

**AWCBC ALL COMMITTEE CONFERENCE  
INTERJURISDICTIONAL COMMITTEE MEETING**

**May 15-16, 2012**

The Radisson Admiral Hotel, 249 Queen's Quay West, Toronto, Ontario

**2012 FINAL MINUTES**

Sharon Cameron (Executive Sponsor, Prince Edward Island)

William Ostapek (Chair, Alberta)

Rhonda Dean (Alberta)

Darcy Adair (Alberta)

Jan Glemba (Alberta)

Mark Powers (British Columbia)

Deepak Kothary (British Columbia)

Lloyd Hikida (British Columbia)

Glenn Jones (Manitoba)

Jean Landry (New Brunswick)

Carol Veysey (New Brunswick)

Josie Healey (Newfoundland)

Ann Martin (Newfoundland)

Paula Arab (Nova Scotia)

Sarah Gallant (Nova Scotia)

Tracey Newman (Nova Scotia)

Shirley Walsh (Northwest Territories/Nunavut)

Susan Abernethy (Northwest Territories/Nunavut)

Gerrie Slifka (Northwest Territories/Nunavut)

Cynthia Mendes (Ontario)

Vera Radicevic (Ontario)

Robin Senzilet (Ontario)

Kate Marshall (Prince Edward Island)

Sophie Genest (Quebec)

Daryl Davies (Saskatchewan)

Kathleen Avery (Yukon)

**Regrets-**Suzanne Hewitt (Ontario)

**AWCBC ALL COMMITTEE CONFERENCE  
INTERJURISDICTIONAL COMMITTEE MEETING**

**May 15-16, 2012**

The Radisson Admiral Hotel, 249 Queen's Quay West, Toronto, Ontario

**2012 FINAL MINUTES**

**1. Call to Order (Agenda Item #1)**

**2. Welcome and Introductions (Agenda Item #2)**

William Ostapek (AB) welcomed all attendees and requested round table introductions.

**3. Adoption of Agenda. (Agenda Item #3)**

No new agenda items were added.

**4. Review and Approval of May 2011 Minutes. (Agenda Item #4)**

The following changes were submitted to the 2011 draft minutes:

- Mark Powers (BC) submitted a revision to Page 10-Paragraph 4, the name "Mark Power" should read "Mark Powers."
- Kate Marshall (PEI) submitted a revision to Page 17-Paragraph 5, the name "Ann Martin (PEI)" should read "Ann Martin (NFL)".
- Jean Landry (NS) submitted an addition to Page 17-Between Paragraph 5 and 6, addition of a new paragraph, which should read, "Jean Landry (NS) was not in favour of dollar for dollar reimbursement due to the potential significant impact on employer/industry premium levels."
- Robin Senzilet (ON) submitted a revision to Page 23-Paragraph 4, the words "legal counsel" should be replaced by "Senior Management."

Mark Powers (BC) adopted the changes to the 2011 minutes and Paula Arab (NS) seconded the motion. All other members were in agreement. The motion was carried.

Final meeting minutes for 2011 will be distributed to all Committee members by May 31, 2012.

**Action Item:**

- ❖ **William Ostapek (AB) to distribute final approved minutes for 2011 to all Committee members by May 31, 2012.**

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

**May 15-16, 2012**

The Radisson Admiral Hotel, 249 Queen's Quay West, Toronto, Ontario

**2012 FINAL MINUTES**

**5. Action Arising from 2011 Meeting Minutes (Agenda Item #5)**

*\*Please note: The workplan dated/e-mailed March 29, 2012 was followed as a guideline with respect to the status of the workplan items listed below.*

Prior to reviewing the action plan, Rhonda Dean (AB) clarified with all jurisdictions that no workplan items carried forward from the 2011 workplan update were recorded as "completed" in the 2012 workplan even though they may have been completed prior to the start of the May 2012 meeting as the intent was that the meeting minutes need to reflect a summary of each workplan item's completion since the last meeting. Therefore, Rhonda Dean (AB) clarified that for this and future meetings there would be two workplans circulated each year; a workplan would be distributed at the beginning of the 2 day meeting that shows all workplan items recorded as "to be completed" on the previous years' workplan update (first workplan should mirror the workplan update submitted to the AWCBC Executive the year prior) and the second workplan (workplan update) would be submitted to the AWCBC Executive at the end of the 2 day meeting to record the "to be completed" workplan items that were now "completed" since the last meeting and before the end of the current meeting. "Completed" workplan items would not carry forward to the next year's workplan. "To be completed" workplan items would carry forward to the next year's workplan.

➤ **Workplan Item 1a-1.-Elections**

William Ostapek (AB) confirmed that the Alberta Board had circulated an example of their covering letter for election along with a sample of their two "right of election" forms. This was previously distributed for review by all jurisdictions. Rhonda Dean (AB) advised that it was also included in the Draft Training Manual package that was distributed to all jurisdictions today. No jurisdictions provided any comment on the material circulated. All jurisdictions agreed that the covering letter should be placed on the AWCBC repository and should be included in the Best Practices Training Guide. William Ostapek (AB) agreed to place the letter on the repository by June 30, 2012.

Rhonda Dean (AB) noted that it was previously agreed (May 2011 AWCBC meeting) that the Yukon election case study (Effect of Election on Right to Claim in Other Jurisdiction) be included in the Best Practices Training Guide and requested that the Yukon provide a summary of the case study to the Chair for inclusion in the Best Practices Training Guide. At present, the case study discussion was included in the 2011 meeting minutes but not as an independent document. Kathleen Avery (YK) agreed to provide by June 30, 2012.

**AWCBC ALL COMMITTEE CONFERENCE  
INTERJURISDICTIONAL COMMITTEE MEETING**

**May 15-16, 2012**

The Radisson Admiral Hotel, 249 Queen's Quay West, Toronto, Ontario

**2012 FINAL MINUTES**

**Action Items:**

- ❖ **William Ostapek (AB) is to place the Alberta covering letter for election with a sample of the two right of election forms on the AWCBC repository by June 30, 2012.**
- ❖ **Rhonda Dean (AB) and Kate Marshall (PEI) are to include a copy of the covering letter in the Best Practices Training Guide once completed.**
- ❖ **Kathleen Avery (YK) is to provide the Chair with an independent document summarizing the YK/BC election case study example (raised in the 2011 meeting) by June 30, 2012. This election issue is to be included in the Best Practices Training Guide.**

Item 1a-1.-Elections-Referencing "the circulation of covering letter for elections" by Alberta will be recorded as "completed" in the 2012 workplan update and will not carry forward to the 2013 workplan.

Item 1a-1.-Elections-Referencing "the cover letter for elections being placed on the AWCBC repository and included in the Best Practices Training Guide" will be recorded as "to be completed" in the 2012 workplan update, will carry forward to the 2013 workplan and be recorded as "completed" in the 2013 workplan update if finished. It will then not carry forward to the 2014 workplan.

Item 1a-1.-Elections-Referencing "Yukon providing their election case study" will be recorded as "to be completed" in the 2012 workplan update, will carry forward to the 2013 workplan and will be recorded as "completed" in the 2013 workplan update if finished. It will then not carry forward to the 2014 workplan.

➤ **Workplan Item 1a-2.-Cost Reimbursement**

William Ostapek (AB) indicated that Ontario had circulated a copy of its reimbursement letter (available on the AWCBC repository) as an example for all Boards to review and provide feedback as agreed in the workplan. Rhonda Dean (AB) provided a summary report of the feedback provided. Rhonda Dean (AB) indicated that no Board provided direct feedback on the actual reimbursement letter from Ontario; however Nova Scotia had provided an outline of its requirements when requests for reimbursement were received from other jurisdictions. Ontario also created a sample letter to be used when submitting requests for reimbursement that had the information they felt would be beneficial. Glenn Jones (MB) had provided feedback (via e-mail) on the information submitted by Nova Scotia indicating that the information Manitoba provides for the most part covered what was requested by Nova Scotia. However, Glenn Jones (MB) indicated that some of the

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

**May 15-16, 2012**

The Radisson Admiral Hotel, 249 Queen's Quay West, Toronto, Ontario

**2012 FINAL MINUTES**

information requested would either be too labour intensive to gather or would not be considered relevant for the purpose of reimbursement, as it would be considered readjudication of a decision already made by the Adjudicating Board. In summary, Rhonda Dean (AB) noted that it was clear not all jurisdictions would be able to agree to a standardized form letter when requesting reimbursement from another jurisdiction, however, as part of the Best Practices Training Guide a template letter would be developed which would include the minimum requirements that were necessary for all jurisdictions to follow when requesting reimbursement from another jurisdiction.

Kate Marshall (PEI) provided a spreadsheet table which summarized the documents that each jurisdiction submitted along with their comments on what worked well and what challenged each jurisdiction with respect to cost reimbursement. Kate Marshall (PEI) noted that a preliminary review indicated that there were certainly inconsistencies amongst all jurisdictions with respect to cost reimbursement. Some jurisdictions reported challenges whereby not all jurisdictions provided supporting policy/legislation to account for the shortfalls/denials of requests for reimbursement. Based on the responses from jurisdictions, the Best Practice Training Guide would certainly be a worthwhile venture.

Rhonda Dean (AB) also provided a package entitled "IJA Cost Reimbursement Best Practices Training Guide" which included a copy of all documents that were submitted by each jurisdiction. The package was divided into sections including IJA Committee Protocols, Practices and Procedures; IJA Readjudication and Related Cost Studies, Cost Relief, Dispute Resolution Training Guide; IJA Arbitrations; IJA Right of Election Letters/Case Studies; and IJA Policies and Procedures by Jurisdiction. Jurisdictions requested that this information be placed on the AWCBC repository for easy access, to which Rhonda Dean (AB) agreed to explore further with the AWCBC.

All jurisdictions agreed to review the above information, provide additional information if necessary and provide any feedback on the materials that would be beneficial to include in the Best Practices Training Guide for cost reimbursement. This was agreed to be completed by June 30, 2012. After this information is received, Rhonda Dean (AB) and Kate Marshall (PEI) agreed to compile and draft the Best Practices Training Guide along with any necessary template letters. The draft guide and template letters would be circulated to all jurisdictions by December 31, 2012 at which point all jurisdictions committed to review and provide further feedback by February 2013. The goal was for the Best Practices Training Guide to be completed and distributed at the next annual AWCBC meeting in May 2013.

**AWCBC ALL COMMITTEE CONFERENCE  
INTERJURISDICTIONAL COMMITTEE MEETING**

**May 15-16, 2012**

The Radisson Admiral Hotel, 249 Queen's Quay West, Toronto, Ontario

**2012 FINAL MINUTES**

**Action Items:**

- ❖ **All jurisdictions are to review, provide additional information and feedback on the materials provided for the Best Practices Training Guide for cost reimbursement by June 30, 2012. Rhonda Dean (AB) will ask if materials can be posted on the AWCBC repository as well.**
- ❖ **Rhonda Dean (AB) and Kate Marshall (PEI) are to draft the Best Practices Training Guide and templates based on the materials and feedback provided, and circulate to all jurisdictions by December 31, 2012.**
- ❖ **All jurisdictions are to review the "draft" Best Practices Training Guide and provide feedback to Rhonda Dean (AB) and Kate Marshall (PEI) by February 28, 2013.**
- ❖ **Rhonda Dean (AB) and Kate Marshall (PEI) are to complete and distribute the Best Practices Training Guide at the next AWCBC meeting in May 2013.**

Item 1a-2.-Cost Reimbursement-The 3 activities that referenced "Ontario circulating a copy of its reimbursement letter to all Boards, providing feedback to the Chair and a summary report being provided to all jurisdictions" were all recorded as "completed" in the 2012 workplan update. These 3 items will not carry forward to the 2013 workplan.

Item 1a-2.-Cost Reimbursement-The activity recorded as "Best Practices Training Guide for cost reimbursement to be developed" will still be recorded as "to be completed" in the 2012 workplan update however, the target date was changed from May 2012 to May 2013 and will carry forward to the 2013 workplan. If the Best Practices Training Guide is distributed by May 2013, it will then be recorded as "completed" in the 2013 workplan update and will not carry forward to the 2014 workplan.

Item 1a-2.-Cost Reimbursement-3 new activities were added to status category under cost reimbursement, based on the first three items of the action plan above. All three items were recorded as "to be completed" in the 2012 workplan update, all 3 items will carry forward to the 2013 workplan and will be recorded as "completed" in the 2013 workplan update if finished and will not carry forward to the 2014 workplan.

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

**May 15-16, 2012**

The Radisson Admiral Hotel, 249 Queen's Quay West, Toronto, Ontario

**2012 FINAL MINUTES**

**3 NEW Items under 1a-2.-Cost Reimbursement** activities were added to the workplan which included the following:

**NEW Item 1a-2.-Cost Reimbursement-**All jurisdictions to review, provide further information, and provide feedback on the materials provided for the Best Practices Training Guide for cost reimbursement. This activity will be recorded as “to be completed” in the 2012 workplan update, will carry forward to the 2013 workplan and if the activity is completed by June 30, 2012, it will be recorded as “completed” in the 2013 workplan update and will not carry forward to the 2014 workplan.

**NEW Item 1a-2.-Cost Reimbursement-**The Best Practices Training Guide along with templates are to be “drafted” based on the materials provided and circulated to all jurisdictions for review. This activity will be recorded as “to be completed” in the 2012 workplan update. It will carry forward to the 2013 workplan and if the activity is completed by December 31, 2012, it will be recorded as “completed” in the 2013 workplan update and will not carry forward to the 2014 workplan.

**NEW Item 1a-2.-Cost Reimbursement-**All jurisdictions to review the “draft” Best Practices Guide and provide feedback. This activity will be recorded as “to be completed” in the 2012 workplan update. It will carry forward to the 2013 workplan and if the activity is completed by February 28, 2013, it will be recorded as “completed” in the 2013 workplan update and will not carry forward to the 2014 workplan.

➤ **Workplan Item 1a-3.-Alternative Assessment Procedure**

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

Item 1a-3.-Alternative Assessment Procedure will continue to be recorded as “to be completed” and target date will remain “TBD” in the 2012 workplan update. It will carry forward to the 2013 workplan and will be recorded as “completed” in the 2013 workplan update if all activities of item 2a are completed and will not carry forward to the 2014 workplan.

➤ **Workplan Item 1b-Jurisdictions to review/edit draft training manual.**

This item was noted to be ongoing as items in 1a were pending completion. Jurisdictions agreed to have the title renamed “Jurisdictions to review/edit draft Best Practices Training Guide (including Elections, Cost Reimbursement, AAP and Dispute Resolution)” rather than “Jurisdictions to review/edit draft training manual,” for clarity purposes.

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

**May 15-16, 2012**

The Radisson Admiral Hotel, 249 Queen's Quay West, Toronto, Ontario

**2012 FINAL MINUTES**

**\*Please Note:** The meeting minutes from 2011 had noted that jurisdictions agreed to rename the activity to read “draft best practices guide/manual” rather than “draft training manual,” which was completed accordingly. However, the title was inadvertently changed back to the original language when the revised 2011 updated workplan was circulated for the 2012 meeting (e-mailed to all members on March 29, 2012.). Therefore, the title was updated accordingly in the 2012 workplan update submitted to the AWCBC Executive at the end of the May 2012 meeting.

Item 1b will be recorded as “to be completed” and target date will remain “TBD” in the 2012 workplan update. It will carry forward to the 2013 workplan and will be marked as “completed” in the 2013 workplan update if all activities of 1a.-1 to 1a.-3 are completed and it will then not carry forward to the 2014 workplan.

➤ **Workplan Item 1c-Finalize draft and communicate/distribute training manual.**

This item was noted to be ongoing as items in 1b were pending completion. Jurisdictions agreed to have the title be renamed to read “Finalize draft Best Practices Training Guide and communicate/distribute guide” rather than “Finalize draft and communicate/distribute training manual.”

Item 1c will be recorded as “to be completed” and target date will remain “TBD” in the 2012 workplan update. It will carry forward to the 2013 workplan and will be marked as “completed” in the 2013 workplan update if all activities of 1a.-1 to 1a.-3 (and 1b) are completed. It will then not carry forward to the 2014 workplan.

➤ **Workplan Item 2a-AAP-Act upon AWCBC Executive/Heads of Delegation decision**

William Ostapek (AB) noted that all jurisdictions reported on the level of authority required for AAP/IJA amendments. Therefore, this activity will be recorded as "completed" on the 2012 workplan update and will not carry forward to the 2013 workplan.

***Please Note:*** Due to the extensive list of activities that encompassed this item, it was determined that the completed action items would be retained under the main activity (Far left column) as a record of the chronology of events that were required to complete this main goal.

William Ostapek (AB) reported that the Assessment Committee completed a draft of the new AAP model and criteria for inclusion of Motor Coach (bus lines) and potentially other new industries in the future. This new draft AAP was circulated to all jurisdictions to review and provide comment.



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

**May 15-16, 2012**

The Radisson Admiral Hotel, 249 Queen's Quay West, Toronto, Ontario

**2012 FINAL MINUTES**

Deepak Koathary (BC) advised that 7 jurisdictions formed the AAP Subcommittee for the Assessment Committee and all 13 jurisdictions had input into the new draft AAP. Ontario had provided some feedback; however, Deepak opened the discussion for further feedback from IJA Committee members to ensure that all jurisdictions were satisfied with the new draft AAP.

After much discussion, Deepak Kothary (BC) agreed to return to the Assessment Committee to make the following 4 revisions:

**1. Section 12.13**

Robin Sensilet (ON) and Sophie Genest (QC) raised concern with the wording of Section 12.13 of the new draft AAP which was written as follows:

*12.13 The Association of Workers Compensation Boards of Canada (AWCBC) authorizes the National Assessment Committee to amend, by unanimous consent, the table contained in Appendix XX and the application form prescribed in Appendix D.*

Robin Sensilet (ON) noted that Ontario would not be able to authorize the National Assessment Committee to amend the table and/or application form referenced above as any changes to the IJA/AAP would need to be approved by Ontario's Board of Directors and would require the signature of the Board President. Shirley Walsh (NWT) agreed to make revisions to the wording of Section 12.13 and have Ontario review the changes before sending them to Deepak Kothary (BC).

**2. Section 12.1 a)**

Sophie Genest (QC) also recommended a grammatical correction to Section 12.1 a) which was written as follows:

*The Alternative Assessment Procedure the "AAP" is the elective assessment procedure under which an Electing Participant pays all assessments for a calendar year in respect of a Worker engaged in an industry listed in Appendix XX, to one Assessing Board (being the jurisdiction in which the Worker lives most of the time).*

**AWCBC ALL COMMITTEE CONFERENCE  
INTERJURISDICTIONAL COMMITTEE MEETING**

**May 15-16, 2012**

The Radisson Admiral Hotel, 249 Queen's Quay West, Toronto, Ontario

**2012 FINAL MINUTES**

Sophie Genest (QC) recommended that the same grammatical format be followed as noted in 12.1 b) to 12.1 f). The Committee deliberated and recommended that section 12.1 a) read as follows:

*"AAP" (Alternative Assessment Procedure) means the elective assessment procedure under which an Electing Participant pays all assessments for a calendar year in respect of a Worker engaged in an industry listed in Appendix XX, to one Assessing Board (being the jurisdiction in which the Worker lives most of the time).*

**3. Section 12.3 b)**

Several jurisdictions raised concern regarding the lack of clarity in Section 12.3 b) which was drafted as follows:

*"b) Except in the case of a new Electing Participant, one not previously eligible:*

*i) Require participation in the AAP to commence on January 1<sup>st</sup> of each year.*

*ii) Require application for participation in a year to be made by no later than 28 February of that year."*

All jurisdictions agreed that it was understood that the reference to the exception of a new Electing Participant referred to a brand new employer who just created/opened an account, however it was agreed that the section could be worded more clearly. The intent of this section was to suggest that if an employer already had an existing employer account, but was not a participant in the AAP, they were allowed to participate only on January 1 of each year and were required to apply for participation no later than February 28<sup>th</sup> of the year. A brand new employer who opened a new account could participate in the AAP at the onset of their new employer account and would not have to wait under January 1st to participate.

**4. Mandatory Employer Review every 3 years**

Some jurisdictions questioned whether it would be beneficial for the new draft AAP to include a mandatory annual review of employer's participation in the AAP to ensure that there was no change in the employer's operations with respect to the provinces they were travelling through and the provinces in which they were employing workers from. The purpose of this would also be to ensure that premiums were being reported and collected appropriately. Deepak Kothary (BC) indicated that when the new draft AAP was being created, the AAP Subcommittee had agreed to have employers' participation in the AAP

**AWCBC ALL COMMITTEE CONFERENCE  
INTERJURISDICTIONAL COMMITTEE MEETING**

**May 15-16, 2012**

The Radisson Admiral Hotel, 249 Queen's Quay West, Toronto, Ontario

**2012 FINAL MINUTES**

reviewed every 3 years as it was agreed that an annual review would be too labour intensive for jurisdictions to engage in. However, Deepak Kothary (BC) was uncertain as to why this was not part of the new draft AAP and indicated that he would review his meeting minutes to determine why it was not included in the new draft AAP that was circulated to the IJA Committee and update jurisdictions accordingly.

In addition to the above 4 sections for which revisions were agreed upon, there was also significant discussion regarding other sections of the new draft AAP which are summarized below:

**Section 12.3 a) (i) (Noted as Terms and Conditions #2 in Existing AAP):**

Ann Martin (NFL) asked for clarification on the intended meaning of Section 12.3 a)(i) which stated the following:

*"A Participating Board shall:*

*a) Require that an Electing Participant:*

*(i) Pay assessment to the Assessing Board in accordance with the AAP;"*

Ann Martin (NFL) questioned whether it was the Participating Board's responsibility to require than an Electing Participant pay assessments to the Assessing Board and questioned the feasibility of such an arrangement. Deepak Kothary (BC) noted that this section was taken almost verbatim from 12.2 d)(ii) of the existing IJA with the exception of the terms "Assessing Board" versus "Participating Board" and "electing employer" versus "Electing Participant." Deepak Kothary (BC) further clarified that the intent of the section was for all Boards to ensure that the employer/Electing Participant pays assessments to the Assessing Board. Deepak Kothary (BC) clarified that there certainly was no expectation for a Participating Board to be responsible for ensuring the Electing Participant paid its assessments to the Assessing Board. No changes were made to the wording of section 12.3 a)(i).

**AWCBC ALL COMMITTEE CONFERENCE  
INTERJURISDICTIONAL COMMITTEE MEETING**

**May 15-16, 2012**

The Radisson Admiral Hotel, 249 Queen's Quay West, Toronto, Ontario

**2012 FINAL MINUTES**

**Withdrawal from AAP by October 31**

Cynthia Mendes (ON) raised the question as to whether the withdrawal date of October 31st should be added to the new draft AAP. Deepak Kothary (BC) indicated that this was discussed with the Assessment Committee members and it was noted that it would not be included in the redraft as all jurisdictions were not following this deadline. In addition, Deepak Kothary (BC) noted that since an employer's withdrawal from the AAP was very rare, it was not felt to be useful to add this to the new draft AAP.

**Further Review of Section 12.1 a):**

Robin Sensilet (ON) requested clarification regarding Section 12.1 a) where reference was made to the Assessing Board being referred to as "the jurisdiction in which the worker lives most of the time" and whether this wording would create any problems for jurisdictions such as Quebec. Sophie Genest (QC) confirmed that this wording was a bit ambiguous and does in fact cause some difficulties for their jurisdiction. She indicated that from her perspective Section 12.2 b) of the existing IJA was clearer but that the new draft AAP wording was workable as the same interpretation was available at by combining sections.

The existing IJA Section 12.2 b) stated the following:

*"12.2 A Board shall:*

*b) Make the alternative assessment procedure available to an electing employer in respect of a worker only if that Board's legislation permits coverage of this worker anywhere in Canada."*

Deepak Kothary (BC) indicated that the reason this section was re-worded in the new draft AAP was that it became a very arduous task to determine whether the worker would have coverage anywhere in Canada and the new draft AAP simplified the process by suggesting that the Assessing Board was the jurisdiction where the worker resided most of the time along with Section 12.1 f) which defined a Worker to mean "an individual who has workers' compensation coverage from an Assessing Board for work performed anywhere in Canada, and who works in more than one jurisdiction".

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

**May 15-16, 2012**

The Radisson Admiral Hotel, 249 Queen's Quay West, Toronto, Ontario

**2012 FINAL MINUTES**

Mark Powers (BC) also raised the question as to how important this would be to change. He noted that jurisdictions needed to ask how often this could/would be misinterpreted. He indicated that it would be very difficult to draft a new AAP section if the IJA Committee's focus was on the rare fact patterns that sometimes develop. Mark Powers (BC) reminded jurisdictions that the IJA was not meant to be interpreted alone, but rather to have supporting training materials to expand/explain the intended meaning of the IJA.

As a result of the discussion, all jurisdictions agreed to have Section 12.1 a) of the new draft AAP remain as drafted, with no changes recommended.

**Mandatory Inclusion of Specified Industries into new draft AAP (Appendix XX):**

Jean Landry (NB) requested clarification on Appendix XX which was titled "Alternative Assessment Procedure-Included Industries" and whether the intent of this Appendix was for all jurisdictions to allow inclusion to all of the interjurisdictional trucking and transport industries now listed (Bulk Liquids Trucking; Couriers, Messengers, and Delivery; Dry Bulk Materials Trucking; Forest Products Trucking; General Freight Trucking; Specialized Freight Trucking; and Used Household and Office Goods Moving )once the new draft AAP was executed. Deepak Kothary (BC) confirmed that the intent was definitely for all jurisdictions to allow all of the industries specified in Appendix XX to participate in the AAP and he clarified that all jurisdictions were presently including some or all of the industries listed. Deepak Kothary (BC) also indicated that for the AAP to work as it was intended there should be consistency of industries across all jurisdictions.

**Mandatory Participation in the AAP across all Jurisdictions:**

Sophie Genest (QC) requested clarification as to whether jurisdictions should be enforcing AAP participation in all jurisdictions, if the employer was already participating in the AAP in one particular jurisdiction. Jean Landry (NB) noted that if jurisdictions were not enforcing the AAP to require mandatory employer participation across all jurisdictions (once opted in) then employers may choose to prorate workers' earnings to a jurisdiction with a more favourable assessment rate, which could increase the risk of such employers being able to pay lower assessments.

**AWCBC ALL COMMITTEE CONFERENCE  
INTERJURISDICTIONAL COMMITTEE MEETING**

**May 15-16, 2012**

The Radisson Admiral Hotel, 249 Queen's Quay West, Toronto, Ontario

**2012 FINAL MINUTES**

**Section 12.10-Full Reimbursement under AAP:**

Jean Landry (NB) raised concern regarding the wording of Section 12.10 in the new draft AAP as opposed to the wording in Section 12.3 c) of the existing IJA because it is not as clear in the new draft AAP that a payment under the AAP is an assessment transfer rather than a claim cost reimbursement.

Section 12.10 in the new draft AAP is written as follows:

*“Upon receipt of a Registering Board’s invoice in accordance with paragraph 12.9, the Assessing Board shall, subject to an applicable limit of participation in Appendix A of this Agreement, pay to the Registering Board the full amount of the invoice (as determined by the Registering Board’s law and policy).”*

Whereas, Section 12.3 c) of the existing IJA is written as follows:

*“If a worker of an electing employer is injured and elects to claim compensation from a Registering Board, it shall adjudicate and pay the claim in accordance with its enabling legislation. The Registering Board shall invoice the Assessing Board for an assessment refund covering the costs of the claim either when the claim is closed or, at a minimum of quarterly on a calendar basis.”*

Jean Landry (NB) suggested the Committee may want to maintain the existing IJA wording which referred to the “transfer of assessment” rather than the new draft AAP wording as the existing IJA wording provides rationale for the dollar-for-dollar reimbursement under Section 12 of the AAP versus the legislative/policy limitations to reimbursement under Section 9 of the regular IJA.

There was significant discussion amongst the jurisdictions regarding the new wording and William Ostapek (AB) suggested that the Committee could add the words “*assessments totalling the full amount of the invoice*” in the new draft AAP, however, not all jurisdictions agreed with this revision and in the end all jurisdictions agreed to leave Section 12.10 in the new draft AAP unchanged.

**AWCBC ALL COMMITTEE CONFERENCE  
INTERJURISDICTIONAL COMMITTEE MEETING**

**May 15-16, 2012**

The Radisson Admiral Hotel, 249 Queen's Quay West, Toronto, Ontario

**2012 FINAL MINUTES**

**Section 12.1 c) (ii)-Term "Optional Coverage" versus "Independent Operator":**

Robin Sensilet (ON) requested clarification on Section 12.1 c)(ii) which defined an "Electing Participant as:

*"an individual who has optional coverage with an Assessing Board and who participates in the AAP;"*

Robin Sensilet (ON) pointed out that the existing AAP used the term "independent operator" and defined it to mean a person with personal optional coverage whereas the new draft AAP reference to "an individual who has optional coverage" would make the AAP available to employers' executives and asked whether this was the intent. Deepak Kothary (BC) confirmed that since the intent of the new draft AAP was to include other industries, the Assessment Committee agreed to extend participation to others with optional coverage who may not have been able to participate based on the existing AAP procedures.

Glenn Jones (MB) noted that the Committee has to be careful how specific the language is made in the new draft AAP because it is supposed to be broad enough to allow new industries to participate with only amendment to the Appendix.

**Section 12.6 Administration of the AAP:**

Robin Sensilet (ON) requested further clarification on Section 12.6 of the new draft AAP which was written as follows:

*"An Assessing Board shall assess an Electing Participant in accordance with the AAP, in accordance with its law and policies, and at the appropriate assessment rate; and shall levy and collect assessments for each Worker, on its own behalf and on behalf of all Registering Boards. Every Participating Board shall take the steps necessary under its enabling legislation to allow the Assessing Board to levy and collect assessments on its behalf."*

**AWCBC ALL COMMITTEE CONFERENCE  
INTERJURISDICTIONAL COMMITTEE MEETING**

**May 15-16, 2012**

The Radisson Admiral Hotel, 249 Queen's Quay West, Toronto, Ontario

**2012 FINAL MINUTES**

Specifically, Robin Sensilet (ON) asked for clarification regarding the last sentence and what the expectations were intended to be of the Participating Board. Deepak Kothary (BC) clarified that the last sentence simply meant that all jurisdictions are to take the necessary steps to ensure the appropriate administration of the AAP Agreement. In other words, "Do what you need to do to follow the agreement."

**Review of Revised Application or Participation in the AAP:**

All jurisdictions reviewed the revised AAP application form that the Assessment Committee created. All jurisdictions agreed with the format of the new AAP application form and did not recommend any changes. Paula Arab (NS) asked whether it would be possible to begin using the new AAP application form despite the new AAP application form not being formally approved by the AWCBC Executive Heads of Delegation. Deepak Kothary (BC) indicated that there would be no reason that jurisdictions could not begin using the new AAP application form immediately because the existing IJA referenced a prescribed form but there wasn't one currently being used.

**Summary:**

As a result of all of the discussions, Deepak Kothary (BC) agreed to make the 4 recommended changes by June 30, 2012. William Ostapek (AB) agreed to circulate the 2<sup>nd</sup> new draft AAP to all jurisdictions by June 30, 2012. All jurisdictions were to provide final feedback to Deepak Kothary (BC) by September 15, 2012. Sharon Cameron (PEI) agreed to forward the completed 2<sup>nd</sup> new draft AAP to the AWCBC by October 15, 2012 for review and approval by the AWCBC Executive Heads of Delegation. The intent is that the AWCBC Executive will approve and execute the final draft of the AAP in its November 2012 meeting.

**Action Items:**

- ❖ **Deepak Kothary (BC) is to make the 4 recommendations changes to the new draft AAP by June 30, 2012.**
- ❖ **William Ostapek (AB) is to circulate the amendments to all jurisdictions by June 30, 2012.**
- ❖ **All jurisdictions are to review and provide feedback on the 2<sup>nd</sup> new draft AAP to Deepak Kothary (BC) by September 15, 2012.**



**AWCBC ALL COMMITTEE CONFERENCE  
INTERJURISDICTIONAL COMMITTEE MEETING**

**May 15-16, 2012**

The Radisson Admiral Hotel, 249 Queen's Quay West, Toronto, Ontario

**2012 FINAL MINUTES**

- ❖ **Sharon Cameron (PEI) is to forward a final draft of the AAP to the AWCBC for review and approval by the AWCBC Executive Heads of Delegation by October 15, 2012.**
- ❖ **The AWCBC Executive is to approve and execute the final draft of the AAP in November 2012.**

**Please Note:** The 2012 workplan update that was circulated for the 2012 AWCBC meeting (e-mailed March 29, 2012) had noted the title of the activity to read "AAP-Act upon AWCBC Executive/Heads of Delegation decision. Upon reviewing the action plan, jurisdictions agreed to expand the title to be more informative. Therefore, the title was amended to read "AAP-Act upon AWCBC Executive/Heads of Delegation decision to amend IJA with revised AAP to include other industries."

Item 2a-AAP-Referencing "the Assessment Committee providing a draft of the new AAP model and criteria for inclusion of Motor Coach and potential new industries" will be recorded as "completed" in the 2012 workplan update and will not carry forward to the 2013 workplan.

Item 2a-AAP-Referencing "each jurisdiction reporting on the level of authority required for AAP/IJA" will be recorded as "completed" in the 2012 workplan update and will not carry forward to the 2013 workplan.

Item 2a-AAP-Referencing "a summary AAP report being forward to all jurisdictions" will be recorded as "completed" in the 2012 workplan update and will not carry forward to the 2013 workplan.

Item 2a-AAP-Referencing "Amend IJA with revised AAP" will still be recorded as "to be completed" with a "TBD" for the target date in the 2012 workplan update and will carry forward to the 2013 workplan. It will be marked as "completed" in the 2013 workplan update if all items in 2a are completed by May 2013 and will not carry forward to the 2014 workplan.

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

**May 15-16, 2012**

The Radisson Admiral Hotel, 249 Queen's Quay West, Toronto, Ontario

**2012 FINAL MINUTES**

**5 NEW Items for 2a**-Act upon AWCBC Executive/Heads of Delegation Decision-5 **NEW** activities were added to the workplan which included the following:

**New Item 2a**-Amend the draft of the new AAP model incorporating IJA committee feedback. This activity will be recorded as "to be completed" in the 2012 workplan update and will carry forward to the 2013 workplan. If the activity is completed by June 30, 2012 as agreed, it will be recorded as "completed" in the 2013 workplan update and will not carry forward to the 2014 workplan.

**NEW Item 2a**-The Chair is to circulate the 2<sup>nd</sup> new draft AAP amendments to all committee members. This activity will be recorded as "to be completed" in the 2012 workplan update and will carry forward to the 2013 workplan. If the activity is completed by June 30, 2012 as agreed, it will be recorded as "completed" in the 2013 workplan update and will not carry forward to the 2014 workplan.

**NEW Item 2a**-All jurisdictions to provide feedback on the 2<sup>nd</sup> draft. This activity will be recorded as "to be completed" in the 2012 workplan update and will carry forward to the 2013 workplan. If the activity is completed by September 15, 2012, it will be recorded as "completed" in the 2013 workplan update and will not carry forward to the 2014 workplan.

**NEW Item 2a**-Forward completed draft to the AWCBC for review and approval of AWCBC Executive Heads of Delegation by October 15, 2012. This activity will be recorded as "to be completed" in the 2012 workplan update and will carry forward to the 2013 workplan. If the activity is completed by October 15, 2012, it will be recorded as "completed" in the 2013 workplan update and will not carry forward to the 2014 workplan.

**NEW Item 2a**-Approval of the final draft of the AAP by November 2012. This activity will be recorded as "to be completed" in the 2012 workplan update and will carry forward to the 2013 workplan. If the activity is completed by October 15, 2012, it will be recorded as "completed" in the 2013 workplan update and will not carry forward to the 2014 workplan.

➤ **Workplan Item 2b-Collaboration with Motor Coach.**

All jurisdictions agreed that Motor Coach should be verbally advised of the progress of the new draft AAP by the Chair by June 30, 2012. William Ostapek (AB) advised there had been no discussion or contact in the past year with Motor Coach on this issue. It was agreed that there was no need for Motor Coach to be involved in the approval and/or review of the 2<sup>nd</sup> new draft AAP and that it was not a good idea to send Motor Coach a copy of the 2<sup>nd</sup> new draft AAP before it receives approval from the AWCBC Executive. All agreed it was unlikely

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

**May 15-16, 2012**

The Radisson Admiral Hotel, 249 Queen's Quay West, Toronto, Ontario

**2012 FINAL MINUTES**

the new draft AAP could take effect for new industries before January 1, 2014 due to each jurisdiction requiring time to adapt its intake processes and notify/register new employers.

**Action Items:**

- ❖ **The Chair is to verbally advise Motor Coach of the progress of the 2<sup>nd</sup> new draft AAP by June 30, 2012.**

Item 2b-Collaboration with Motor Coach-Participation in the revised AAP will continue to be recorded as "TBD" in the 2012 workplan update and will carry forward to the 2013 workplan. It will only be marked as "completed" in the 2013 workplan update if all activities of 2a are completed. It will then not carry forward to the 2014 workplan.

**NEW Item 2b**-Collaboration with Motor Coach-Motor Coach to be verbally advised of the progress of the AAP redraft. This activity will be recorded as "to be completed" in the 2012 workplan update and will carry forward to the 2013 workplan. If the activity is completed by June 30, 2012 as agreed, it will be recorded as "completed" in the 2013 workplan update and will not carry forward to the 2014 workplan.

- **Workplan Item 3a-AAP-Develop options and report back to Committee.**

Originally this workplan item included a discussion of the administrative issues within the existing AAP. A discussion regarding the benefits and possible improvements of the administration of the AAP was completed in May 2011 and therefore was not carried forward to the 2012 workplan. The remaining item was to develop options for improvement once the new draft AAP was finalized. The redraft included a complete review of the entire Agreement, not only a focus on the inclusion of Motor Coach (bus lines industry). Therefore, the original activity was considered to be complete.

All jurisdictions agreed that an expanded definition of bus line/Motor Coach industries for inclusion in the AAP would now be required. Deepak Kothary (BC) agreed that a reasonable timeframe for the industry codes to be agreed upon by the Assessment Committee for inclusion in Appendix XX could be completed by December 31, 2012. New industries would not be included in the AAP until the revised Appendix XX was approved by the AWCBC Executive.

**AWCBC ALL COMMITTEE CONFERENCE  
INTERJURISDICTIONAL COMMITTEE MEETING**

**May 15-16, 2012**

The Radisson Admiral Hotel, 249 Queen's Quay West, Toronto, Ontario

**2012 FINAL MINUTES**

**Action Items:**

- ❖ **Deepak Kothary (BC) and the Assessment Committee are to develop an expanded definition of the bus line industry for inclusion in Appendix XX of the new draft AAP by December 31, 2012.**

Item 3a-AAP-Referencing Developing options and report back to committee-Assessment Committee review of AAP-will be recorded as "completed" in the 2012 workplan update as the AAP redraft was received from the Assessment Committee in May 2012. It will not carry forward to the 2013 workplan.

**NEW Item 3a-AAP-Develop options and report back to committee-Develop expanded definition of bus line industry for inclusion in the AAP. This activity will be recorded as "to be completed" in the 2012 workplan update and will carry forward to the 2013 workplan. If the activity is completed by December 31, 2012, it will be recorded as "completed" in the 2013 workplan update and will not carry forward to the 2014 workplan.**

- **Workplan Item 4a-Review general cost reimbursement guideline processes and allocated resources.**

William Ostapek (AB) indicated that based on last year's meeting minutes, jurisdictions agreed that the minimum threshold under Section 9.9 of the IJA for reimbursement would remain at \$1000 as many jurisdictions felt that further tracking was required to determine whether claims that were over \$1000 but under \$5000 would eventually reach the \$5000 threshold to determine if it was feasible to commit to the threshold increase. Based on 2011 meeting minutes, 3 jurisdictions (Alberta, Saskatchewan and Prince Edward Island) did not agree with the threshold increase to \$5000. Jurisdictions had committed to tracking activity in 2011/2012 to determine if they would support an increase to \$5000.

Unfortunately, jurisdictions did not have the opportunity to continue to track claims for any summary to be reported at the 2012 meeting. It was agreed that all jurisdictions would report back to the Chair by September 30, 2012 whether they were agreeable to an increase in the threshold for reimbursement "up to \$5000" for regular IJA claims (it was agreed this threshold would continue to not apply to AAP claims). If an increase to \$5000 was not possible from all jurisdictions, all jurisdictions agreed they would all use the threshold of the lowest amount acceptable by any one jurisdiction. The Chair agreed to provide a summary report on the amount each jurisdiction was willing to increase the threshold to and circulate

**AWCBC ALL COMMITTEE CONFERENCE  
INTERJURISDICTIONAL COMMITTEE MEETING**

**May 15-16, 2012**

The Radisson Admiral Hotel, 249 Queen's Quay West, Toronto, Ontario

**2012 FINAL MINUTES**

to all jurisdictions by September 30, 2012. Any agreed change to the threshold would be included in the final IJA redraft and provided to the AWCBC Executive by October 15, 2012 [to be submitted by IJA Executor Sponsor, Sharon Cameron (PEI)].

Under new business all jurisdictions agreed that effective January 1, 2012 any subsequent request for cost reimbursement should have a minimum threshold of \$200. Therefore, this activity was recorded as completed.

**Action Items:**

- ❖ **All jurisdictions are to report to the Chair by September 30, 2012 as to whether they agree to increase the threshold for reimbursement "up to \$5000" for IJA claims. If not willing to increase to \$5000, they are to report the maximum amount they are willing to increase the IJA threshold.**
- ❖ **The Chair is to provide a summary report to all jurisdictions by September 30, 2012 as to the amount of the IJA threshold increase, if any.**
- ❖ **The Chair is to provide revised IJA final draft to IJA Executive Sponsor, Sharon Cameron (PEI) by October 15, 2012.**
- ❖ **IJA Executive Sponsor, Sharon Cameron (PEI) is to submit revised IJA (threshold increase and new draft AAP) to the AWCBC Executive Sponsor by October 15, 2012.**

Item 4a-Review general cost reimbursement guideline processes and allocated resources- Jurisdictions are to track activity in 2011/12 was recorded as "completed" in the 2012 workplan update as a new workplan item was created.

**NEW Item 4a**-Review general cost reimbursement guideline processes and allocated resources-"Jurisdictions are to report to Chair as to whether they agree to increase threshold for reimbursement up to \$5000 for IJA claims". If not possible, jurisdictions are to report the amount that they are willing to increase the threshold to. This activity will be recorded as "to be completed" in the 2012 workplan update and will carry forward to the 2013 workplan. If the activity is completed by September 30, 2012, it will be recorded as "completed" in the 2013 workplan update and will not carry forward to the 2014 workplan.

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

**May 15-16, 2012**

The Radisson Admiral Hotel, 249 Queen's Quay West, Toronto, Ontario

**2012 FINAL MINUTES**

**NEW Item 4a**-Review general cost reimbursement guideline processes and allocated resources- "Chair to report to all jurisdictions as to amount of increase, if any." This activity will be recorded as "to be completed" in the 2012 workplan update and will carry forward to the 2013 workplan. If the activity is completed by September 30, 2012, it will be recorded as "completed" in the 2013 workplan update and will not carry forward to the 2014 workplan.

Item 4a- Review general cost reimbursement guideline processes and allocated resources- Jurisdictions agreed to implement a minimum threshold of \$200 for subsequent requests for cost reimbursement after the initial one effective January 1, 2012. This activity will be recorded as "completed" in the 2012 workplan update. It will not carry forward to the 2013 workplan.

➤ **Workplan Item 5a-Statistics for Cost Reimbursement**

William Ostapek (AB) indicated that he had not yet received the yearly statistics summary for IJA cost reimbursement or AAP assessment transfers from the AWCBC. The AWCBC inadvertently forgot to collect the statistics this year in time for all jurisdictions to be able to provide them before the May 2012 meeting. Therefore, the discussion regarding the yearly statistics would be deferred until next year.

Kate Marshall (PEI) indicated that she had revised the drafts of the cost reimbursement definitions and statistics table and placed them on the AWCBC repository.

Rhonda Dean (AB) requested clarification as to whether the information placed on the AWCBC repository was in fact updated as the definitions and table were still titled "draft." Kate Marshall (PEI) indicated that she would ensure that the information placed on the AWCBC repository was in fact the final template which included the recommended amendments and would have it corrected accordingly.

Item 5a-Statistics for Cost Reimbursement-Final amendments to definitions-This item was recorded as "completed" in the 2012 workplan update and will not carry forward to the 2013 workplan.

➤ **Workplan Item 5b-Implement changes to Statistics for Cost Reimbursement**

Kate Marshall (PEI) reminded all jurisdictions that the new definitions and tables were to be used to track the 2012 IJA/AAP statistics.

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

**May 15-16, 2012**

The Radisson Admiral Hotel, 249 Queen's Quay West, Toronto, Ontario

**2012 FINAL MINUTES**

Rhonda Dean (AB) asked jurisdictions whether they had begun tracking information for the 2012 year to date and whether this was a manual process for jurisdictions. Manitoba, British Columbia, Nova Scotia, New Brunswick and Ontario all confirmed that their tracking was in fact a separate manual database. No jurisdiction reported that their data tracking was in fact automated and/or computer generated. New Brunswick and Ontario both confirmed that they are finding the process very time consuming. Rhonda Dean (AB) had requested clarification again as to the rationale behind having the monies received from previous year's invoices separated from the monies received from the current year's invoices. Kate Marshall (PEI) indicated that this division was beneficial for comparison between jurisdictions and made the statistics more meaningful. Sarah Gallant (NS) had also advised that when the original review took place many jurisdictions confirmed that they were already required to track this information so it was found to be beneficial to incorporate the tracking into the statistics gathered.

Item 5b-Implement changes to statistics for Cost Reimbursement-Agreement to implement new statistics table retroactively to January 1, 2012-This item was recorded as "completed" in the 2012 workplan update and will not carry forward to the 2013 workplan.

➤ **Workplan Item 6-Review Dollar for Dollar Reimbursement**

William Ostapek (AB) noted that all jurisdictions had submitted their comments and recommendations with their opinion regarding dollar-for-dollar reimbursement and William Ostapek (AB) provided a written summary at the 2011 AWCBC meeting. There was no need to review each jurisdiction's opinion as no jurisdiction had any change in its opinion. William Ostapek (AB) indicated that although no jurisdictions were limited by their legislation to reimburse dollar-for-dollar, not all jurisdictions agreed with this arrangement. Since there was no consensus, no changes to the IJA were recommended.

Item 6-Review Dollar for Dollar Reimbursement-All jurisdictions to submit their comments and recommendations regarding dollar-for-dollar reimbursement-This item was recorded as "completed" in the 2012 workplan update and will not carry forward to the 2013 workplan.

Item 6-Review Dollar for Dollar Reimbursement-Chair to report back to Committee with any recommended changes on IJA reimbursement. -This item was recorded as "completed" in the 2012 workplan update and will not carry forward to the 2013 workplan.

➤ **Workplan Item 7-Statistics for AAP Procedures**

Deepak Kothary (BC) revised the AAP Statistics definitions and table and provided an updated draft for review by all jurisdictions. Some discussion was generated regarding the last 2 columns of the table which tracked the "Total Claims Costs Reimbursed to your Board" and the "Total Claims Costs Paid by your Board to other Boards" and whether this

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

**May 15-16, 2012**

The Radisson Admiral Hotel, 249 Queen's Quay West, Toronto, Ontario

**2012 FINAL MINUTES**

information was considered useful to collect and record. Vera Radicevic (ON) questioned the usefulness of gathering the AAP statistics. In the end, no revisions were recommended and all jurisdictions agreed to adopt the new table/definitions and begin using the new template for reporting the 2012 IJA/AAP statistics, even though 5 months had passed.

Item 7-Statistics for AAP Procedures-Review and revise present AAP definitions and stats table-This item was recorded as "completed" in the 2012 workplan update and will not carry forward to the 2013 workplan.

**NEW Item 7**-Statistics for AAP Procedures-All jurisdictions to implement changes utilizing the revised AAP definitions retroactive to January 1, 2012. This item will be recorded as "to be completed" and will carry forward to the 2013 workplan. It will be recorded as "completed" in the 2013 workplan update as long as all jurisdictions report with the new table and definitions. It will then not carry forward to the 2014 workplan.

**NOTE:** At this point in the meeting all items in the 2012 workplan were reviewed so the IJA Committee moved on to New Business under Agenda Item 6. It was agreed that any new tasks created (which would be completed after the 2012 meeting was adjourned) would be added as new items to the 2012 workplan update.

**6. New Business (Agenda Item #6)**

**a) Effect of Personal (Voluntary Coverage on AAP Claims (AB))**

Rhonda Dean (AB) provided a case study scenario for discussion involving AAP Independent Operators.

Jurisdiction A registers an Independent Operator with personal coverage (\$40,000 personal coverage purchased) under the Alternate Assessment Procedure (AAP), therefore Jurisdiction A is considered to be the Assessing Board. Jurisdiction B (the "Registering Board") is notified accordingly. The worker (Independent operator with personal coverage) suffers an accident in Jurisdiction B and is offered the right to elect in Jurisdiction B under the AAP as Jurisdiction B is the Registering Board. The worker chooses to claim benefits from Jurisdiction B. Jurisdiction B proceeds to accept the claim and establish the worker's compensation rate based on Jurisdiction B's own policies/procedures (yearly earnings of \$60,000). Jurisdiction B seeks reimbursement from Jurisdiction A under the AAP, requesting 100% reimbursement.



**AWCBC ALL COMMITTEE CONFERENCE  
INTERJURISDICTIONAL COMMITTEE MEETING**

**May 15-16, 2012**

The Radisson Admiral Hotel, 249 Queen's Quay West, Toronto, Ontario

**2012 FINAL MINUTES**

**Questions:**

1. Did Jurisdiction B appropriately establish the worker's compensation rate by gathering satisfactory proof that the worker was an independent operator with personal coverage in another jurisdiction, in accordance with Section 12.4 (b) of the IJA?

Yes, Jurisdiction B was required to establish the worker's compensation rate based on its own legislative requirements which happened to be in excess of the personal coverage purchased in Jurisdiction A.

2. Is Jurisdiction B entitled to 100% reimbursement from Jurisdiction A?

Yes, Jurisdiction B is entitled to 100% reimbursement from Jurisdiction A as Jurisdiction A was considered the Assessing Board and collected all assessment premiums for this worker.

3. Is it appropriate for the Jurisdiction A (i.e. Assessing Board) to establish the worker's compensation rate in excess of the \$40,000 personal coverage purchased?

Regardless of how Jurisdiction A established the worker's compensation rate, Jurisdiction A is still responsible for the full costs of the claim costs paid by a Registering Board (Jurisdiction B) in accordance with the requirements of the AAP.

**Discussion:**

Mark Powers (BC) noted that since the worker was given the right of election from Jurisdiction B, Jurisdiction B was required to follow its own legislative requirements when it came to establishing the worker's compensation rate. Mark Powers (BC) also noted that Jurisdiction A cannot dictate that the worker only be allowed to elect benefits in Jurisdiction A as this is against the intent and spirit of the IJA. He also indicated that since Jurisdiction A collected all of the premiums for the injured worker, Jurisdiction A was required to reimburse Jurisdiction B the full costs of the claim, in accordance with the AAP guidelines. He suggested that to avoid this problem in the future, Jurisdiction A could review the worker's earnings prior to purchasing personal coverage in order to ensure that the appropriate amount of personal coverage is purchased. Some jurisdictions noted that this may work in some cases, but not in situations when the worker may be new to business and has no earnings record to review.

No new item to add to the 2012 workplan update.

**AWCBC ALL COMMITTEE CONFERENCE  
INTERJURISDICTIONAL COMMITTEE MEETING**

**May 15-16, 2012**

The Radisson Admiral Hotel, 249 Queen's Quay West, Toronto, Ontario

**2012 FINAL MINUTES**

**Cost Reimbursement Statistics-Alberta/Saskatchewan Dollar for Dollar Pilot (AB, SK)**

Rhonda Dean (AB) provided an updated summary of the statistics gathered regarding the dollar-for-dollar agreement that Alberta was involved in with Saskatchewan since June 1, 2010. She indicated that for the year 2011, Alberta reimbursed a total of approximately \$832,000 to Saskatchewan (covering the period of January 1, 2011 to December 31, 2011) of which only \$75,000 would have been a shortfall had the dollar-for-dollar agreement not been in place. This represented a total shortfall of approximately 9%. She reminded all jurisdictions that the previous report from 2010 recorded a shortfall of only 5%. Rhonda Dean (AB) accounted for the increase by suggesting that the figure of 5% only represented 6 months of 2010 as well as indicating that the reimbursements in 2011 encompassed more fatality costs that typically would not have been reimbursed due to the differences between the provinces' legislation in the definition of dependant children. More specifically, she indicated that Alberta's benefits to a dependent child end once that child turns 18 years of age which is not the case according to Saskatchewan's legislation. Regardless of the 9% shortfall, Alberta reported that it was pleased with the dollar-for-dollar arrangement. Alberta did not plan to track any further shortfall statistics for 2012.

Daryl Davies (SK) indicated that Saskatchewan did not track any shortfall information for the 2011 year, but indicated that it was pleased with the existing process. Daryl Davies (SK) confirmed that Saskatchewan has significantly reduced its administrative budget for administering the IJA by entering into 100% reimbursement agreements with other jurisdictions. Both Alberta and Saskatchewan agreed that they intended to continue with the agreement to reimburse dollar-for-dollar.

Sophie Genest (QC) had questioned whether there would potentially be some benefit for Alberta to continue to track the statistics for 2012 for the benefit of other jurisdictions to recommend such agreements to their respective Boards. Jurisdictions agreed that now that the new cost reimbursement table had been developed, the ability to track shortfalls versus monies reimbursed for each jurisdiction would be available for review. As such, there was no need for Alberta to continue to track this information.

Kate Marshall (PEI) asked for some further clarification as to what degree of review takes place when reimbursements are made dollar-for-dollar. Specifically, Kate Marshall (PEI) asked whether the Reimbursing Board would deny a request for reimbursement if there was a specific medical condition that the Reimbursing Board did not accept. Rhonda Dean (AB) explained that an initial review of the file occurs when the request for reimbursement is sent on a new claim to ensure that there is appropriate employer charging, that the accident occurred in the Reimbursing Board's jurisdiction, and that the right of election was signed. Rhonda Dean (AB) confirmed that there is no readjudication with respect to the medical conditions accepted by the Adjudicating Board.

**AWCBC ALL COMMITTEE CONFERENCE  
INTERJURISDICTIONAL COMMITTEE MEETING**

**May 15-16, 2012**

The Radisson Admiral Hotel, 249 Queen's Quay West, Toronto, Ontario

**2012 FINAL MINUTES**

No new item to add to the 2012 workplan update.

**b) New Dollar-for-Dollar Reimbursement Agreements**

William Ostapek (AB) advised all jurisdictions that effective January 1, 2012 Alberta had entered into a new dollar-for-dollar reimbursement agreement with Manitoba. The Alberta Board planned to track the statistics with respect to potential shortfalls had the Agreement not been in place and report back to the Committee for the next annual meeting in May 2013.

Saskatchewan also advised that it too entered into a into a new dollar-for-dollar reimbursement agreement with Manitoba.

Daryl Davies (SK) noted there was some discussion with Manitoba as to what level of documentation was now required between Saskatchewan and Manitoba in the dollar-for-dollar reimbursement agreements and whether it would be adequate to provide a minimum level of documentation when sending a claim for reimbursement. He noted that this would result in significant cost savings to avoid printing and mailing of the entire claim files that are currently being exchanged. Specifically, he asked whether other boards would be agreeable for his jurisdiction to only send an Employer's report of Injury form, a Worker's Report of Injury form, an election form and a letter of invoice. Alberta and British Columbia both noted that they required the medical information as they were required to review each claim for cost relief. It was agreed that this could be discussed further with each jurisdiction individually outside of the meeting. Manitoba noted that its cost relief is only done if requested by an employer and Manitoba could always request additional claim file information at a later date if it needed to review for cost relief because the Requesting Board would still have the claim file saved in its system.

No new item to add to the 2012 workplan update.

**c) Contact List-AWCBC website (AB)**

William Ostapek (AB) reminded all jurisdictions to review their IJA Committee contact list information as it was noted to be out-of-date. The updated contact information should be forwarded to Cheryl Tucker at the AWCBC. All jurisdictions agreed to have this information updated by June 30, 2012.

**Action Items:**

- ❖ **All jurisdictions are to review their contact list and forward any updates to AWCBC Cheryl Tucker by June 30, 2012.**

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

**May 15-16, 2012**

The Radisson Admiral Hotel, 249 Queen's Quay West, Toronto, Ontario

**2012 FINAL MINUTES**

**NEW Item 8-IJA Contact List.** This item will be added to the 2012 workplan update and noted as "to be completed". It will carry forward to the 2013 workplan. The new IJA contact list will be circulated before the May 2013 meeting so this item will be marked as "completed" on the 2013 workplan update and will not carry forward to the 2014 workplan.

**e) Election Forms (QC)**

Sophie Genest (QC) reminded all jurisdictions that it was mandatory under the IJA to obtain an executed right of election from workers who may have the ability to elect in more than one jurisdiction. She indicated that Quebec continues to have issues with workers injured in other jurisdictions where the interprovincial election form is not obtained prior to claim acceptance and payment of benefits by the other jurisdiction. Sophie Genest (QC) explained that if a worker subsequently claims with Quebec for benefits without a signed right of election from another jurisdiction, Quebec is obligated to review and accept that worker's claim. Therefore, Quebec wanted to reinforce the importance of obtaining a "completed" right of election form if a jurisdiction is accepting a worker's claim and issuing benefits.

Jean Landry (NB) requested clarification as to the status of a worker's election if a worker elected benefits in New Brunswick and New Brunswick denied the claim. All jurisdictions agreed that the worker's election in New Brunswick would be considered void in that situation, as if the worker never elected in New Brunswick and he/she would have the ability to elect in another jurisdiction.

No new item to add to the 2012 workplan update.

**f) \$200 limit on invoices (AB)**

This was discussed under earlier workplan item 4a. William Ostapek (AB) reminded all jurisdictions of the agreement reached at the May 2011 meeting with respect to establishing a minimum invoice amount of \$200 for subsequent reimbursement requests.

Not all jurisdictions were following this agreed upon minimum for subsequent reimbursement requests. All jurisdictions were reminded to ensure that their operations staff were following the agreed upon minimum invoice of \$200 for subsequent reimbursement requests.

No new item to add to the 2012 workplan update.

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

**May 15-16, 2012**

The Radisson Admiral Hotel, 249 Queen's Quay West, Toronto, Ontario

**2012 FINAL MINUTES**

**g) \$1000 limitation on AAP claims**

Rhonda Dean (AB) requested clarification on whether the reimbursement guideline limitation of \$1000 applied to AAP claims as well. Specifically, she asked whether a jurisdiction could request reimbursement on an AAP claim if the costs were less than \$1000.

Rhonda Dean (AB) indicated that they have not been billing nor reimbursing any AAP requests for reimbursement if the total claim costs are less than \$1000. Daryl Davies (SK) also confirmed that Saskatchewan would not have billed or reimbursed AAP requests for reimbursement if the minimum \$1000 had not been reached either.

Paula Arab (NS) indicated that the minimum \$1000 does not apply to AAP claims based on Section 12.5(e) of the IJA which states that Section 9, General Cost Reimbursement Guidelines do not apply to electing employers or independent operators participating in the AAP. The \$1000 reimbursement guideline limitation was outlined in Section 9.9 of the IJA.

Glenn Jones (MB) also noted Manitoba did not follow the \$1000 minimum threshold for AAP claims and that he recalled this was an issue previously discussed at past meetings.

Jean Landry (NS) noted that the intent of the regular IJA was different than the AAP in the sense that under the AAP it was assessments being transferred rather than claim costs being reimbursed and therefore the same rules for regular IJA would not be applicable to the AAP.

All jurisdictions agreed that the \$1000 minimum initial claim cost total for reimbursement and the \$200 subsequent invoice minimum threshold were not applicable for AAP invoices sent to another jurisdiction.

No new item to add to the 2012 workplan update.

**h) Employer charging and its impact on reimbursement (AB)**

Rhonda Dean (AB) provided a case study scenario for discussion involving different determination of employer charging and its impact on cost reimbursement (employers who were not participating in AAP). Specifically, Jurisdiction A adjudicated a claim and requested reimbursement from Jurisdiction B as the accident occurred in Jurisdiction B. Jurisdiction A determined that the principal company was the appropriate insured on the claim while Jurisdiction B determined that the worker was the employer, as a personal coverage holder. Jurisdiction B denied reimbursement on the basis of different employer charging. It was Jurisdiction B's opinion that it would not be appropriate to charge an employer for a claim when they have had no involvement in the claim from the onset since the Adjudicating Board had determined a different employer to be the accident employer.

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

**May 15-16, 2012**

The Radisson Admiral Hotel, 249 Queen's Quay West, Toronto, Ontario

**2012 FINAL MINUTES**

Mark Powers (BC) disagreed with Jurisdiction B denying reimbursement as he indicated that as long as an employer had an account in Jurisdiction B and the worker could have elected with Jurisdiction B, then reimbursement is reasonable in accordance with the intent of the IJA, because the accident occurred in Jurisdiction B. Mark Powers (BC) also suggested that an option for Jurisdiction B would be to relieve all costs of the other employer once reimbursement is completed.

No new item to add to the 2012 workplan update.

**i) Miscellaneous Items**

**Quebec not responsible for translation of documents to English:**

Sophie Genest (QC) wanted to remind all jurisdictions that when other Boards requests information from Quebec, the information will be forwarded in French if that was how it was collected. It is the responsibility of the requesting Board to translate the information to English, if required. Quebec will continue to provide an English translation cover page for IJA/AAP requests but it is expected that other Boards will reciprocate accordingly as Quebec must translate English IJA/AAP requests to French which is an external service that adds to the cost of administering those claims.

Sophie described a recent situation where another jurisdiction provided benefits in kind on Quebec's behalf by completing a medical examination for one of Quebec's workers. Quebec sent a detailed letter outlining what was required and the related medical information from the file in French. Unfortunately, the other jurisdiction did not translate the summary and completed the examination on the wrong body part that was already healed.

Sophie Genest (QC) also wanted to remind jurisdictions that Quebec is only able to collect certain types of medical information due to Quebec's FOIP legislation. Therefore, when medical information is requested from another jurisdiction, Quebec can only send what it has already collected, which may not be what the Reimbursing Board always requires. William Ostapek (AB) indicated that IJA Coordinators have to trust that every jurisdiction is interpreting its legislation fairly and operating in good faith in the spirit of the IJA.

No new item to add to the 2012 workplan update.

**AWCBC ALL COMMITTEE CONFERENCE  
INTERJURISDICTIONAL COMMITTEE MEETING**

**May 15-16, 2012**

The Radisson Admiral Hotel, 249 Queen's Quay West, Toronto, Ontario

**2012 FINAL MINUTES**

**Section 7.4 a)-Partial Exposure with Contributing Board:**

Ann Martin (NFL) requested clarification on the meaning of 7.4 a) in the IJA. Specifically, Section 7.4 noted:

*“If a claim is registered with a Contributing Board, and it cannot allow the claim pursuant to subsection 7.3, then the Board shall have regard to all contributing exposure and shall:*

*a) Adjudicate the claim if 30% of the total contributing exposure occurred in the jurisdiction of that Board; or”*

Sarah Gallant (NS) offered clarification to indicate that if a Contributing Board was not able to adjudicate/accept the occupational disease claim on its own policies, then it could consider adjudication of the claim if 30% of the total years of contributing exposure were in its jurisdiction. If the worker's exposure in their jurisdiction did not total 30%, the Contributing Board could refer the worker to another Board, in accordance with Section 7.4 b).

Ann Martin (NFL) also asked how jurisdictions corroborated the employment history from the workers. Many jurisdictions reported that they gathered this information from the worker, co-workers, the employer (if still in business), as well as communication with other jurisdictions, if necessary.

All jurisdictions agreed that it would be worthwhile to revisit the Long Latency Occupational Disease Information table that Kate Marshall (PEI) had compiled in 2008 to determine if any updates were required by jurisdictions. Lloyd Hikida (BC) indicated British Columbia had some changes to its occupational disease policy several years ago. Kate Marshall (PEI) agreed to place the table on the AWCBC repository for all jurisdictions to access by June 30, 2012. All Boards agreed to review the table for accuracy and report any necessary updates to Kate Marshall (PEI) by September 30, 2012. Kate Marshall (PEI) agreed to update the table to reflect any changes by October 31, 2012.

**Action Items:**

- ❖ **Kate Marshall (PEI) is to place the Long Latency Occupational Disease table on the AWCBC repository for all jurisdictions to access by June 30, 2012.**
- ❖ **All jurisdictions are to review the Long Latency Occupational Disease table for accuracy and report any changes to Kate Marshall (PEI) by September 30, 2012.**

**AWCBC ALL COMMITTEE CONFERENCE  
INTERJURISDICTIONAL COMMITTEE MEETING**

**May 15-16, 2012**

The Radisson Admiral Hotel, 249 Queen's Quay West, Toronto, Ontario

**2012 FINAL MINUTES**

- ❖ **Kate Marshall (PEI) is to update the Long Latency Occupational Disease table to reflect any changes made by October 31, 2012.**

**NEW Item 9**-Long Latency Occupational Disease Criteria. Long latency occupational disease table to be placed on the AWCBC repository. This item will be recorded as "to be completed" in the 2012 workplan update and will carry forward to the 2013 workplan. If the activity is completed by June 30, 2012 as agreed, it will be recorded as "completed" in the 2013 workplan update and will not carry forward to the 2014 workplan.

**NEW Item 9**-Long Latency Occupational Disease Criteria. All jurisdictions to review the table for accuracy and report any changes to Kate Marshall. This item will be recorded as "to be completed" in the 2012 workplan update and will carry forward to the 2013 workplan. If the activity is completed by September 30, 2012 as agreed, it will be recorded as "completed" in the 2013 workplan update and will not carry forward to the 2014 workplan.

**NEW Item 9**-Long Latency Occupational Disease Criteria. The table is to be updated to reflect any changes made. This item will be recorded as "to be completed" in the 2012 workplan update and will carry forward to the 2013 workplan. If the activity is completed by October 31, 2012 as agreed, it will be recorded as "completed" in the 2013 workplan update and will not carry forward to the 2014 workplan.

**7. Appointment of a New Chair (mistakenly numbered Agenda Item #8)**

Committee members were reminded that this was the final year that William Ostapek (AB) would be acting as the Chair of the IJA Committee. Glenn Jones (MB) was welcomed into the role for a two year term.

No new item to add to the 2012 workplan update.

**8. Adjournment (mistakenly numbered Agenda Item #9)**

Meeting concluded May 16, 2011 at 10:30 a.m.