

**FINAL**

## **IJA COORDINATORS' MEETING**

**November 4 – 5, 1999**

**Held at the Workplace Safety & Insurance Board  
200 Front Street West  
Toronto, Ontario**

### **Participants:**

Brenda Croucher, AWCBC  
Trevor Alexander, NWT/Nunavut  
Jeff Myniely, NWT/Nunavut  
Frankie Lafayette, Alberta  
Sheila Lilles, Yukon  
Terry Brown, Saskatchewan  
Lori Ferguson-Sain, Manitoba  
Janet Curry, Nova Scotia

Donna Strong, Newfoundland  
Greg MacCallum, Prince Edward Island  
Sophie Genest, Quebec  
Pam Cohen, British Columbia  
Jay Rowland, British Columbia  
Richard Tingley, New Brunswick  
Serge Recchi, Ontario  
Nick Norvack, Ontario

**Meeting Chairs:** Trevor Alexander, NWT/Nunavut (Nov. 4<sup>th</sup>)  
Greg MacCallum, PEI (Nov. 5<sup>th</sup>)

**Minutes:** Brenda Shilling, Ontario

## **MINUTES**

### **Introduction:**

- The Chair welcomed his replacement, Jeff Myniely, to the IJA Co-ordinators' meeting. Jeff will represent the Northwest Territories/Nunavut. Everyone else introduced themselves.
- General housekeeping matters were discussed and agenda was reviewed.

### **Agenda Item #1 - Review of Agenda**

- It was agreed that Item #7, Case Studies, would be moved to the next day's agenda.

- The following were added to the agenda:
  - i) Yukon update on possible legislative changes (8.1)
  - ii) NWT & Nunavut's policy update (8.2)
  - iii) Helicopter Association (8.3)
  - iv) Case Summaries for Invoices (8.4)
  - v) Election of new IJAC Chair (8.5)

**Agenda Item #2 – Review of April 29 & 30, 1999 Minutes**

- Draft Minutes of the previous meeting in Winnipeg were reviewed and minor spelling and typographical errors were identified.
- Committee noted that several “action points” were essentially decisions that have already been or are in the process of being implemented and should be recorded as such.
- *Amended Minutes were adopted. Lori Ferguson-Sain indicated that Manitoba would provide an amended copy.*

**Agenda Item #3 – Action Arising out of April 29 & 30, 1999 Meeting**

3.a) Brochure to Communicate Benefits of IJA

- The brochure drafted by Newfoundland was reviewed.
- The Chair suggested a deadline for comments and a reply to Donna Strong (Nfld) directly by November 30, 1999. Once input has been incorporated into the next draft, the AWCBC will circulate another draft. AWCBC will be the designated contact body listed on the back.
- Quebec requested a French translation of the brochure.

**ACTION #1: AWCBC agreed to translate the IJA brochure into French. Submissions on proposed brochure are to be sent to Newfoundland preferably by November 30, 1999. Comments on second draft to be submitted by March 21, 2000.**

3.b) IJA Amendments – Status Report

- Manitoba reported that IJA draft amendments would be available for review before the next Co-ordinators' meeting. The amendments were described as "tinkering" with the IJA. The possibility of the Amending (Sub)-Committee proceeding with substantive amendments was raised. However, this cannot be done without the Heads of Delegation approval.

### 3.c) IJA Statistics January 1999 – June 1999

The partially completed IJA Cost Reimbursement spreadsheet was reviewed. The AWCBC advised that the table consisted of the provincial statistics submitted to date. The statistics from the other provinces will be added when submitted to the AWCBC.

- Chair requested statistics from non-reporting provinces.
- Newfoundland advised that it does not keep detailed statistics on claim refunds and payouts under the IJA.
- British Columbia reported that it has sophisticated computer systems to compile statistical information.
- Ontario submitted its annual statistics to the AWCBC and advised that it compiles IJA data annually rather than semi-annually. It also advised that Ontario did not capture detailed statistics or separate data for the AAP.
- Prince Edward Island reported that it keeps AAP-specific statistics.
- Alberta noted that there was an obligation under *Appendix E* of the IJA [clause 6.6] to segregate data related to the AAP.

There was discussion about whether it was feasible for each province to segregate AAP statistics using the same or similar format for all claims and about establishing a subcommittee to set out common definitions and study feasibility.

### **Agenda Item #4 – IJA Evaluation – Review of Responses and Report to HOD's**

The Workers' Compensation Board(s) of the Northwest Territories and Nunavut was commended and thanked for producing the IJA Evaluation Report. Each of the recommendations was discussed in turn.

### Recommendation #1 – Committee Minutes

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- It was agreed that to encourage full discussion, no reference to individual Committee members or provinces be included except where absolutely necessary or requested by the member/province for the record. Minutes should focus on capturing the gist of discussions.
  - AWCBC suggested that all decisions by consensus should clearly be set out in Minutes. It was agreed that it is not necessary to record personal names or reference to the province(s) except where necessary or requested.
  - Discussion arose about whether an IJA Co-ordinator has the authority to undertake or decide on behalf of his/her province and if the decision/undertaking is binding. The status of previous IJA Co-ordinators' "operational" decisions was also discussed. It was also requested that the documents have a reference date.

**ACTION #2: AWCBC will compile a summary of "operational decisions" made by the IJA Working Committee from 1993 forward.**

Recommendation #2 – Improve Timeliness

Discussion centered on the need for Committee members to work continuously on IJA issues and the objectives in the annual Workplan rather than simply during meetings.

- IJA Chair will attend the next Heads of Delegation meeting. They are definitely looking for more results. AWCBC will take minutes and distribute them within 30 days.
  - It was suggested that AWCBC be designated the permanent "minute-taker" to ensure continuity and allow Committee members to focus on individual responsibilities. There was no objection to this proposal.
- *There was agreement with the second recommendation to have a draft of the minutes circulated within 30 days of the meeting. It was also agreed to have the agenda distributed at least 30 days prior to the meeting.*

**ACTION #3: Ontario to submit draft Minutes of November 1999 IJA Co-ordinators' meeting to AWCBC for distribution within 30 days of the meeting.**

Recommendation #3 – Increase Reporting and Communication

- It was reported that quarterly reports were completed, and there was a brief discussion about that.
- *No objections to this recommendation.*

Recommendation #4 – Regular Reporting to Heads of Delegation

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It was noted that the new Chair would need to be available twice a year for the Heads of Delegation meetings.

➤ *No objections.*

#### Recommendation #5 – Formal Qualifications for IJAC Members

Discussion focused on whether it was necessary or desirable to institute formal qualifications for Committee membership. General understanding was that, because of the complexity and scope of IJA issues, no “perfectly” qualified individual existed. Consequently, no widespread endorsement of this recommendation emerged.

- There was suggestion that the fifth recommendation focus on expectations and outcomes from IJAC members rather than their qualifications.
- It was submitted that the fifth recommendation would be redundant if the first recommendation was successfully implemented.
- Recommendation to establish ad hoc committees of “experts” (people knowledgeable about legal or operational matters) rather than institute formal qualifications and that an opportunity be made available for them to meet when necessary.

**ACTION #4: Change gist of fifth recommendation to state that all IJAC members be fully prepared to participate rather than be “qualified”.**

#### Recommendations #6 & 11 – Sub-committee to Prepare Information Brochures

- The AWCBC receives a number of weekly inquiries about the IJA. Therefore, it would be useful to have information brochures available for public distribution.
  - It was observed that brochures (similar to the draft produced by Newfoundland) would probably be inadequate for WCB staff.
  - Caution was expressed about creating “too many” subcommittees.
- *Most IJAC members agreed to start with one general brochure for both workers and employers without subcommittees.*

**ACTION #5: First brochure to be completed by March 31, 2000.**

#### Recommendation #7 – Level of Participation by Each Province

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- Manitoba opposed recommendation “to establish a minimum level of participation required for continued involvement in the IJA”.
  - The provinces briefly discussed their respective implementation problems and the limits to “full” participation.
- *No consensus was reached on this recommendation.*

Recommendations # 8, 9 & 10 – Common Guidelines & Procedures for IJA Manual

- AWCBC suggested that because of legal, policy and other important differences that the manual be Board-specific.
  - Concern was expressed about the lack of resources to undertake such a project particularly noting the resources and effort expended to produce the s.7 manual on occupational diseases.
  - Alberta advised that it has prepared a Board-specific manual that was purchased by the Yukon WCB. It's availability and possible price is to be investigated by the Alberta representative. Yukon will also investigate making their manual available to other jurisdictions.
  - It was suggested that each jurisdiction be responsible for putting their own manual together because of the legislative and process differences between the jurisdictions and that jurisdictions share information when possible.
  - New Brunswick suggested that all Boards who have a manual share them with other IJAC members.
- *There was agreement to share manuals.*

**ACTION #6: Provinces with IJA guidelines, procedures and training material will share with have-not provinces.**

Recommendation 11 – Subcommittee to Produce Brochures

- *There was agreement to merge this recommendation with the sixth one regarding information*

Recommendations #12, 13 & 14 – Training

- It was suggested that each IJAC member be responsible for his/her own jurisdictional training.

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Discussion occurred about developing a “new members package” or binder to transfer knowledge and ensure continuity as IJAC members leave. The binder should be easy to update and preferably be stored with the IJA Co-ordinator.

- It was also suggested that the binder consist of six tabs including: “IJA”, “training tools”, “case studies”, “operational decisions”, “contact list” and “Minutes”.
- Quebec will send their procedure manual which is used as a training manual to AWCBC. Quebec’s manual will have to be translated into English. It was requested that excess material be removed before sending it.

There was discussion about whether it would be beneficial to segregate some of the subjects, specifically the case studies and training tools.

- ***Agreed. IJA training is the responsibility of individual Committee members who are expected to share training tools. A manual consisting of shared information will be compiled. The material can subsequently be tailored to fit individual Board needs.***

**ACTION #7: The Committee members are to share “training tools”.**

Recommendations #15, 16 & 17 - Data Collection

- Some support was expressed for the recommendation to establish a sub-committee to examine the possibility of collecting data using common templates.

There was discussion about what statistics are in fact necessary for comparison purposes and if the necessary information can be captured.

- Nova Scotia suggested including statistical summaries in the proposed binder.
- AWCBC recommended first developing common definitions for key statistics in order to ensure uniform data collection and measurement.
- It was suggested that participation rates are extremely low in some of the larger jurisdictions. Quebec reported that a lot of their employers participate in the AAP and offered to provide a sample of their brochures. The new draft will be circulated to members by January 31, 2000.
- Chair wants the Committee members to identify what information the group must possess in order to accurately and properly evaluate the IJA next year.
- ***Proposal by New Brunswick to form a sub-committee consisting of the new IJA Chair and representatives from Alberta and British Columbia to study the issue, define key terms and identify relevant data to be collected. There were no objections. Upon request, Nick Norvack, (Ont) volunteered to participate in the***

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*sub-committee's study. Also, no objection was voiced to the proposal that the sub-committee limit itself to examining AAP data and claim reimbursement.*

**ACTION #8: New Chair, Alberta and British Columbia are to study data collection issues and report findings by January 31, 2000.**

**Recommendations #19 & 20 - Issue Research & Case Studies**

- There was a suggestion to discuss topics of general interest and actively share information rather than formally assign research projects.
- Concern was expressed about limited resources in some jurisdictions to conduct comprehensive research.
- *No consensus was reached on Recommendations 19 and 20.*

**Recommendation #21 - "Expert" Guest speakers for Biannual Meetings**

Minimal discussion. No comments.

**Recommendation #22 - Mission Statement & Terms of Reference**

Discussion of past practice.

- New Brunswick stated that mission statement would mean "nothing" to injured workers.
- Quebec saw usefulness in adopting a mission statement as a reference point for IJA Committee's mandate and jurisdiction.
- It was noted that the purpose and intent of IJA was already set out in section 1 and a mission statement may have already been completed by previous IJA Coordinators.

**ACTION #9: AWCBC will review files for mission statement precedents and forward background (if any) to New Chair who will circulate relevant material to other IJAC members by January 31, 2000.**

**4.1 Other Matters Arising from Evaluation Report**

No other substantive issues were raised.

**Agenda Item #5 – Review and Update Status of Action Points in 1999 Workplan and Report to Executive Committee**



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Deadline for updating 1999 Work plan is January 15, 2000. The Chair is responsible for preparing and updating annual Work plans. The status of Objective D2 about the impact of NAFTA on workers' compensation in Canada was raised.

- Newfoundland reported that the comparative study was released on September 20, 1999. Many Committee members responded that they had not received a copy.
- *Committee notes that the NAFTA study was released and each provincial IJA Coordinator is to act as (s)he sees fits.*

### **Agenda Item #6 – Hearing Loss**

Noise-induced hearing loss is not covered by section 7 on occupational diseases.

- British Columbia circulated a chart describing the various provincial assessment methodologies, thresholds for benefit entitlement to workplace hearing loss, and associated impairment ratings for pension purposes. It concluded that because of significant jurisdictional differences, it would be impossible to establish reimbursement guidelines for hearing loss claims under Section 7 of the IJA. Inequities include:
  - Differences in testing methodologies
  - Differences in dB testing thresholds (audiometric frequencies used)
  - Difference in dB thresholds for compensability (minimum loss for pension)
  - Differences in use of noise factor ratings in evaluation of intensity of exposure and % of jurisdictional responsibility (complicating current method of using duration of exposure in each jurisdiction to determine reimbursement %)
  - Differences in applying a correction for age
  - Differences in % applied for tinnitus
  - Differences between impairment ratings for one ear or both ears

Consequently, BC advised that they will not participate in any extension of the reimbursement pilot to include hearing loss. BC strongly recommended that other jurisdictions take this discussion directly to their hearing loss department representatives for further confirmation that, if the committee were to pursue reimbursement, it would be a poor decision. BC indicated that such an undertaking would immediately require a staffing increase in each jurisdiction to handle the volume and complexity issues. BC further noted that in their opinion, given the volume of hearing loss claims activity in all jurisdictions, this is not likely to be a category of workers who “fall between the cracks”. BC recognized that, although current practices may not permit one-stop shopping (except in Quebec), these occupational diseases are being captured, and workers are being fairly compensated.

- Quebec stated that most multi-province hearing loss claims involve exposure in Quebec and Ontario. Since Quebec's legislation does not allow to prorate for exposure in other jurisdictions, this province will pay 100% of the benefits for

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hearing loss even if the worker was exposed in other jurisdictions, unless this worker already received some compensation from another Board for the same compensable disease. However, if reimbursement on hearing loss claims were enacted, it's possible that circumstances would be such that Quebec could then charge Ontario for its portion of any exposure sustained in Ontario. Clearly, the current practice is to Ontario's advantage, whereas a reimbursement scheme could place Ontario at a distinct disadvantage.

- Chair and other Committee members added that most of the conditions set out in Ontario's letter concerning section 7 to the other Heads of Delegation had been met.
- Ontario replied that its position has not changed. Unless all [6] conditions set out in the letter were met, it was very unlikely that it would reconsider opting into section 7. However, Ontario agreed to communicate the other IJAC members position and solicit the WSIB's position on the possibility, if any, of opting into section 7.

**ACTION #10: IJA Coordinator for Ontario to seek Board's position on possibility of reconsidering its position on section 7 of the IJA.**

### **Agenda Item #7 - Case Studies**

#### **7.1 Employer Cost Relief Appeal [BC]**

- British Columbia explained that its Appeals Division has determined that it has jurisdiction to hear an employer appeal regarding cost relief, on a claim administered by another province, but where BC accepted cost responsibility under the IJA.
- Ontario reported that its Appeals Tribunal is deciding a similar case about jurisdiction and will circulate the decision once released.

#### **7.2 Hearing Aids [BC]**

BC raised an issue where a worker received a pension from Ontario and BC. This is not a duplication of benefits as the pensions are pro-rated. However, the worker also sought hearing aids in both jurisdictions. It was agreed that this was a duplication of medical aid benefits.

#### **7.3 Cost Relief Rules [BC]**

British Columbia explained the facts. The case study was intended to establish that provinces have different rules regarding cost relief.

- No specific concerns were expressed about the results.
- New Brunswick discussed an important motor vehicle/workers' compensation court case which will likely be appealed. It will circulate the Appeal Court's decision when released.

#### **7.4 AAP Reimbursement Dispute [SASK]**

Saskatchewan explained the facts of the case. The assessing board (Alberta) took the position that they were not liable for reimbursement under AAP rules because the workers were not injured in their jurisdiction and Saskatchewan was not a party to the AAP. BC (the injury jurisdictions), did not reimburse Saskatchewan because that was not the assessing board. After discussion, it was determined that regular reimbursement rules apply when Saskatchewan is involved and the employer is part of the AAP in the other jurisdiction.

- It was agreed that normal reimbursement rules will apply.
- Manitoba submitted that normal non-AAP reimbursement rules apply in such cases.

Yukon noted that their participation in the AAP remains limited.

### **Agenda Item #8 – Other Business**

#### **8.1 Yukon Update on Possible Legislative Changes**

Yukon circulated a letter addressed to the AWCBC and other IJA Coordinators advising that Yukon will not amend its legislation to increase the ceiling on benefits.

Consequently, it cannot/will not reimburse another province under the IJA beyond its statutory limit. However, from a practical perspective Yukon noted that it has one of the highest ceilings in Canada (almost \$60,000) and therefore, to date, has never failed to fully reimburse another province despite the ceiling.

#### **8.2 NWT & Nunavut's Policy Update**

Chair reported that Nunavut's policy on white finger disease was amended effective November 1, 1999 to comply with section 7 of the IJA.

#### **8.3 Helicopter Association**

The Helicopter Association is interested in an IJA appendix similar to the alternative assessment procedure for the trucking industry. The Committee had also been previously asked to consider a similar arrangement for the airline industry.

- Quebec advised that it is interested in listening to the Helicopter Association's proposal but will not commit to pursuing the matter or participate in such an amendment to the IJA.
  - Prince Edward Island's position is similar to Quebec's. It wants to take a "wait and see" approach.
  - Manitoba noted jurisdictional, legislative and cross-border issues. For example, in some provinces, airlines and perhaps aviation in general, are self-insured employers who unlike trucking firms don't pay workplace insurance premiums. However, Manitoba is not opposed to considering industry specific proposals.
  - British Columbia indicated that Helicopter Association should submit a formal request on behalf of its members with a specific proposal.
  - New Brunswick noted that while the IJAC is not precluded from receiving proposals, the Heads of Delegation expressly resolved at one of their meeting not to extend AAP-type arrangement to new groups. Consequently, the resolution would have to be rescinded before any such IJA amendment can take place.
  - Ontario noted that reimbursement would be denied if the employer was not registered in their province at the time of injury. At least 3 of the larger jurisdictions that do business with Ontario voiced concern about this practice. It was noted that when employers are in a mandatory industry and/or would have been required to register in the jurisdiction where the injury occurred, it would be the responsibility of that jurisdiction to comply with the IJA and provide reimbursement. It was also noted that it is the responsibility of that jurisdiction to pursue assessment dollars from the employer, rather than suggesting that the adjudicating Board do so. Alberta offered the aid of their employer services department to Ontario, should they wish to utilize it.
- *General consensus that IJAC would listen to any formal proposal for AAP-like arrangements for other industries but will not necessarily act.*

#### **8.4 Case Summaries for Invoices**

- *Everyone agreed to send a case summary with the first invoice for a new IJA-related claim. However, noting that invoices must be submitted on a quarterly basis, the volume of IJA claims in some provinces, and the fact that in some provinces IJA claims are not centrally administered by one person, there was no consensus on whether an updated summary should be mailed with subsequent invoices.*

#### **8.5 Election of New Chair**

Greg MacCallum (PEI) was nominated and accepted the nomination. He was elected Chair.

- *New Chair of IJA Committee is Greg MacCallum of Prince Edward Island.*
- New Chair was congratulated by all and departing Chair Trevor Alexander was thanked for his valuable contribution to the Committee.

**Agenda Item #9 - Next Meeting**

- British Columbia volunteered to host the next meeting
- *Next meeting scheduled for April 13-14, 2000 in Richmond [Vancouver], BC.*

**Meeting Adjourned**