. She advises that person to contact the other board before meeting with the claimant.

- Katherine Crosbie (NF) suggested that outgoing requests pass through one person. Lori Ferguson Sain (MB) recommended that person be the IJA Coordinator.
- The Committee agreed that there was no need to prepare a special form to deal with this issue but that better communication between boards is necessary.

ACTION: Benefits in Kind Protocol to be removed from the Workplan.

IJA Coordinators agreed that they will act as the contact persons for outgoing requests for benefits in kind.

d.) Forum Shopping

- Sophie Genest (QB) discussed the following scenario: A worker claimed in New Brunswick for an accident that happened there and the claim was accepted. The worker later claimed for a recurrence, which N.B. denied. The worker then tried to claim in Quebec for the problems he was having. Quebec took the position the claim could not be accepted because the worker had already claimed and was denied in New Brunswick. New Brunswick advised the worker that he could re-elect if the worker repaid the compensation and then he could claim in Quebec. No election form had been signed. Sophie Genest (QB) advised that if Quebec were to accept this claim, Quebec would seek reimbursement from New Brunswick as the accident jurisdiction.
- The Committee discussed whether a board must reimburse if the adjudicating board does not have an election form. Trevor Alexander (NWT) stated that if no election form is signed, there is no need to reimburse. Lori Ferguson Sain (MB) advised that under the Manitoba WCA, unless an election is signed, the worker is presumed not to have elected in Manitoba and is not entitled in Manitoba.
- Frankie Lafayette (AB) advised that Alberta only asks for an election where the worker is an Alberta resident and the injury occurs in another jurisdiction. Worker is deemed to have elected in injury jurisdiction if no election form is received. Doug Mah (AB) advised that if a worker has elected to claim in Alberta and later tries to recover in another jurisdiction, the Alberta legislation says that the money paid by Alberta board becomes a debt due and payable.
- Ed Bates (BC) stated that Canadian compensation laws contemplate that there may be more than one place to claim. The problem arises when the worker changes the election and what is the impact of that change on the second jurisdiction?
- Frankie Lafayette (AB) advised that there have been situations where claims have been transferred, for example, where the worker did not understand the impact of an election.

- Discussion turned to whether boards are providing adequate information to workers to make an informed election. Decision will be more likely to stand on appeal if full information has been given. It was agreed that jurisdictions are not required to inform workers of their rights in another jurisdiction.

ACTION: Brenda Croucher (AWCBC) to remove “Prohibiting Form Shopping” from the list of amendments.

7. NWT/NUNAVUT - IMPACT OF DIVISION

- Trevor Alexander (NWT) gave a presentation on the impact of the division of the territory. The overheads were copied and distributed after the meeting.
- Trevor Alexander (NWT) advised that when Nunavut came into existence, the issue was whether there would be a separate WCB for Nunavut. Currently, the operations continue as they have in the past but they are tracking costs between the jurisdictions based upon place of accident. They have one shared accident fund, one annual report and audit and one set of assessments. At anytime during this interim agreement, Nunavut request payment of its portion of the accident fund.
- On April 1, 1999 every piece of legislation in the NWT, including the WCA, was duplicated. There are now two ministers responsible for workers compensation. Neither can change legislation without the other’s approval.
- There is an interim agreement between the territories in place until December 31, 2000. If nothing happens in the interim, there will be two separate boards on January 1, 2003 and the transition will end on December 31, 2002.
- Trevor Alexander (NWT) advised that NWT reduced its assessments by 35% for the past two years, and has a surplus of \$70 million.
- Trevor Alexander (NWT) also reviewed the organizational structure. He advised that they have a training program in which they are trying to train the Inuit to take over their own government. Inuktituk is the predominant language of the Inuit people and translation could be an issue in the future. However, he expects that the person appointed as chairperson will be bilingual.
- A draft amending agreement to the IJA to include Nunavut has been circulated. There was agreement that the Amendment will be effective April 1, 1999, even though signed later.

ACTION: IJA Coordinators to recommend approval of the IJA Amending Agreement for Nunavut for signature by the Heads of Delegation in July, 1999.

8. INTERJURISDICTIONAL SUBROGATION - DISCUSSION

- This Item was discussed after item number four on the agenda. The Committee engaged in a discussion about whether the paying jurisdiction can force the adjudicating board to exercise its subrogation rights before reimbursement. It was agreed that adjudicating boards will put paying boards on notice that the adjudicating board will exercise its subrogation rights and then seek reimbursement for any shortfall.
- Alberta recently submitted a request for reimbursement and the paying board questioned the decision of Alberta's legal department not to pursue legal action. Pam Cohen (BC) advised that British Columbia's position is to honour the decision of the adjudicating board. Lori Ferguson Sain (MB) advised that Manitoba takes the same position as Alberta and BC: that the adjudicating board's decision whether to pursue legal action is final. Terry Brown (SK) suggested that it should be clear on the file why third party action is not being pursued.
- There was discussion about the fact that the problem arises where the adjudicating board looks at the file and determines that there is third party liability but allows its decision not to pursue legal action to be influenced by the fact that it can seek reimbursement from another jurisdiction. There was consensus that good faith on the part of the adjudicating board is presumed.
- There was also discussion whether the adjudicating board could assign its right of action to the reimbursing board. Ed Bates (BC) advised that while theoretically possible, this presented many problems.
- It was agreed that if the adjudicating board has determined that third party action will not be maintained for whatever reason, assuming good faith, the reimbursing Board ought to accept that decision.

ACTION: The Committee confirmed that the decision of an adjudicating board whether to pursue third party action is not open for reconsideration by the reimbursing board.

9. CASE STUDY - SECTION 7 - DISCUSSION

- Pam Cohen (BC) provided an overview of a case scenario. British Columbia has a Section 7 claim but the problem is recognizing them.
- The claimant had just moved to British Columbia less than one year before and was claiming for pneumoconiosis. There was limited B.C. exposure and approximately 80% of the exposure was in Ontario. Based on stipulations in the B.C. Act, the claim was not acceptable there. B.C. called Ontario to advise of the potential claim and that it was not acceptable in B.C. Assuming Ontario were participating in Section 7, could B.C. have been charged for not letting Ontario know about the claim in advance of the transfer?
- Frankie Lafayette (AB) stated from Alberta's perspective, reimbursement only comes into play in Section 7 when one board sends a claim it should have

accepted to another board. Otherwise they would just accept it and pay the claim.

10. CREATION OF SUMMARY SHEET FOR CLAIM REIMBURSEMENT REQUESTS - DISCUSSION

- Pam Cohen (BC) reminded the Committee that the reimbursing board is responsible for cost relief decisions. It is useful for the reimbursing board to know the adjudicating board's position as part of the background.
- Pam advised that the summary sheet is an adjudicative claim summary to let the adjudicating board know what is on file. It was suggested that the summary be attached as a checklist on the initial billing and on subsequent billings.

ACTION: IJA Coordinators to seek their jurisdiction's input whether a summary sheet should be created and provided on first billing and on subsequent billings and provide response at next IJA Coordinators Meeting.

11. OTHER BUSINESS

a.) Case Study

- Frankie Lafayette (AB) distributed a discussion paper about an example that arose during a training program. The issue concerns election forms. If there is no election obtained, can a claim for reimbursement be made? In the particular scenario, the adjudicating board neglected to obtain an election form when the claim was initially accepted and the worker could not later be located in order to sign an election. Is a reimbursement request precluded?
- Under the reimbursement guidelines in Appendix C, paragraph 9 talks about an election but does not deal with this issue. Frankie Lafayette (AB) advised that her interpretation is that where the home jurisdiction accepts a claim without an election form and the injury jurisdiction already has a claim, there is no reimbursement to the home jurisdiction.
- The Committee discussed whether the injury jurisdiction must reimburse where the home jurisdiction has a claim but no election form. Discussion then turned to the purpose of the election form. Katherine Crosbie (NF) advised that the purpose is to prevent the worker from claiming in more than one jurisdiction, not to notify the other jurisdiction of a possible request for reimbursement. Pam Cohen (BC) agreed. Trevor Alexander (NWT) stated that in practice, the form serves both purposes.
- Terry Brown (SK) suggested that the jurisdiction should try to locate the worker to notify him or her of the right of election, but if this is not possible, then there should still be reimbursement. Nancy MacCready-Williams (NS) indicated that it is not a question of what should be done: this situation is governed by the agreement and it must be followed. Doug Mah (AB) stated that the governing provision of the IJA is 1(a), which requires reimbursement in this situation. Pam

Cohen (BC) advised that British Columbia will proceed to pay the claim in question.

- Frankie Lafayette (AB) stated that if the election form is to be mandatory in order to seek reimbursement, this should be stated more clearly in the agreement. The discussion then turned to whether this should be added to the list of amendments. Some concern was raised about workers who may be out of time in another jurisdiction. Katherine Crosbie (NF) advised that they do not have a provision in their legislation requiring workers to sign election. The consensus was that the minutes reflect that the historical practice has been not to seek reimbursement without an election. However, the Committee agreed that absence of an election does not preclude reimbursement unless the worker has claimed in both places.

ACTION: IJA Coordinators confirmed that Boards will reimburse if no election form signed unless the worker has claimed in both places.

The IJA need not be amended in this regard.

b.) Should IJT be Included in Evaluation

- The Committee discussed whether the trucking procedure should be included in the evaluation. Sophie Genest (QB) advised that the CFO's have indicated that this issue is really with this Committee. Frankie Lafayette (AB) stated that the definition of "trucking" is causing some problems with implementing this agreement.

ACTION: To be discussed at the next meeting. Brenda Croucher (AWCBC) to send copy of old statistics to IJA Coordinators who will then discuss these statistics with their respective assessment personnel and report their jurisdiction's position at the next meeting.

c.) Chairperson

As there were no new volunteers, Trevor Alexander (NWT) agreed to continue as Chairperson.

12. NEXT MEETING DATE AND LOCATION

- The Committee agreed that Fall, 1999 IJA Coordinators Meeting will take place in Toronto, on Thursday, November 4, 1999 and Friday, November 5, 1999.

ACTION: Brenda Croucher (AWCBC) to book rooms in the Crowne Plaza Hotel.

Attachment: Summary sheet for initial reimbursement request.

INTERJURISDICTIONAL CLAIM SUMMARY

WORKER NAME: _____ ADDRESS: _____
BC CLAIM #: _____
_____ CLAIM #: _____
PLACE OF INJURY: _____
EMPLOYER: _____
ADDRESS: _____

INJURIES/CONDITIONS ACCEPTED:

INJURIES/CONDITIONS NOT ACCEPTED:

MECHANISM OF INJURY/DISEASE:

EARNINGS USED TO SET WAGE RATE(S):

WAGE RATE(S)(include dates of any changes & explanation):

MEDICAL SYNOPSIS:

BENEFITS PAID (include types of benefits & dates):

PRE-EXISTING CONDITION, DISEASE, DISABILITY:

RELEVANT PRIOR CLAIMS ISSUES:

RELIEF OF COSTS:

PENSION ISSUES:

APPEAL ISSUES:

EMPLOYMENT STATUS:

OTHER COMMENTS:

ACTION PLAN: