

**FINAL Minutes**  
IJA Meeting May 2, 2005  
Toronto, Ontario

Attendees

Carol Anne Duffy, Executive Sponsor, PEI  
Pam Cohen, Chair, BC  
Ed Bates, BC  
Bonnie Blakney, PEI  
Bruce Willis, Yukon  
Doug Mah, Alberta  
Terry Smith, Saskatchewan  
Cynthia Mendes, Ontario  
Jean Landry, New Brunswick  
Mike Triggs, Northwest Territories & Nunavut  
Donna Strong, Newfoundland  
Susan Taylor, Nova Scotia  
Lori Sain, Manitoba  
Pascale Goulet, Quebec  
Brenda Croucher, AWCBC

Attending for Specific Agenda Items

Maureen Mullen, Ontario  
Serge Recchi, Ontario  
Graham Smith, Ontario

**Welcome and Introductions**

The Chair, on behalf of the committee thanked Doug Mah for developing the draft terms of reference and Lori Sain for preparing the consolidated agreement.

**Review of Agenda**

The chair called for a review of the agenda for revisions, deletion or additions.

**Review of Previous Minutes**

The April 19, 2004 IJA Committee meeting minutes were reviewed and accepted as per suggested revision.

Moved: Lori Sain

Seconded: Jean Laundry

Minutes to be distributed to the Heads of Delegations

**Action: Brenda Croucher**

**Extension of Coverage for Tsunami Relief Workers**

Graham Smith advised that he had referred a worker to the Association who was requesting consideration of a coordinated national system that would provide workers' compensation coverage for relief workers drawn from the provinces/territories across

Canada. This request specifically relates to workers performing disaster relief work outside Canada.

**DECISION: A letter would be prepared on behalf of the IJA Committee advising the worker that worker compensation legislation and policy remains within each province/territories jurisdiction and therefore a recommendation regarding a “national system” would not be appropriate.**

**Action: Brenda Croucher**

### **Action Arising Out of Previous Minutes**

#### **a) Inclusion of Pilot Car Drivers in Interjurisdictional Agreement-Trucking**

Graham Smith provided background information to the committee with respect to consideration of including pilot car drivers in the Alternative Assessment Procedure (Appendix E) of the existing IJA. Further contact with the Ontario Trucking Association revealed that their rationale for non-inclusion of pilot cars related to these firms not being in the business of moving goods but are exclusively in the business of supplying pilot car drivers and vehicles.

#### **b) IJA Committee: Terms of Reference**

The Committee reviewed the draft Terms of Reference Document and suggested revisions were noted.

### **DECISION**

**Doug Mah would forward the revised Terms of Reference Document to Brenda Croucher for endorsement by the Executive Committee**

#### **c) IJA Consolidated Agreement**

The Committee reviewed the draft IJA Consolidated Agreement and suggested revisions were noted including revisions to section 9 and adding applicable effective dates for relevant sections. Lori Sain noted that there would also be further revisions required as a result of input from Quebec.

**DECISION: It was agreed that Appendix A –Extent of Participation, assumes that participation is subject to legislation and that limitations would document a jurisdictions partial or total withdrawal from the agreement. All jurisdictions except Nova Scotia and Yukon confirmed content of their respective appendices.**

**Action:**

**Yukon to forward Appendix A to Brenda Croucher**

**Action:**

**Nova Scotia to forward revised Appendix A to Brenda Croucher**

**Action:**

**Lori Sain to forward final consolidated agreement to Brenda Croucher**

**Action:**

**Brenda Croucher to prepare cover note to the consolidated agreement and forward to the Heads of Delegations for endorsement (no signatures) at their July 2005 meeting.**

**d) Dispute Resolution Mechanism (Case)**

Doug Mah outlined a case where a worker originally sustained a compensable injury in jurisdiction A, and at a point in the future, aggravated the injury in jurisdiction B. The worker was left without coverage when each of the two jurisdictions came to different conclusions regarding the recurrence. Jurisdiction A determined that the ongoing problems related to a significant aggravation that occurred as a result of work activities performed in jurisdiction B. Jurisdiction B determined that the aggravation was minor, and after a period of wage loss, remaining complaints were attributable to the original injury that occurred in jurisdiction A.

The questions posed included: (1) While recognizing that the worker has appeal rights in both jurisdictions, the question is whether the IJA dispute resolution mechanism could be invoked to settle the issue? (2) Is there a mechanism for one jurisdiction to pay on a “without prejudice” basis, pending the outcome of dispute resolution?

Discussion took place regarding the impacts that conflicting medical evidence among jurisdictions has on the acceptance of claims. It was noted that legislative limitations must be considered first and kept separate from issues that may require use of the dispute resolution mechanism. Jurisdictions must also have regard for the occupational disease reimbursement process i.e. Section 7.3 and 7.4

The importance of ensuring that the adjudicating board has confirmed the reimbursing board’s acceptance of a claim prior to proceeding with an interjurisdictional claim was stressed.

**DECISION: It was agreed that discussion should take place among respective IJA coordinators prior to confirming a decision in claims that are under dispute. Where there are disputes (e.g. conflicting medical opinion), a 3<sup>rd</sup> Board could be asked to intervene and have a medical opinion provided. Although legally non-binding, both Boards would first have to agree on the 3<sup>rd</sup> party, and then to abide by the determination.**

**IJA Cost Reimbursement and APP Statistics**

The 2004 Cost Reimbursement and Alternative Assessment Procedure Statistics were reviewed by the committee.

**Administrative Issues**

**a) Amending the Cost Reimbursement Form**

It was requested that consideration be given to replacing the “total number of claims” column to “total number of invoices” on the IJA Cost Reimbursement Statistical form.

**DECISION: It was agreed that the IJA Cost Reimbursement Statistical form would not be revised as the current format assists with establishing the number of IJA claims.**

**b) Reimbursement Billing Practices**

It was requested that a practice be established for repeat billings on cost reimbursement requests.

**DECISION: It was agreed that ongoing (not recurrence) requests for reimbursement may be rejected if not received two years after the date of the last reimbursement.**

**c) Cost Reimbursement –Requests for information**

It was requested that a time period be established for replying to requests for information from a reimbursing jurisdiction.

**DECISION: It was agreed that requests for reimbursements may be rejected if the adjudicating jurisdictions has not responded within three (3) months to requests for information from the reimbursing jurisdiction. Consideration must be given to the type and weight of information requested and whether it is the responsibility of the party being requested to provide the information, to gather it. Prior to rejection, it is recommended that the requestor phone the other Board to attempt to resolve the issue.**

**d) Workers’ Falling through the Cracks**

Examples of cases of workers that are not being captured under the IJA agreement were discussed. i.e. Workers employed by Quebec employers must also be residents of Quebec to be covered outside Quebec. The percentage of workforce covered varies between jurisdictions.

It was noted that the intent of the agreement was to address duplicate assessment and where possible to reduce the occurrence of workers falling through the cracks. It was recognized that gaps occur in coverage and that there will be cases where, as a result of jurisdictional legislation, coverage would not apply. Jurisdictions are reminded that the philosophical intent is also to ensure that legislation and policy are enacted that would allow interjurisdictional consideration on a broader scale.

**DECISION: It was agreed that the IJA Working Document would be included on the AWCBC website and that where possible, jurisdictions would ensure that IJA information provided to stakeholders on their respective websites was clear with respect to such issues as coverage exemptions, occupational disease policy, and registration requirements and in which jurisdictions premiums are to be paid.**

#### **e) Election Form**

An example of where a worker claimed and was compensated in two jurisdictions was raised. The importance of ensuring that other jurisdictions are aware of elections was stressed.

**DECISION: It was agreed that if jurisdictions concur, workers would be allowed to re-elect, with provisions made to ensure remedy for duplication of costs. This could be in the form of deductions from the worker's benefits in one jurisdiction, for those benefits originally paid by another jurisdiction, and would include a reimbursement provision.**

#### **f) Hearing Aids**

Following discussion it was agreed that in general, jurisdictions should consult to confirm if hearing aids have been claimed or purchased. It was suggested that pre-approval be obtained prior to purchasing digital aids as not all jurisdictions cover this benefit.

#### **AWCBC Update**

Brenda Croucher provided an update that summarized activities related to committee work, emerging issues and upcoming events.

#### **Other Business**

Lori Sain provided the committee with the highlights of Bill 25, currently before their legislature. It is anticipated that the Bill will be past in June 2005.

Pam Cohen requested information from jurisdictions regarding work being done on pandemic plans.

**Action: Please provide information to Pam if your jurisdiction has specific plans in place, both for handling large amounts in claims in the case of pandemic, and/or business continuity in case of large number of employee absences.**

Pam Cohen requested information from jurisdictions to clarify if the immigration status of workers was a bar to compensation in any jurisdiction. Quebec is the only Canadian jurisdiction that requires legal immigration status. All other jurisdictions do not bar compensation based on such status, so long as the individual meets the test as a worker whose injury/disease arose out of and in the course of employment.

#### **Next Meeting**

**DECISION: The next IJA Committee meeting is scheduled to take place in Toronto on May 1, 2006.**