

**AWCBC ALL COMMITTEE CONFERENCE**  
**INTERJURISDICTIONAL COMMITTEE MEETING**

**May 10-11, 2011**

The Marriott Hotel, 90 Bloor Street East, Toronto, Ontario

**2011 FINAL MINUTES**

Carol Anne Duffy (Executive Sponsor, Prince Edward Island)

William (Bill) Ostapek (Chair, Alberta)

Rhonda Dean (Alberta)

Mark Powers (British Columbia)

Deepak Kothary (British Columbia)

Lloyd Hikida (British Columbia)

Glenn Jones (Manitoba)

Jean Landry (New Brunswick)

Josie Healey (Newfoundland)

Ann Martin (Newfoundland)

Paula Arab (Nova Scotia)

Sarah Gallant (Nova Scotia)

Shirley Walsh (Northwest Territories/Nunavit)

Susan Abernethy (Northwest Territories/Nunavit)

Gerrie Slifka (Northwest Territories/Nunavit)

Cynthia Mendes (Ontario)

Suzanne Hewitt (Ontario)

Robin Senzilet (Ontario)

Kate Marshall (Prince Edward Island)

Sophie Genest (Quebec)

Daryl Davies (Saskatchewan)

Bruce Willis (Yukon)

Sheila Vanderbyl (Yukon)

**Regrets**-Kevin Molnar (British Columbia)

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**1. Welcome and Introductions (Agenda Item #1)**

**2. Review of Agenda. (Agenda Item #2)**

The following agenda items were added:

- 14. Benefits in Kind clarification-Cynthia, Suzanne (Ontario)
- 15. Capitalization of Pension Awards by the reimbursing Board-Daryl (Saskatchewan)

The agenda was adopted as changed.

**3. Review of May 2010 Minutes. (Agenda Item #3)**

-QC submitted changes to the 2010 minutes which included the following:

- Page 12-Paragraph 2, the abbreviation CCST should read CSST.
- Page 14-Paragraph 2 which referenced the Administrative Issues (AAP), should read "IJA sub-committee members" rather than "IJA committee members."

Jean Landry adopted the changes to the 2010 minutes and Bruce Willis seconded the motion. All other members were in agreement. The motion was carried.

Final meeting minutes for 2010 will be distributed to all Committee members by May 31, 2011.

**Action Item:**

- ❖ **William Ostapek to distribute final approved minutes for 2010 to committee members by May 31, 2011.**

**4. Action Arising from 2010 Meeting Minutes (see minutes/workplan) (Agenda Item #4)**

*\*Please note: The workplan dated April 14, 2011 was followed as a guideline with respect to the status of the workplan items listed.*

- **Discussed work completed last year & thanked everyone for their contributions.**

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➤ **Items 1a & 1b 2010-Workplan dated April 14, 2011-Access to Information: Bruce Willis (YK)**

Bruce confirmed that he had received a response from all jurisdictions and conclusions remained unchanged from the 2010 meeting. Bruce provided a verbal summary indicating that privacy legislation supersedes Workers' Compensation legislation and if the IJA were to be amended to include an information sharing clause, it may be contrary to some jurisdiction's privacy legislation. Not all jurisdictions are able to share full claim information in such a way that will satisfy the privacy requirement of their respective legislation/policy. As such, changing the IJA will not allow jurisdictions to enter into information sharing agreements that contravene their own privacy legislation. The ability to share information will be determined by provincial legislation and policy of the jurisdictions involved with a specific issue. Therefore, no amendments were recommended for the IJA to add an information sharing clause.

All Committee members were satisfied with the verbal report provided by Bruce and agreed no further action was required.

Items 1a and 1b will be recorded as "completed" in the 2011 workplan update and will not carry forward to the 2012 workplan.

➤ **Item 2a-2010 Workplan dated April 14, 2011-Existing IJA training materials-Identify best practices/gaps: Rhonda Dean (AB)**

At the past May 2010 AWCBC meeting, Rhonda provided a summary of the training materials previously collected from other jurisdictions. Therefore, this item was completed in 2010 and no further action is required.

Item 2a will be recorded as "completed" in the 2011 workplan update and will not carry forward to the 2012 workplan.

➤ **Item 2b-2010 Workplan dated April 14, 2011-Draft portions of Best Practices Training Guide**

**1. Elections: Sophie Genest (QC)**

In May 2010 Sophie (QC) distributed a chart to all jurisdictions which summarized potential triggers for election purposes used by each jurisdiction. It was determined that there was no need for Quebec to provide any further summary of the list of issues with elections and/or potential solutions. The chart itself seemed to provide options for potential triggers jurisdictions could use to ensure that all right to elect opportunities were not missed with injured workers.

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Sophie (QC) also provided a paper which described some recent issues the CSST had faced with respect to injured workers who had previously received benefits from other Canadian Workers' Compensation Boards and then later decided that they wanted their claims processed in Quebec. Sophie indicated that in every case the workers were residents of Quebec, however were injured in another province and had not signed the election form required by the Board's Act of the province where the injury occurred and Section 4 of the Interjurisdictional Agreement. The injured workers filed their claim and received benefits from the province of injury, but several months later, indicated that they were unaware that they could in fact file their claim with the Quebec Board and subsequently requested benefits with the Quebec Board. The CSST had denied the claim in every situation on the grounds that the worker had made a tacit option by filing with another jurisdiction and that their claim was accepted and compensation benefits were paid and collected. In one of the situations, the CSST pointed out that the six month time limit for filing a claim with the CSST had not been respected. The claim was taken to the Quebec Court of Appeal which ultimately confirmed that it was possible for a worker to "change his mind" and request benefits from the Quebec Board, despite the fact that his initial claim was accepted and compensation was issued by another jurisdiction, since he was not offered the right to elect by the province where the injury occurred.

Sophie noted that the absence of an election form signed by the worker greatly influenced the judge's conclusions. She also noted that it would have been much more difficult for the worker to argue that he had not been aware of his election options had he/she expressed his/her choice in writing by completing a right of election form. As a result of these recent decisions, the CSST has revised their election form and now encloses a personalized letter which clearly outlines the available choices encouraging the worker to seek information from the other jurisdiction along with a summary of possible benefit entitlement if the worker claims with the Quebec Board.

In summary, Sophie concluded that these decisions from the Quebec Court of Appeal certainly emphasize the importance of all jurisdictions to adequately inform workers of their potential right to elect in other jurisdictions where there may be entitlement in more than one jurisdiction (e.g. where the injured workers reside in a different province than where they were injured).

Bill Ostapek (AB) noted that AB has added a clause to its election form stating it has the right to require the worker to travel back to AB for medical exams even if the worker has moved to another jurisdiction.

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**Action Items:**

- ❖ **All jurisdictions are to include QC's election example paper in their own Board's training materials. In addition, this election example is to be included in the Best Practices Training Guide.**
- ❖ **Sophie (QC) is to circulate an example of their revised election form along with the personalized cover letter (for review and use by all jurisdictions) to the Chair by June 30, 2011.**
- ❖ **The Chair is to circulate this example to all jurisdictions by September 30, 2011.**
- ❖ **All jurisdictions are to add the revised election form along with the personalized cover letter to their own Board's training materials. These documents should also be included in the Best Practices Training Guide.**
- ❖ **AB to send a copy of its election form by June 30, 2011 to other jurisdictions.**

Item 2b-1 will be recorded as "to be completed" in the 2011 workplan update and 2012 workplan and will be marked as "completed" on the 2012 workplan update if finished. It will then not carry forward to the 2013 workplan.

➤ **Item 2b-2010 Workplan dated April 14, 2011-Draft portions of Best Practices Training Guide**

**2. Cost Reimbursement: Kate Marshall (PEI)**

Discussion occurred as to what the committee members were wishing with respect to this section and it was agreed that rather than developing specific procedures with respect to cost reimbursement, a "Best Practices Training Guide" would serve committee members better. It was agreed that the best practices training guide could include sample papers and case studies that were distributed in previous AWCBC meetings that pertained to cost reimbursement. Once a best practices training guide was created, all jurisdictions would be responsible for creating their own procedures and related training manual for administration of the IJA by their operations staff.

Jurisdictions discussed how it would be beneficial to have a standardized form for reimbursement requests that are sent to other jurisdictions. It was agreed that a good starting point would be to begin with the reimbursement letter used by the Ontario Board. The Ontario Board agreed to circulate a copy of their reimbursement letter and then have all jurisdictions review the sample in order to provide suggestions and

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recommendations. Once all jurisdictions agreed on the revisions, the reimbursement letter should be used as a template/model. It was agreed that the Ontario Board would circulate a sample of their reimbursement letter to all jurisdictions by May 31, 2011. All jurisdictions would review and provide feedback to the chair by September 30, 2011 and the Chair would provide a summary report at the next AWCBC meeting in May 2012.

**Action Item:**

- ❖ **Rhonda (AB) and Kate (PEI) agreed to gather materials relating to cost reimbursement for the Best Practices Training Guide.” This information would be distributed at the May 2012 AWCBC meeting.**
- ❖ **The Ontario Board is to circulate a copy of their reimbursement letter (with personal identifiers removed) to all jurisdictions by May 31, 2011. The Ontario Board will also place their letter in the repository at the AWCBC and all committee members will attempt to also access the letter there.**
- ❖ **All jurisdictions will review Ontario's reimbursement letter and provide feedback to the Chair by September 30, 2011.**
- ❖ **The Chair will provide a summary report to all jurisdictions at the May 2012 AWCBC meeting.**

Item 2b-2 will be recorded as "to be completed" in the 2011 workplan update and 2012 workplan and will be marked as "completed" on the 2012 workplan update if finished. It will then not carry forward to the 2013 workplan.

**Item 2b-2010 Workplan dated April 14, 2011-Draft portions of Best Practices Training Guide**

**3. Alternative Assessment Procedure: Deepak Kothary (BC)**

All jurisdictions agreed that any procedural changes relating to AAP would be deferred until an agreement to amend the AAP to include other industries was concluded. The AAP sub-committee would continue to include BC, Manitoba, Quebec and Ontario.

Item 2b-3 will be recorded on the 2011 workplan update and 2012 workplan as "TBD pending AAP redraft" and will carry forward to the 2012 workplan update as "TBD pending AAP redraft" if no AAP redraft completed it will carry forward to the 2013 workplan as "TBD pending AAP redraft".

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- **Item 2b-2010 Workplan dated April 14, 2011-Draft portions of Best Practices Training Guide**

**4. Dispute Resolution: Doug Mah (AB)- not present**

Bill Ostapek (AB) noted that at the May 2010 meeting Doug Mah had submitted a draft Best Practices Training Guide for the IJA Dispute Resolution process. All jurisdictions were to use this material as part of their procedure/training material for their operations staff. Therefore, this item was completed in 2010 and no action is required.

Item 2b-4 will be recorded as "completed" in the 2011 workplan update and will not carry forward to the 2012 workplan.

- **Item 2c-2010 Workplan dated April 14, 2011-Jurisdictions to review/edit draft training manual: All jurisdictions**

This activity was noted to be ongoing as items in 2b were pending completion. Jurisdictions also agreed that the activity should be renamed to read "draft best practices guide/manual" rather than "draft training manual."

Item 2c will be recorded as "TBD with 2b-1 to 2b-4" in the 2011 workplan update and 2012 workplan and will be marked as "completed" on the 2012 workplan update if items 2b-1 to 2b-4 are finished. It will then not carry forward to the 2013 workplan.

- **Item 2d-2010 Workplan dated April 14, 2011-Finalize draft and communicate/distribute manual: All jurisdictions**

This activity was also agreed to be ongoing as items in 2b were pending completion.

Item 2d will be recorded as "TBD with 2b-1 to 2b-4" in the 2011 workplan update and 2012 workplan and will be marked as "completed" on the 2012 workplan update if items 2b-1 to 2b-4 are finished. It will then not carry forward to the 2013 workplan.

- **Item 2e-2010 Workplan dated April 14, 2011-Provide Chair with samples of decision letters with personal identifiers removed for use by other jurisdictions as templates: Glenn (Manitoba)**

Manitoba provided all jurisdictions with samples of decision letters with personal identifiers removed that could be used by jurisdictions as templates when revising their training manuals. At the May 2010 AWCBC meeting, it was agreed that all Boards should be making a concerted effort to implement the changes agreed upon in order to make the annual meetings an effective tool for change. Jurisdictions agreed that these

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letters could be included as part of the IJA Best Practices Training guide/manual. Therefore, this item has been completed and no further action is required.

**Action Items:**

- ❖ **All Jurisdictions are to use the samples provided and revise their own Board's training materials.**

Item 2e will be recorded as "completed" in the 2011 workplan update and will not carry forward to the 2012 workplan.

- **Items 3a, 3b, 3c and 3d-Workplan dated April 14, 2011-Emergency Service Workers (ESW)-Alberta and all jurisdictions**

These activities were completed and summarized by Doug Mah (AB) in the May 2010 AWCBC meeting so no further action was required.

Item 3a, 3b, 3c and 3d will be recorded as "completed" in the 2011 workplan update and will not carry forward to the 2012 workplan.

- **Items 4a, 4b and 4c-Workplan dated April 14, 2011-Access to Information from Department of Transport-Jean Landry (NB), Deepak Kothary (BC) and all jurisdictions**

These activities were completed and reported on by Jean Landry (NB) in the May 2010 AWCBC meeting so no further action was required.

Items 4a, 4b and 4c will be recorded as "completed" in the 2011 workplan update and will not carry forward to the 2012 workplan.

- **Items 5a and 5b, -Workplan dated April 14, 2011-Election Triggers-Pascale Goulet and Sophie Genest (QC)**

At the May 2010 AWCBC meeting, the Quebec Board distributed a chart to all jurisdictions which summarized potential triggers for election purposes used by each jurisdiction. It was determined that there was no need for Quebec to provide any further summary of the list of issues with elections and/or potential solutions. The chart itself seemed to provide options for potential triggers jurisdictions could use to ensure that all right to elect opportunities were not missed with injured workers.

Items 5a and 5b will be recorded as "completed" in the 2011 workplan update and not carry forward to the 2012 workplan.



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➤ **Item 6-Workplan dated April 14, 2011-Long Latency Diseases-Kate Marshall (PEI)**

This item was completed and summarized by Kate Marshall (PEI) at the May 2010 AWCBC meeting so no further action was required.

Item 6 will be recorded as "completed" in the 2011 workplan update and will not carry forward to the 2012 workplan.

➤ **Items 7a, 7b, 7c and 7d-Workplan dated April 14, 2011-Motor Coach-Sponsor, Motor Coach sub-committee (Cynthia Mendes and Suzanne Hewitt (ON), Mark Powers (BC), Lori Sain (MB), and Sophie Genest (QC)**

These items were completed in 2009 and discussed at the May 2010 AWCBC meeting. Please refer to the 2010 meeting minutes for details of the discussion. These items have been recorded as completed but will remain on the 2012 workplan as there are further activities under item 7 that require completion.

Items 7a, 7b, 7c and 7d will be recorded as "completed" in the 2011 workplan update and will not carry forward to the 2012 workplan.

➤ **Items 7e and 7f-Workplan dated April 14, 2011-Act upon AWCBC Executive/Heads of Delegation decision and Notify Motor Coach-Motor Coach sub-committee**

Mark Powers (BC) provided some history of the AAP and discussions regarding the introduction of Motor Coach to the AAP model. The Alternative Assessment Procedure (AAP) or also commonly referred to as the Interjurisdictional Trucking Agreement (ITA) began as a pilot project and allowed the trucking industry to choose a more simpler process of reporting earnings rather than pro-rating mileage in all provinces travelled. The AAP allowed employers to pay premiums based on the province in which their worker resided. Over time, it was incorporated as a permanent subsection of the Interjurisdictional Agreement.

Initially, the AAP was intended to only apply to interprovincial trucking however, Mark noted that there were certainly some inconsistencies as some Boards included coverage for pilot cars and other industrial activities as part of their AAP trucking category while others did not. He indicated that the materials in the Agreement itself were quite limited.

The impetus for change arose when the bus companies approached the IJA committee in preparation for the 2010 Vancouver Olympics requesting consideration of their participation in the AAP as they were sending many motor coaches to British Columbia.

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However, the IJA Committee was not able to make a decision in time for the Olympics but agreed to begin the process for review. The IJA Committee had agreed that the AAP required further review and amendments prior to involving other industries.

In April 2010 Motor Coach was verbally advised that an initial draft of the AAP for inclusion of the transportation industries was being prepared for review to ensure that it would be workable in all respective jurisdictions. It was agreed that Motor Coach would be engaged in the process once jurisdictions agreed upon the draft of the new AAP model.

At the AWCBC meeting in May 2010, Mark provided an overview of the proposed options for creating a new AAP model to allow a new industry to participate (see May 12-13, 2010 meeting minutes for details of the two options outlined). The first draft of the AAP model for interjurisdictional transportation industries was prepared and distributed in May 2010 for review and input by all jurisdictions. At the time, the sub-committee was to determine if the current model would be suitable or if a blended assessment would be the preferred option. As a result of this discussion, it was agreed that the criteria would have to remain the residency of the worker. The Ontario Board presented a new model (Draft #2) for the sub-committee to consider. In early June 2010, the sub-committee considered Draft #2 and made recommendations. The Ontario Board then created another draft (Draft #3) with input from this sub-committee. Conference calls occurred with some sub-committee members in February 2011. In April 2011, all sub-committee members proposed that the Ontario Board re-distribute Draft #3 for all jurisdictions to review and discuss at the May 2011 AWCBC meeting.

Mark Powers (BC) advised that a central collection of all assessments and reimbursements from one jurisdiction was not workable because he had tried that. Bill Ostapek (AB) felt that something new was needed for Motor Coach to be added as it did not look like the IJA will be amended anytime soon.

Jean Landry (NB) noted the IJA had two objectives (to ensure the right of election for workers and to not allow double compensation) whereas the AAP only had one objective (to make less paperwork for the employers). These different objectives are not necessarily compatible with each other.

Unfortunately, there was no general consensus on acceptance of the third draft. Many concerns were raised by the jurisdictions. Some jurisdictions noted that the third draft was certainly accurate, but felt it required more explanation/detail. Discussion occurred

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as to whether it was appropriate to allow Motor Coach to participate in the AAP prior to making any changes to the present model or whether revisions should be made to the existing AAP first and then allow Motor Coach the opportunity to participate. Quebec noted that they would require approval from their government prior to making any AAP changes and this process would certainly take some time. The BC Board raised the question as to how broad the scope of motor coach was and who should be allowed to participate under that scope. The question arose as to whether coverage be extended to include tour bus operations, passenger bus operations, taxis, chartered tours, and/or site seeing tours.

After some discussion, it was determined that it was more appropriate for the Assessment Committee to draft the new AAP model for involving Motor Coach and other potential industries since they were responsible for the initial writing of the AAP procedures into the Interjurisdictional Agreement (Section 12). This also seemed to explain why the language used in section 12 is not consistent with the rest of the Interjurisdictional Agreement.

Bruce Willis (YK) noted that even if we do a pilot side agreement for Motor Coach, the IJA will need to be amended because it currently only refers to "trucking".

Cynthia Mendes (ON) reminded the committee that the direction from the AWCBC Executive Committee was not to amend Section 12, but to create a new AAP model for new industries other than trucking to join. The committee was also mandated to create a set of criteria for new industries to be accepted into the new AAP model. Motor Coach would be invited to participate in the development of the new model as well as the pilot. Once the new AAP model was tested, the option would be to go back and review Section 12 to determine if it needed to be amended.

**Action Items:**

- ❖ **Deepak (BC) and Susan (NWT) are to refer the drafting of the new AAP model to the Assessment Committee to develop a sub-committee (March 31, 2012).**
- ❖ **Each jurisdiction is to determine the level of authority/approval that is required in order to make any AAP/IJA amendments and report back to the Chair by June 30, 2011.**
- ❖ **The chair will circulate a summary report to all jurisdictions by September 30, 2011.**

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Item 7e will be recorded as "transferred to Assessments Committee to draft" in the 2011 workplan update and will carry forward to the 2012 workplan as "TBD pending AAP redraft".

Carol Ann Duffy (Executive Sponsor, Prince Edward Island) agreed to take item 7e to the Assessment Committee.

Item 7f will be recorded as "to be completed" in the 2011 workplan update and will carry forward to the 2012 workplan. Item 7f will be re-labelled "Collaboration with Motor Coach" in the 2012 workplan and be marked "to be completed".

- **Items 8a, 8b and 8c-Workplan dated April 14, 2011-Administrative issues-AAP document and discuss, develop options and report back to committee, document agreed upon guidelines-Kate (PEI) and Motor Coach Sub-committee**

At the May 2010 AWCBC meeting, IJA committee members discussed the benefits and possible improvements to the administration of the IJA.

Item 8a will be recorded as "completed" in the 2011 workplan update and will not carry forward to the 2012 workplan.

It was agreed that once the model for the new AAP model has been finalized by the Assessment Committee, the Motor Coach sub-committee would be able to review the model and report back to the IJA Committee.

Item 8b will be recorded on the 2011 workplan update and 2012 workplan as "TBD pending AAP redraft" and will carry forward to the 2012 workplan update as "TBD pending AAP redraft" if no AAP redraft completed it will carry forward to the 2013 workplan as "TBD pending AAP redraft".

The committee members all agreed that item 8c should be incorporated into the activity listed as 8b so there is no further action required on this item.

Item 8c will be recorded as "completed" in the 2011 workplan update and will not carry forward to the 2012 workplan.

- **Items 9a and 9c-Workplan dated April 14, 2011-Review general cost reimbursement guideline processes and allocated resources, Jurisdictions to advise if their legislation allows for dollar-for dollar reimbursement-Bill Ostapek (AB)**

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Bill Ostapek (AB) provided a written summary of the jurisdiction survey results from the 2010 AWCBC meeting and asked the following questions:

**Are there any legal impediments to reimbursing dollar-for-dollar under Section 9 as exists under the current IJA?**

BC, AB, SK, NB, MB, QC, NWT/NU and YT all indicated that their legislation would allow dollar for dollar reimbursement. Bill indicated that although Ontario had not responded, a review of their legislation would suggest that they would not appear to have any restriction to this practice.

NS, PEI and NF advised that although there was no specific authority for this practice in their legislation, they disagreed with the suggestion to reimburse dollar-for-dollar based on it being contrary to the principles of the IJA.

Since not all jurisdictions were in agreement to reimburse dollar-for-dollar, it was agreed that no amendments would be made to the agreement. It was also noted that any agreements to reimburse dollar-for-dollar could be made between the jurisdictions, independent of the IJA.

**Are jurisdictions in favour of increasing the threshold for reimbursement from \$1000 to \$5000?**

NF, NS, MB, QC, BC, NB, NWT/NU and YT all agreed or have no objection to the increase. Bill (AB) indicated that although Ontario had not responded, it would be assumed that they are in favour of this increase since it was their proposal. AB, SK and PEI indicated that they were not in favour of such an increase.

Jean Landry (NB) noted the \$1000 was introduced as part of the IJA in 1992 and that in order to change this threshold amount it will require amendment of the IJA which is a difficult task and not worthwhile for such a minor item.

Many jurisdictions agreed that further tracking would be required to determine whether those claims that were over \$1000 but under \$5000 would eventually reach the \$5000 threshold to determine if it was feasible to commit to the increase. However, these jurisdictions agreed that this would be a manual process and quite time consuming as the monitoring process could potential occur for more than two years.

As there was no consensus amongst all jurisdictions to increase the threshold from \$1000 to \$5000, the initial request for reimbursement will remain at \$1000 and no amendments would be made to the IJA. However, all jurisdictions agreed that the \$1000 should at least reflect cost of living adjustments since it has remained unchanged

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since 1992 and all agreed to have this section amended when future amendments to the IJA are undertaken.

All jurisdictions agreed that there would be no change to Section 9.10 of the IJA which requires the adjudicating Board to notify a reimbursing Board of a potential reimbursement claim within two years of the date the claim was accepted by the Adjudicating Board.

**Are jurisdictions in favor of establishing a minimum invoice amount of \$200 for subsequent reimbursement requests (including AAP)?**

All jurisdictions, with the exception of Saskatchewan were in agreement of this proposed change. The Saskatchewan Board indicated that they would still invoice each Board for amounts below \$200 due to their automated computer system, but Saskatchewan was fine if the other jurisdictions did not issue reimbursement until the requested costs reached at least \$200.

After discussions with Saskatchewan, all were in favor of establishing a minimum invoice amount of \$200 for subsequent reimbursement requests. The motion was carried. There was no need to have the Agreement amended to note this change as the meeting minutes would serve as a record. This item will remain on the 2012 workplan to revisit the issue of increasing the threshold when other amendments to the IJA are ready to be implemented.

Item 9a will be recorded as "work in progress" in the 2011 workplan update and 2012 workplan and will carry forward to the 2013 workplan as "work in progress".

The committee members all agreed that item 9c should be incorporated into the activity listed under item 9a so there is no further action required on item 9c.

Item 9c will be recorded as "completed" in the 2011 workplan update and will not carry forward to the 2012 workplan.

➤ **Item 9b-Workplan dated April 14, 2011-Review Section 9 of the IJA to identify gaps-Bill Ostapek (AB)**

Bill Ostapek (AB) provided a paper outlining some of the conflicts with respect to full reimbursement versus limited reimbursement along with the conflicts regarding capitalization and time limits as outlined in Section 9 of the IJA:

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***Full Reimbursement versus Limited Reimbursement:***

Bill provided a three page summary of his review of Section 9 of the Interjurisdictional Agreement. He prefaced his summary indicating that there was certainly a great deal of confusion about what is appropriate and/or intended by the provisions of the IJA with respect to full reimbursement versus limited reimbursement. He indicated that if the intent was to reimburse on our own individual legislation with limitations, then he recommended that the Agreement be amended to reflect this. Bill also acknowledged that all Boards are not in the same place fiscally and as such are not agreeable to issue dollar-for-dollar reimbursement. Regardless, he indicated that some consensus should be reached as to the intent of the Agreement and whether any amendments should be made.

Bruce Willis (YK) indicated that YK has concerns regarding the level of reimbursement they receive from other jurisdictions as the YK has the highest maximum rate and the highest benefit rate apart from the Manitoba Board. Bruce Willis indicated that he has had discussions with his Board's President regarding withdrawing from the IJA due to his concerns.

Paula Arab (NS) indicated that from past year's IJA discussions all jurisdictions have come to an agreement that the reimbursing board cannot readjudicate entitlement but it can reimburse based on the benefit entitlements provided under its own legislation. As a result, it is possible that the reimbursing board cannot pay some benefits.

Bill Ostapek (AB) indicated that Alberta's position was not to readjudicate the claims but reimburse in full where possible, based on statutory limitations.

Glenn Jones (MB) stated that the Interjurisdictional Agreement indicates that reimbursement to the adjudicating Board should be made in full, subject only to policy or statutory limitations. He referenced again the issue that the Alberta Board had raised with the Manitoba Board back in 2009 where it was clearly pointed out that the reimbursing Board should be accepting the decisions made by the jurisdiction adjudicating the claim and not substituting its own interpretations or conducting independent reviews related to permanent impairment awards.

The Ontario Board stated that their legislation allows them to reimburse compensation, medical and rehabilitation costs, but their legislation also defines what is encompassed in each of these categories and administrative costs would not be included. However, Bill Ostapek (AB) pointed out that the question is still one of interpretation of the legislation which is usually quite broad.

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Kate Marshall (PEI) indicated that there was a significant difference between readjudication of the acceptance of a claim and limiting reimbursement on legislative limitations (e.g. where compensation benefits are limited to 80% of net earnings). She provided an example where one Board may not accept certain psychiatric conditions and therefore, have to deny reimbursement of benefits based on the opposing jurisdictions acceptance of that psychiatric condition. She provided another example of where PEI does not authorize massage therapy as massage therapists do not have a regulatory licensing body or governing legislation in their province, however in Ontario they do authorize this service. However, she indicated that in cases like this, PEI would still authorize such reimbursement as it is at the discretion of adjudicating Board.

Suzanne Hewitt (ON) raised a concern as to how a Board would justify to an employer why their Board is paying above their legislative maximums. ON also questioned the location of the accident when requests for reimbursement occur as they indicated that many of their requests are for trucking accidents where the accident location is arbitrary and could have occurred in any province. Therefore, they raised the question as to whether they really should fall under the request for reimbursement. Other jurisdictions pointed out that these types of accidents did not make up the majority of requests for reimbursement received for truckers because the accidents typically occur in an MVA or while the truck was stopped and the worker slipped entering/exiting the cab or falling off while covering/securing the load.

The Northwest Territories Board raised a concern with respect to employers' side of the compensation scheme and concerns with fairness to employers and subsequent rate increases. NWT indicated that issuing dollar-for-dollar reimbursement would not only have a direct impact for the accident employers, but would also impact the entire subclass.

Lloyd Hikida (BC) stated that the BC Board is not trying to limit reimbursement but need to ensure that issuing reimbursement is not contrary to their legislation. Lloyd advised that if there were specific claims which were of concern to jurisdictions, they recommended that they be handled with each province independently. He proposed a solution of developing guidelines and work out the rules between the provinces, rather than any change to Section 9 of the Interjurisdictional Agreement.

Daryl Davies (SK) indicated that all jurisdictions agree that it is up to a worker to make a decision on where the worker wishes to elect when there is the right to elect in more than one jurisdiction. Based on the decision of the worker, the costs incurred should become the costs of the claim and subsequently the cost for the employer as this is where the worker was injured. Furthermore, he indicated it would be beneficial for each jurisdiction to consider how much time and money is spent to administer the IJA and issue reimbursement to other Boards based on shortfalls. Furthermore, he



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indicated that reimbursing dollar-for-dollar eliminates the administrative costs to administer the IJA which should have a significant financial benefit for jurisdictions. Daryl indicated that if the SK Board receives a shortfall from another province then that SK employer is still charged the shortfall amount under the employer's SK claim experience. However, Daryl indicated that fundamentally we do not want to lose a jurisdiction from participating in the IJA on an issue of reimbursement as the intent is not to create any problems for Boards, so we need to come to some Agreement. SK Board is unilaterally reimbursing dollar-for-dollar to MB and BC and has a side agreement with AB for reciprocal dollar-for-dollar reimbursement.

There was also some discussion regarding whether there were in fact reduced administrative costs as many jurisdictions pointed out that cost relief considerations/decisions were still considered to be mandatory by the reimbursing Board regardless of whether the employer in fact requested cost relief. Although the reimbursing Board was issuing full reimbursement to the adjudicating Board and may not have to perform a detailed file review, they would still be required to review the file in entirety at some point to determine whether cost relief was applicable for the insured employer. Many Boards questioned whether this in fact would be a reduced administrative cost.

Sophie Genest (QC) agreed with the Saskatchewan Board's position to issue dollar-for-dollar reimbursement and indicated that over the long term, monies issued versus monies received would balance themselves out. She suggested that since eight jurisdictions agreed to issuing dollar-for-dollar reimbursement, perhaps Section 9.2 of the Agreement could be redrafted to state that dollar-for-dollar reimbursement occur unless there is significant financial impact for a Board to do so. Jurisdictions were not in favour of this approach as it was agreed that it would be difficult to define what would be considered a significant financial impact for a jurisdiction.

Paula Arab (NS) indicated that in their jurisdiction monies reimbursed versus monies received would never balance out due to the small number of claims they invoice other jurisdictions yearly. However, she also indicated that they would not consider removing themselves from the Interjurisdictional Agreement.

Ann Martin (NFL) raised a concern regarding the amount of medical information that was submitted when requests for reimbursement were made to their jurisdiction. She did not feel all of this information was necessary. Many jurisdictions noted that the complete medical package was necessary particularly when considering cost relief for the employer.

Jean Landry (NS) was not in favor of dollar for dollar reimbursement due to the potential significant impact on employer/industry premium levels.

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After lengthy discussions regarding jurisdiction's opinions of the possibility of redrafting Section 9.2 of the Interjurisdictional Agreement it was agreed that no amendments would be made and the Agreement would remain as is. The BC Board noted that if the intent of the Agreement was to issue full reimbursement then it would have been drafted in that manner. Furthermore, not all Boards are in agreement to issue dollar-for-dollar reimbursement. It was agreed that Section 9.2 is written in such a way that it allows for limitations due to policy and statutory limitations. Since not all jurisdictions agreed with issuing full reimbursement, there was no need to have the Agreement revised. It was recommended that if there were issues with one particular province then contact should be made with that particular province to handle the concerns. It was also recommended that all committee members ensure that they share the meeting discussions with their operations staff to ensure that the adopted practices are being followed.

***Capitalization:***

Bill Ostapek (AB) reviewed Sections 9.2 and 9.6 which outlined reimbursement of capitalized costs. He indicated that there were currently instances where reimbursement to the adjudicating Board was being limited on the basis of the capitalized cost calculated by the Reimbursing Board. He referenced the 2010 AWCBC meeting where this matter was discussed and the general agreement was that capitalization was intended primarily as a tool for calculating reserves on claims and should not normally be used to limit reimbursement unless there was a claim for reimbursement of a capitalized lump-sum compensation payment. Bill recommended that Sections 9.2 and 9.6 of the Interjurisdictional Agreement (IJA) be redrafted to clearly state their intent and effect as he noted they were confusing and imprecise. The IJA Committee members did not report any will to redraft these Sections. Therefore, no amendments will be made to Section 9.2 and 9.6 of the Agreement.

***Time Limitations:***

Bill Ostapek (AB) provided a summary of Section 9.5 which outlined time limits for reimbursements made by the Adjudicating Board and paid by a Reimbursing Board. He indicated that the wording "either when the claim is closed or, at a minimum of quarterly on a calendar basis" was confusing and unclear. He recommended that this section be redrafted to suggested that this section be replaced with clearer provisions indicating that reimbursement (requests and payments) be can take place no more than quarterly and may also take place at the end of the claim (providing that notice has been provided within first two years of acceptance by the Adjudicating board).

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Several jurisdictions pointed out that in the May 2010 AWCBC meeting, the meaning of Section 9.5 of the Agreement was clarified by the arbitration decision (between Alberta and Yukon). It was agreed to mean that billings should not be more frequent than quarterly, but at least annually. It was noted that not all Boards concurred with billings sent only yearly. Committee members were satisfied with the agreed upon interpretation and did not express the need to have this section redrafted. Therefore, no amendments will be made to Section 9.5 of the Agreement.

Item 9b will be recorded as "completed" in the 2011 workplan update and will not carry forward to the 2012 workplan.

**5. Revised Cost Reimbursement Data Collection Definitions (Agenda Item #5)**

- **Addition to 2011 workplan- Statistics for Cost Reimbursement**  
**Sub-Committee: Kate Marshall (PEI), Jean Landry (NB), and Sarah Gallant (NS)**

The sub-committee noted that upon review of the statistics collected and definitions provided, there were certainly some discrepancies in the consistency of data collection. As such, cost reimbursement definitions were revised and a copy of the new chart was provided to all jurisdictions to review. A few revisions were recommended by the Ontario Board to ensure that there was no confusion on the meaning of #11 and #13 in Part I because a shortfall on a claim is different than a denial. All jurisdictions agreed that since the number of recommended changes was minimal, they were satisfied to approve the new chart in principle.

The sub-committee agreed to make final amendments to the definitions incorporating the above feedback and circulate the final template to all jurisdictions by May 31, 2011.

**Action Items:**

- ❖ **The sub-committee (Kate Marshall (PEI), Jean Landry (NB), and Sarah Gallant (NS)) is to make final amendments to the definitions incorporating the feedback provided (May 31, 2011).**
- ❖ **The sub-committee is to circulate the final template to all jurisdictions (May 31, 2011).**

Item 10a was added to the 2011 workplan at the 2011 meeting as "Statistics for Cost Reimbursement" and will be recorded as "to be completed" in the 2011 workplan update and 2012 workplan and will be marked as "completed" on the 2012 workplan update. It will not carry forward to the 2013 workplan.

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**Addition to 2011 workplan- Implement Changes to Statistics for Cost Reimbursement  
(All jurisdictions)**

All jurisdictions agreed that it would not be possible to begin using the new statistics chart for the 2011 year as 5 months have passed already. All jurisdictions agreed that they would begin using the new template for reporting the 2012 statistics and could in fact be used for comparison purposes at the meeting in May 2013.

QC raised the question as to whether it would be possible for the Boards to track the number of right to elect forms that were collected in order to identify gaps and document the types of activities that were occurring between the jurisdictions. The Quebec Board also noted that this would assist the Boards in ensuring that there was no duplication of claims between them. Many Boards (AB, SK) noted that the only tracking mechanism they would have is to track the number of election forms that were received which would not necessarily identify the gaps where elections should have been requested and obtained. It was also noted the previous AWCBC meetings have confirmed that the frequency of duplicate claims between provinces was in fact minimal and as such, the time commitment in gathering this type of information would far outweigh any potential benefit. The consensus was that the majority of Boards were not interested in collecting this information at this point in time.

The Quebec Board did request that the other Boards send election forms to Quebec as soon as they were received so that the CSST would be aware in advance to prevent duplication of claim acceptance. It was requested that this become a **"Best Practice Recommendation"** for all Boards to follow.

**Action Items:**

- ❖ **All Jurisdictions are to implement the statistical changes for cost reimbursement reporting effective January 1, 2012. The new statistics will be used at the AWCBC meeting for discussion in May 2013.**
- ❖ **All jurisdictions to follow new Best Practice Recommendation to send election forms to potential Reimbursing board where worker may have a right to claim (where injured or residing at time of accident, as the case may be).**

Item 10b was added to the 2011 workplan at the 2011 meeting as "Implement Changes for Cost Reimbursement" and will be recorded as "to be completed" in the 2011 workplan update and 2012 workplan and will be marked as "completed" on the 2012 workplan update. It will not carry forward to the 2013 workplan.

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**6. Review Dollar for Dollar Reimbursement Agreement Between Alberta and Saskatchewan (Agenda Item #6)**

➤ **Addition to 2011 workplan- Review Dollar for Dollar Reimbursement**

Rhonda Dean & Bill Ostapek (AB) and Daryl Davies (SK) provided background that effective June 1, 2010, the Saskatchewan and Alberta Boards entered into an agreement to reimburse dollar for dollar for all IJA invoices received. Rhonda provided a summary of the statistics gathered. The Alberta Board reimbursed a total of approximately \$735K to the Saskatchewan Board (from June 2010-December 2010) of which only \$34K would have been a shortfall had the dollar-for-dollar agreement not in place. This is a total of approximately 5%.

Daryl Davies indicated that the SK Board did not track any shortfall information but indicated that they are pleased with the existing process as he indicated that SK has significantly reduced its administrative budget for administering the Interjurisdictional Agreement. Both Boards agreed that they were planning to continue with the agreement to reimburse dollar for dollar.

The Saskatchewan Board noted that as of January 1, 2012 they would be issuing full reimbursement to all jurisdictions with no reciprocation required. The Manitoba Board indicated that they would be reviewing their processes to determine whether they could reciprocate.

There was some discussion regarding cost relief and which jurisdiction was responsible to make this determination. It was confirmed that the Reimbursing board which pays under the IJA is responsible to determine cost relief entitlement based on its own policies/procedures for the amount reimbursed to the Adjudicating board. If there is a shortfall in reimbursement the Adjudicating board can decide if cost relief will be provided for the amount left in its claim costs. Some Adjudicating boards simply remove 100% of claim costs from the employer's firm experience regardless of total claim costs reimbursed by the Reimbursing board and other Adjudicating boards only remove claim costs as they are reimbursed.

**Action Items:**

- ❖ **The Chair will report back to the Committee with the recommended changes by May 2012.**

Item 11 was added to the 2011 workplan at the 2011 meeting as "Review Dollar for Dollar Reimbursement" and will be recorded as "to be completed" in the 2011 workplan

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update and 2012 workplan and will be marked as "completed" on the 2012 workplan update if finished. It will then not carry forward to the 2013 workplan.

**7. Threshold for Cost Reimbursement & Subsequent Requests (Agenda Item #7)**

**(Previously discussed under Agenda Item # 4 in workplan Items 9a and 9c.)**

No new item to add to the 2011 workplan.

**8. Cost Reimbursement and Administrative Costs ss. 9 & 12 IJA (Agenda Item #8)**

Cynthia Mendes (ON) advised all jurisdictions that they would no longer be reimbursing any administrative costs that were requested for reimbursement by other jurisdictions. This would include legal fees, internal medical advisor fees, special investigation costs such as surveillance, internal vocational rehabilitation, workers' requests for copies of their personal WCB files, etc. The Ontario Board indicated that their legislation supported that they could only pay for compensation, medical and vocational benefits. ON differentiated between medical treatment as opposed to medical/legal "opinions" and clarified that they would reimburse medical treatment but not fees relating to medical opinions. ON referenced Section 9.2 of the Interjurisdictional Agreement and stated that they were not able to reimburse these costs as they were subject to their policy/statutory limitations.

The Manitoba Board referenced Section 2. 1(f) of the Interjurisdictional Agreement which noted that the definition of "benefits" was defined as meaning "cash benefits, benefits in kind and administrative services" which should then permit the Ontario Board to reimburse other Boards even if they took the narrow interpretation of medical opinion costs being administrative in nature. Glenn Jones (MB) also noted section 9.1 uses "benefits" to describe what is to be borne by the Board in the jurisdiction in which the injury occurred.

Other jurisdictions indicated that the reference to "administrative services" was intended to refer to the services of a participating Board in providing aid and co-operation under the Agreement (2.1.d).

Bill Ostapek (AB) noted that Alberta charges for WCB doctors (internal doctors) to provide medical opinions the same as Manitoba as it is a cost effective way to manage such expenses but such medical opinions could just as easily be sent to external doctors at a higher cost and would then not be excluded under the terms suggested by Ontario. Bill also noted that the IJA refers to claim costs and WCB doctors are a claim cost, they are not a general administrative cost of a Board because they are designated to the specific claims for which the medical opinion was sought.

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There were two distinct positions amongst all jurisdictions. Some jurisdictions (including NB, PEI, BC, AB, SK and MB) were of the opinion that as long as the medical fees were actually considered claims costs and billed on the claim, then it would be considered appropriate to seek reimbursement from the opposing jurisdiction. It was confirmed that Alberta, Manitoba and Saskatchewan all employed a fee for service system for medical services/opinions and did not include the physician's salary as part of their overall administrative budget. All jurisdictions agreed that it was not appropriate to bill for case managers' time as this would be considered part of the overall administrative cost for the Board and were not claim specific.

However, some jurisdictions felt that it was important for all Boards to be on an "equal playing field" when it came to reimbursable expenditures between the Boards and felt that this would not be the case if some Boards received reimbursement for service fees while others were not able to bill these costs as they were encompassed in their Board's administrative budget. Dispute resolution was raised as a possible solution to the issue.

The BC Board provided an example of how in the past their rehabilitation centre was associated with their Board and therefore, costs were considered part of their Board's administrative budget. However, they confirmed that the organization has changed and now their rehabilitation is considered independent and therefore, they bill treatment costs specific to each individual claim. The BC Board indicated that each independent Board organizes their business the way they see fit and therefore, differences are expected. Furthermore, they indicated that it was unlikely that any Board would support a change in business practice solely for the recovery of a portion of the costs under the IJA. They felt that the total value associated with these potential shortfalls relating to reimbursement were not appropriate to dispute.

Based on the above discussions, the Ontario Board indicated that they would take the concern back to their Senior Management for a final decision regarding the denial of reimbursement of such claim costs.

No new item to add to the 2011 workplan.

**9. AAP/IJA Statistics (Agenda Item #9)**

➤ **Addition to 2011 workplan- Statistics for AAP Procedures**

All committee members reviewed the Alternative Assessment Procedures Statistics 2010 that were compiled by all provinces. Upon preliminary review of the statistics collected, all jurisdictions agreed that there were significant discrepancies in the consistency of data collection. At present, the chart was not useful for any data

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comparison between Boards and was essentially meaningless. Therefore, it was agreed that the present AAP definitions required review and revision. Deepak (BC) agreed to complete the review and revision of the definitions and statistical table with a view to simplify and rationalize the data collected. Deepak committed to having this completed by September 30, 2011.

**Action Items:**

- ❖ **Deepak (BC) is to review and revise the present AAP definitions and statistical table with a view to simply and rationalize the data collected (September 30, 2011).**

Item 12 was added to the 2011 workplan at the 2011 meeting as "AAP/IJA Statistics" and will be recorded as "to be completed" in the 2011 workplan update and 2012 workplan and will be marked as "completed" on the 2012 workplan update if finished. It will then not carry forward to the 2013 workplan.

**10. Motor Coach (Agenda Item #10)**

**(Previously discussed under Agenda Item #4 in Workplan Items 7a, 7b, 7c and 7d.)**

No new item to add to the 2011 workplan.

**11. Election by Beneficiary-IJA- Que. C.A. case (Agenda Item #11)**

**(Previously discussed under Agenda Item #4 in Workplan Item 2b-1.)**

No new item to add to the 2011 workplan.

**12. Effect of Election on Right to Claim in Other Jurisdictions (Agenda Item #12)**

Bruce Willis (YK) presented the following case study for round table discussion:

The injured worker was a resident of BC who was carrying on business in BC and Yukon. The worker was injured in the Yukon and initially elected to claim with the Yukon Board. The company was registered in both BC and in Yukon. However, the Yukon Board denied the worker's claim on the basis that the accident did not arise out of and occur during the course of employment. The worker then applied to Work Safe BC and had his claim accepted based on the same facts considered by the Yukon Board. The BC Board then requested reimbursement from the Yukon Board to which the Yukon Board denied indicating that they had already denied the worker's claim for compensation and therefore, felt they should not be responsible for reimbursement. Bruce also noted



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according to the Yukon legislation, the worker had two years to submit an appeal of that decision and therefore, raised concern with the fact that the worker was in fact able to submit a claim with the BC Board. They indicated that if the worker chose to appeal the Yukon's decision and the claim was overturned, the worker would be in essence receiving benefits from two jurisdictions.

This scenario was opened to group discussion and comment. The AB Board indicated that their legislation permitted workers to claim compensation from their own jurisdiction if they had been denied compensation from another jurisdiction (Section 28(8)). Other jurisdictions agreed that they would certainly *not* deny a worker the right to claim with their jurisdiction if the worker had been denied by another jurisdiction. The consensus among all jurisdictions was that once the worker signed the application for compensation with the BC Board, he/she had inherently removed his right to appeal with the Yukon Board. The Yukon Board was not convinced that their appeal body would disallow the appeal to go forward.

With respect to the request for reimbursement from the BC Board, the majority of jurisdictions agreed that the decision to deny the BC Board's request for reimbursement appeared to be considered inappropriate adjudication by the Reimbursing Board (i.e. Yukon) as the decision to accept the claim was really a question of each Board (Yukon and British Columbia) considering the weight of evidence differently to determine whether the accident arose out of and/or occurred during the course of the worker's employment.

At the end of the discussion, there was no consensus reached. The Yukon Board was still of the opinion that it was not obliged to issue reimbursement under the Interjurisdictional Agreement and Work Safe BC indicated that they would unlikely be pursuing the reimbursement request further.

No new item to add to the 2011 workplan.

**13. Round Table (Other Business & election of new chair/co-chair) (Agenda Item #13)**

**Other Business:**

**Quebec contact list**

Sophie (QC) reminded all jurisdictions to be sure to review the contact list when requests for reimbursement and payment are made as they have noticed that some of the IJA mail has been sent to the wrong CSST contacts and has to be re-routed. Sophie indicated that this can delay reimbursement of invoices received from other jurisdictions.

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##### **Benefits in Kind**

Cynthia (ON) requested clarification from all jurisdictions regarding their practice with respect to services that are requested on behalf of another Board. Cynthia (ON) provided an example where a New Brunswick (NB) worker was receiving benefits from the New Brunswick Board. However, the injured worker then moved to Ontario and the NB Board requested support services from the Ontario Board for the worker to complete a medical assessment in Ontario. The Ontario Board noted that it did not have a person who was qualified to perform the assessment, but had a list of qualified professionals. The questions raised were two fold: Should the Ontario Board arrange the provider for the NB Board or should it simply provide the list to the NB Board to leave NB to choose the appropriate provider and arrange it themselves? The second question was with respect to billing and whether NB should have the provider bill the NB Board directly for the assessment or should ON pay for the assessment and then request reimbursement back from the NB Board.

Many jurisdictions felt that it was certainly up to the NB Board as to whether they wanted to choose the provider from a list of qualified professionals or whether the Ontario Board should do so, on their behalf. Many jurisdictions indicated that the choice may depend on what sort of assessment was being requested and felt that simply giving a list of providers to the requesting Board may not necessarily assist a the requesting Board in choosing a provider as it would not be familiar with their reputation, abilities, etc. As for billing, most jurisdictions agreed that it depended on how each Board had set up their billing processes as to whether the services would be billed directly to the requesting Board or paid directly by the arranging Board and then invoiced accordingly at a later date.

##### **Reimbursement limited based on Capitalization**

Daryl (SK) raised a concern with jurisdictions limiting reimbursement on the basis of the capitalized cost calculated by the Reimbursing Board. Daryl pointed out that reaching a reserve is not a justifiable reason not to reimburse a claim. Daryl indicated that the cost of a claim is the cost of a claim and should not be limited by another jurisdiction capitalizing the claim.

Bill (AB) reminded members of the similar discussion in 2010 when this issue was raised and it was agreed that capitalization was intended primarily to be a tool for calculating reserves on claims and should not be used to limit reimbursement unless there was a claim for reimbursement of a capitalized lump-sum compensation payment.

All jurisdictions, with the exception of British Columbia, confirmed that they do not calculate capitalized costs on a claim that they are reimbursing. Lloyd (BC) explained that their Board tries to reimburse a pension request in full, even if they have determined that the monthly entitlement is significantly less than what the Adjudicating

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Board has calculated. However, by doing this, they then must limit reimbursement once their capitalization reserve is reached. They suggested the alternative would be to issue reimbursement based on what they would have issued the worker had they adjudicated the claim and then they would not be limited by the total capitalized reserve amount. This would likely result in significant shortfalls at each invoice requested for reimbursement rather than once the reserve has been reached, which is often years later. Both Lloyd and Mark (BC) encouraged all jurisdictions to bring questionable individual claims to their attention for discussion and resolution.

BC noted that the capitalization is now even lower due to legislative changes because pension used to be for the life of a worker but now it is only to age 65.

**Establishing a document repository on AWCBC website for the IJA Committee**

Based on the discussions which occurred at the May 2010 IJA meeting, Carol Ann Duffy (PEI) had the AWCBC create a repository for sharing/posting pertinent IJA Committee documents. All jurisdictions agreed it made sense to have a central place to deposit relevant information and agreed that this would be a good tool to use rather than emailing information to all IJA coordinators.

Unfortunately, no IJA coordinators have accessed the AWCBC repository to date. All jurisdictions agreed that they would make an attempt to place information in the repository and also attempt to access information from there as well. As a starting point, it was recommended that the Ontario Board send a copy of their reimbursement letter to the repository and that all jurisdictions would attempt to access documents from the repository. The Quebec Board was also encouraged to place a copy of their revised election form along with the personalized cover letter in the repository for all jurisdictions to access.

**Election of a New Chair**

Committee members were reminded that Bill Ostapek (AB) would be continuing the role of chair of the IJA Committee for another year, after which point Manitoba would assume the role. At the previous AWCBC meeting in May 2010, members agreed that the role of chair would be rotated amongst members based on the alphabetical order of jurisdictions. It was noted that British Columbia, Ontario and Prince Edward Island would be exempt from the rotation until all other jurisdictions had an opportunity to chair the meeting.

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**Action Items:**

- ❖ **The Ontario Board is to place a copy of their reimbursement letter to the AWCBC repository for all jurisdictions to access (May 31, 2011).**
- ❖ **The Quebec Board is to place a copy of their revised election form along with the personalized cover letter in the AWCBC repository for all jurisdictions to access (June 30, 2011).**

No new item to add to the 2011 workplan.

**Meeting concluded May 11, 2011 at 10:00 a.m.**