

**AWCBC All Committee Meetings
IJA Committee DRAFT 2019 Minutes**

**May 15, 2019 8:30 am to 4:30pm
May 16, 2019 8:30am to 12:00pm
Omni King Edward Hotel-Knightsbridge
Toronto Ontario**

***Briefing notes have been incorporated
into minutes**

Attendees:

Melody Mladineo (New Brunswick)-Chair

1. Rhonda Dean (Alberta)
2. Jan Glemba (Alberta)
3. Lisa Parker (Alberta)
4. William (Bill) Ostapek (Alberta)
5. Curtis Craig (Alberta)
6. Ian Shaw (British Columbia)
7. Howard Chang (British Columbia)
8. Glenn Jones (Manitoba)
9. Lori Williams (Newfoundland)
10. Marcelle Marion (Northwest Territories/Nunavut)
11. Theresa Wolfe (Northwest Territories/Nunavut)
12. Julie Robichaud (Nova Scotia)
13. Liesl Newman (Nova Scotia)
14. Paula Arab (Nova Scotia)
15. Sharon Vaz (Ontario)
16. Tracy Halabiski (Ontario)
17. Andrea Milligan (Ontario)
18. Rachel Silver (Prince Edward Island)
19. Sophie Genest (Quebec)
20. Yvonne Weigerber (Saskatchewan)
21. Marianne Vanderleest (Saskatchewan)
22. Jennifer Norlee-Beitel (Saskatchewan)
23. Wayne Dale (Saskatchewan)
24. Amber Rakochy (Saskatchewan)
25. Kathleen Avery (Yukon)
26. Lisa Clarke (Yukon)

AGENDA

May 15, 2019 – 8:30am to 4:30pm

1. Call to Order
2. Welcome and Introductions
3. Adoption of Agenda
4. Review and Approval of 2018 DRAFT Minutes
5. Actions Arising from the 2018 Minutes and Workplan
 - 6.0 a) Update: Shared repository of AAP registered employers at national assessment committee
 - 6.0 b) & g) Update: Flight Crew as AAP industry– national assessment committee
 - 6.0 c) Update: AAP Inconsistent Application
6. AAP shared Repository
7. Expanding AAP to flight crew
8. Three-year review under 12.11(b)
9. Case Study-Election and Reimbursement-Quebec
10. Case Study-AAP-Quebec
11. Case Study-AAP-Yukon
12. Canadian Free Trade Agreement (CFTA) Update
13. Alberta Updates
 - a) Shortfalls of \$ for \$ agreements
 - b) Electronic invoicing
 - c) MARS Reimbursement Case Study
 - d) GECA/Federal Labour Program Clarification (Case Study)
 - e) AAP 3-year review protocol
14. BPG updates
15. PPP updates
16. Report Out
 - a) Key initiative/deliverable achieved in 2018
 - b) Work Plan for 2019
 - c) Any emerging issue impacting IJA

MINUTES

1.0 and 2.0 Welcome and Introductions

Melody Mladineo (NB)

Discussion: Melody called meeting to order and welcomed new members to the IJA committee. Biannual change of chair occurred at end of 2018 meeting from NWT/NU to NB.

Announced that Luanne Gallant, executive sponsor of the IJA Committee retired in April 2019 and a new executive sponsor to be appointed in Summer of 2019.		
3.0 Adoption of Agenda	All	
Discussion: Reviewed 2019 agenda and 2018 Workplan		
Conclusion: Agenda Approved. No additions.		
4.0 Review & Approval of 2018 Minutes	Melody Mladineo (NB)	
Discussion: Meeting Minutes		
Conclusion: Approved		
Action items:	Person Responsible:	Deadline:
i. Chair to send final 2018 minutes to AWCBC and IJA committee	Melody Mladineo (NB)	May 25, 2019
ii. Chair to send Draft 2019 minutes to IJA committee	Melody Mladineo (NB)	June 30, 2019
5.0 Action Arising from 2018 Minutes	All	
a) Update: Shared repository of AAP registered employers at national assessment committee		
b) Update: Flight Crew as AAP industry – National Assessment Committee		
c) Update: AAP Inconsistent Application		
Discussion: 5 a) On 2019 Agenda-See 6.0		

5 b) On 2019 Agenda-See 7.0

5 c) AAP Inconsistent Application (Summary of Discussions since May 2018 meeting)

On June 11 & 12, 2018, Howard Chang (Workafe BC) brought forward the proposed revisions to Section 12 of the IJA to the National Assessment Working Group. WSIB (ON) did not feel that a sufficient case for change had been presented to support the need to change the existing AAP language and felt that there was no rationale presented to support taking the option (AAP vs regular reporting) away from employers. It was clarified with WSIB that the new language did not prevent the employer from choosing to report in each jurisdiction separately if they wished to do so. The new language merely made it explicit that if employers choose AAP, they must apply for AAP in each jurisdiction where they had workers residing. This was noted to always be the intention of the AAP and the Committee saw merit in making the language in the agreement clearer. WSIB clarified that they allowed employers who operate in multiple jurisdictions to choose between prorating in one jurisdiction and allowing AAP in others and felt that nothing in the AAP explicitly restricts them from doing this. They further indicated that even if employers did apply for AAP, their policies and legislation may still find them ineligible to participate, due to policies related to coverage under each jurisdiction. Other jurisdictions felt that this was precisely why the clarifying language was required. WSIB was to submit further reasons regarding their disagreement with the proposed amendments.

WSIB felt that the proposed changes did not address how the change would be enforced by each jurisdiction nor the amount of administrative work that would be required to ensure reinforcement; how backdating and reimbursement would be handled when employers did not apply in all jurisdictions where there was a reporting obligation; and how change would be managed for existing participants who would not be aware of the new requirements. WSIB noted that they were not opposed to possibly one day moving to an “all in” or “all out” approach. Despite the Assessment Committee addressing the above concerns, WSIB indicated that they still remained unclear as to how this would work in practice and so the entire concept remained a concern to them.

On July 19, 2018 Lauren Turner from WSIB provided an email indicating they still did not agree with the proposed changes to Section 12. As such, there was no consensus for amendments to Section 12 of the IJA.

On October 19, 2018 Melody Mladineo (IJA Chair) advised Luanne Gallant (IJA Sponsor) that there was no consensus with proposed changes for AAP to mean “all or none” participation. WSIB maintained that the AAP provided no restrictive language and allowed employers to prorate in one jurisdiction and participate in AAP in others. They remained unclear how revisions to Section 12 would work in practice.

On November 28, 2018 Luanne Gallant (IJA Sponsor) updated the National AWCBC Board of Directors to summarize the discussions at the National Assessment Committee held in June 2018 where an amendment to Section 12 of the IJA was proposed. She advised the Board of

Directors that the amendment proposed was to add clarifying language to indicate that an employer, who operated in multiple jurisdictions, and was registered in AAP in one jurisdiction, meant inclusion in all jurisdictions (“all or none”). However, she indicated that consensus was not reached amongst all jurisdictions, therefore no amendments to Section 12 would be occurring at this time.

Conclusion:

No amendments will be made to Section 12. BPG and PPP are to be updated accordingly.

Action items:

Action items:	Person Responsible:	Deadline:
i) Update BPG and PPP to reflect that Ontario allows an employer to prorate in one jurisdiction and select AAP in others. All other jurisdictions interpret section 12 to mean “all or none” (Item 5 c).	Rhonda Dean (AB)	September 1, 2019

6.0 Shared Data Base Repository for AAP firms

All

Discussion:

The IJA Committee remains interested in exploring the potential for the AWCBC office resourcing the development of a database for AAP applications received by the jurisdictions. Application could be uploaded into this database and viewed by all jurisdictions, thus eliminating the need to notify the other jurisdiction and manually storing and searching applications.

These discussions occurred after May 2018 AWCBC meeting. On October 19, 2018 Melody Mladineo (IJA Chair) communicated the interest to have a shared database with Luanne Gallant (IJA Sponsor) and inquired whether resources would be available from AWCBC. Luanne Gallant spoke with Cheryl Tucker (AWCBC) who requested further details be provided and more information regarding the scope of work being requested. Specifically, Cheryl Tucker (AWCBC) asked for some background information, what the exact nature of the request would be, ongoing maintenance requirements, time and resource commitment expected from AWCBC, benefits of having such a repository, etc.

Conclusion:

The IJA Committee believes the Assessment Committee is in best position to manage this project. Howard Chang agreed to provide this information to the Assessment Committee in June 2019, gather the information to forward to the AWCBC, and then update the IJA Committee in May 2020.

Action items:

Action items:	Person Responsible:	Deadline:

i.	Assessment Committee to provide AWCBC a backgrounder, business requirements and details for a shared repository for AAP employers (Appendix D)	Howard Chang (BC)	June 16, 2019
ii.	Update IJA Committee on details from Assessment Committee discussions and follow through	Howard Chang (BC)	May 12, 2020

7.0 Expanding AAP to Flight Crew

All

Discussion:

IJA executive sponsor (Luanne Gallant) brought forward request at the National AWCBC Board of Directors meeting November 28, 2018 *“the jurisdictions are in agreement and interested to opening AAP to airline carriers and perhaps even the marine industry. There are varied approaches among the jurisdictions related to airline carriers. This was further explored by this committee at the May 2019 meeting.”*

Glenn Jones (MB) provided a case scenario for discussion. The worker resided in MB but flew into Vancouver to start her shifts as a flight attendant and was injured on a transpacific flight on the way back from Tokyo. Election for benefits was originally accepted in BC but then later denied within the employer's appeal on the basis the worker was not a resident of BC so she did not meet all the criteria required of BC's Workers Compensation Act s.8.1.

The Court of Appeal did not indicate the decision was patently unreasonable, but it did indicate Workers Compensation Appeals Tribunal (WCAT) failed to engage a proper process of statutory interpretation. Para 80 suggests there could be an intended gap in coverage provided to these types of non-resident workers given the residency requirement found in the legislation *(at least BC's Workers Compensation Act s.8 in this case)*. *The BCCA remitted the matter back to the WCAT for a more thorough consideration of the law.*

<https://www.canlii.org/en/bc/bcca/doc/2018/2018bcca387/2018bcca387.html?searchUrlHash=AAAAAFAFzlwMTcgQkNTQyAxNjA5IChDYW5MSUkpAAAAAQANLzlwMTdiY3NjMTYwOQE&resultIndex=1>

There continues to be interest for AAP for all flight crews. Some challenges on determining residency of the worker and self-insured carriers. Requires more consideration detailed examples on the challenges in order to gather a better understanding.

Conclusion:

Continue discussion and gather further information. Case scenarios and solutions would be provided to the Assessment Committee (June 6, 2019) for further review and discussion.

Action items:	Person Responsible:	Deadline:
i. Create scenarios with solutions for air crew claims in an AAP system and share with IJA committee.	Glenn Jones (MB) & Rhonda Dean (AB)	June 6, 2019
ii. IJA committee provide feedback on air crew scenarios and solutions	All	June 13, 2019
iii. Share scenarios of air crew at the Assessment Committee meeting and obtain feedback whether expanding AAP to air crew is possible.	Howard Chang (BC)	June 16, 2019
iv. Report to IJA committee results of air crew discussion at Assessment Committee meeting	Howard Chang (BC)	July 16, 2019

8.0 Three-year review under 12.11(b)

Quebec

Discussion:

Sophie provided an update of Quebec’s experience in carrying out the 3year review as required under section 12.11(b) of the IJA. Sophie indicated that 402 letters were sent out by CNESST and only 6 employers did not provide updates to their information. CNESST determined that 4 letters were required, the 1st was to identify that the review was taking place and request for updated information from employers, the 2nd to remind employers who had not yet replied to update their participation, a 3rd letter providing final notice to employers to update their participation and consequences for not doing so, and a final 4th letter advising employers of the termination of their participation in the AAP program.

Jurisdictions agreed that they would be responsible to handle the lack of follow through by employers on their own, ensuring that there was minimal risk. All jurisdictions felt it would be beneficial to receive a copy of the 4 letters used by CNESST, since no other jurisdiction had yet begun the process. These letters should also become a part of the BPG.

Conclusion: Jurisdictions to each manage their own process to comply with section 12.11(b). Resources could be shared in the process.

Action items:	Person Responsible:	Deadline:
i) All committee members to remind their respective jurisdictions to review AAP	All	June 16, 2019

<p>records at least once every 3 years. (section 12.11)</p> <p>ii) Theresa Wolfe (NWT/NU) to discuss with Assessment Committee if all jurisdictions can commit to complete the 3 year review by December 2020. (s. 12.11)</p> <p>iii) Theresa to compile list of jurisdictions who have completed or will have 3 year review completed by 2020 and share with IJA Committee.</p> <p>iv) Share the 4 template letters used for the 3 year review with all jurisdictions.</p> <p>v) BPG to be updated with the 4 template letters used by CNESST. Reference should be made in PPP also.</p>	<p>Theresa Wolfe (NWT/NU)</p> <p>Theresa Wolfe (NWT/NU)</p> <p>Sophie Genest (QC)</p> <p>Rhonda Dean (AB)</p>	<p>June 16, 2019</p> <p>July 16, 2019</p> <p>July 16, 2019</p> <p>September 1, 2019</p>
<p>9.0 Case Study – Election and Reimbursement A case study was shared where a worker residing in Jurisdiction B sustained a work accident in Jurisdiction A in November 2016. He files a claim with Jurisdiction A and claim is accepted for a knee injury and benefits paid by Jurisdiction A, with no election form sent/signed by the worker by Jurisdiction A. Two months after the accident, Jurisdiction A informs the worker that the residual problems with his knee are not related to the accident of November 2016 and benefits are ended. The worker later files a claim in Jurisdiction B for same accident because Jurisdiction A limited compensation for the injury. Jurisdiction B denies claim and instead considers it a relapse of a previous accident in 1989 that occurred solely in Jurisdiction B. The worker is appealing the decision made in Jurisdiction B.</p> <p>*Please Note: Jurisdiction B has noted that their tribunal could rule that a “tacit” election in Jurisdiction A was not valid and that the worker could therefore claim benefits with Jurisdiction B, even though the claim was initially accepted by Jurisdiction A.</p>	<p>Quebec</p>	

Discussion:

Questions:

- Should Jurisdiction A have had the worker sign an election form?
- Should Jurisdiction B have had the worker sign an election form?
- If the objection/appeal is allowed in Jurisdiction B and the event of November 2016 is recognized as a work accident (and not a relapse of an event in 1989), can Jurisdiction B request reimbursement from Jurisdiction A knowing that no election form was sent by Jurisdiction B to Jurisdiction A?
- If a request for reimbursement is sent to Jurisdiction A, would Jurisdiction A be justified in refusing to reimburse Jurisdiction B because it previously accepted the claim?

Conclusion:

Response to Questions:

- Yes, there was an obligation for Jurisdiction A to have a right of election signed as the worker may have had the possibility to elect in his home province (Jurisdiction B).
- No, it was adjudicated as a relapse of a previous claim in jurisdiction B only.
- Yes. Jurisdiction B would not be at fault for failing to obtain a right of election in the beginning as based on the facts presented at the time, there was no indication that the worker was injured outside of their province. However, if Jurisdiction B is directed to accept the claim (based on appeal decision), they would still be able to have a **new** right of election signed by the worker as it would be a new decision and it would prevent the worker from pursuing any further appeals available in Jurisdiction A.
- No. Jurisdiction A failed to obtain a signed right of election before accepting and issuing benefits. Therefore, they would be responsible for any further costs incurred by Jurisdiction B, where the worker was now pursuing his claim.

Action items:	Person Responsible:	Deadline:
i. Update BPG with fact scenario and PPP with resolution responses re: Case Study - Election and Reimbursement	Rhonda Dean (AB)	September 1, 2019
10.0 AAP scenario	Quebec	
Employer A participates in AAP and pays all assessments to Jurisdiction A		

for workers residing in this jurisdiction. The employer did not elect to participate in the AAP in Jurisdiction B, therefore prorates wages for workers travelling to other jurisdictions. A worker from Jurisdiction B has an accident in Jurisdiction A and the claim is accepted in Jurisdiction A. Jurisdiction A requests reimbursement from Jurisdiction B, as the worker **resided** in Jurisdiction B.

Discussion:

Question:

- Is Jurisdiction B obligated to reimburse Jurisdiction A, the jurisdiction in which the accident occurred, given that under the regular IJA, which applies in Jurisdiction B for this employer, the claim costs are borne by the Board in the jurisdiction where the accident occurred and not by the Board in the jurisdiction where the worker lives?

Conclusion:

Response to Question

- No. Although the employer participated in AAP in Jurisdiction A, the employer was not required to participate in AAP in Jurisdiction B, which is why they pro-rated assessments based on mileage travelled in that jurisdiction. However, in order for Jurisdiction A to collect proper assessments for this claim now, they would require the employer to pro-rate mileage for travel in their province, for those residents of Jurisdiction B.

Action items:

	Person Responsible:	Deadline:
<p>i. Create 3 additional variations under Fact Scenario #10 and then update BPG and PPP</p>	<p>Rhonda Dean (AB) & Paula Arab (NS)</p>	<p>September 1, 2019</p>
<p>ii. Update BPG with fact scenario and PPP with resolution responses re: Case Study AAP (item 10)</p>	<p>Rhonda Dean (AB)</p>	<p>September 1, 2019</p>

<p>11.0 AAP scenario</p> <p>ABC company is registered in Yukon doing various activities including trucking equipment from Manitoba and Alberta into Yukon. ABC is not eligible to register in the AAP program in Yukon as they do not fall under the trucking industry due to the nature of their business in the Yukon (considered to be forestry). However, ABC is also registered in the AAP in Alberta and Manitoba. In this scenario, there is a coverage gap. No board would realize the Yukon residents trucking into Alberta and Manitoba are not covered because ABC Inc. is registered in those provinces within the interprovincial trucking industry under AAP.</p>	<p>Yukon</p>	
<p>Discussion:</p> <p>Questions:</p> <ul style="list-style-type: none"> • Can an employer be accepted as AAP in one jurisdiction when not eligible in another jurisdiction? • Can a jurisdiction such as Alberta accept an employer into AAP, even if it is not in an eligible industry in Yukon? 		
<p>Conclusion:</p> <p>Response to Questions:</p> <ul style="list-style-type: none"> • Yes. In this case, the employer does not qualify to participate in the AAP, due to policy and legislative limitations regarding eligibility. • Yes. The employer qualifies for AAP in Alberta as their business activities fall within the interprovincial trucking industry in Alberta. 		
<p>Action items:</p> <p>i. Update BPG with fact scenario and PPP with resolution responses re: Case Study- AAP-Yukon (Item 11)</p>	<p>Person Responsible: Rhonda Dean (AB)</p>	<p>Deadline: September 1, 2019</p>

12.0 CFTA Update

British Columbia

The Canadian Free Trade Agreement (CFTA) establishes a regulatory reconciliation process that will help to address barriers to trade that companies may experience when doing business across provincial and territorial borders.

CEO's-NS, SK, NB and YK

Discussion:

The IJA Committee was made aware of Item #23 on the Canadian Free Trade Agreement-Regulatory Reconciliation and Cooperation Table (CFTA-RRCT) work plan, which involved simplifying registration requirements for employers operating in multiple jurisdictions.

A number of IJA Committee members were not aware of this working group, but there was general agreement that the IJA Committee could add value in providing some suggested solutions to the Workers Compensation Board Joint Working Group (WCBJWG).

Preliminary discussions included the following comments and suggestions:

- 1) Harmonizing registration requirements:
 - Having a unified set of rules and definitions identifying who is required to register would eliminate most of the complexity for businesses that operate in multiple jurisdictions. However, this would require agreement across all jurisdictions on a number of key issues, including:
 - The definitions of worker, employer, and independent operator
 - The scope of industries covered (i.e. universal coverage)
 - Determining a person's status (which determines whether a person must or may register for coverage) is the first fundamental decision of the workers compensation system because it outlines all other rights and obligations flowing to employers, workers, and independent operators under each jurisdiction's legislation. Therefore, even small changes to this core legislation could have significant impacts on all jurisdictions.
- 2) Other solutions to ease complexity:
 - The IJA Committee suggested that there were other means of reducing complexity for businesses, other than changing registration requirements. For example:
 - Harmonizing assessable payroll rules, which are rooted in policy or practice, which would be easier to change than legislation
 - Harmonizing reporting and remitting frequencies and due dates
 - Expanding out-of-province coverage policies/legislation for workers sent to other jurisdictions
 - Providing a common tool to assist employers in understanding when they need to register in a particular jurisdiction (in many cases, employers had no issue

registering in multiple jurisdictions; they just needed help understanding when to register).

Conclusion:

With additional time and further clarity on the exact nature of the problem to be solved, the IJA Committee may be able to provide further ideas and potential solutions for the Workers Compensation Board Joint Working Group (WCBJWG).

Action items:

	Person Responsible:	Deadline:
i. Compile a summary of discussion held on May 15 related to CFTA-RRCT workplan for simplifying registrations requirements. Share summary with IJA Committee from Workers Compensation Board Joint Working Group (WCBJWG))	Howard Chang (BC)	May 15, 2019
ii. IJA Committee to provide feedback to Howard re: CFTA-RRCT– simplifying registration requirements.	All	May 31, 2019
iii. Compile feedback re: CFTA-RRCT– simplifying registration requirements, and send summary to AWCBC Executive Committee and IJA Committee	Howard Chang (BC)	June 15, 2019
iv. Each jurisdiction to share summary with their executive team for the CFTA-RRCT– simplifying registration requirement	All	August 15, 2019

13.0 a) Dollar for Dollar Agreements (AB, SK, MB, YK)

Alberta

Discussion:

Jurisdictions where Dollar for Dollar agreements are in place all report satisfaction with the agreement.

Paula Arab (NS) has confirmed that a Dollar for Dollar Agreement has existed with New Brunswick since August 1, 2017, with Prince Edward Island since October 1, 2018 and with Newfoundland effective November 1, 2018.

Newfoundland is contacting New Brunswick to explore possible dollar for dollar agreement.

Rhonda Dean (AB) provided details of the potential shortfalls per year had the dollar for dollar agreements not existed with SK, MB and YK.

*AB has Dollar for Dollar Agreements with SK since June 1, 2010 and MB since January 1, 2012 and YK since January 1, 2014.

MB

2012-5% (\$21K of \$400K requested)
 2013-9% (\$19K of \$200K requested)
 2014-3% (\$13K of \$550K requested)
 2015-11% (\$23K of \$209K requested)
 2016-11% (\$30K of \$270K requested)
 2017-11% (\$14K of \$125K requested)
 2018-8% (\$35K of \$404K requested)

Average: 8.3%

SK

2012-5% (\$29K of \$565K requested)
 2013—No invoices sent
 2014-7% (\$150K of \$2M requested)
 2015-5% (\$50K of \$1M requested)
 2016-5% (\$50K of \$1M requested)
 2017-5% (\$40K of \$775K requested)
 2018-10% (\$151K of \$1.4M requested)

Average: 6.2%

YK

2014-No invoice sent
 2015-No invoice sent
 2016-No invoice sent
 2017-8% (\$750 of \$10K requested)
 2018-4% (\$1.5K of \$35K requested)

Average: 6%

Conclusion:

The dollar for dollar agreements create efficiencies between jurisdictions. Jurisdictions are encouraged to explore opportunities for more agreements.

Action items:

i. Jurisdictions to provide updates to Rhonda (AB) to update BPG and PPP as new dollar for dollar agreements are reached.

Person

Responsible:

All

Deadline:

When agreements are reached.

13.0 b) Electronic Invoicing

Alberta

Discussion:

AB has successfully implemented electronic invoicing (S-Filer) for SK, BC, MB, and ON with no issues reported.

Conclusion:

Rollout will continue with the remaining provinces of QC, NWT, YK, NL, NB, NS and PEI.

Action items:

- i. Remaining jurisdiction to send a dedicated email address and password to Jan Glemba (AB).

Person Responsible:

QC, NWT, YK, NL, NB, NS and PEI

Deadline:

May 31, 2019

13.0 c) MARS reimbursement

Alberta

Worker is a firefighter and resident of Jurisdiction A, paid by Jurisdiction A employer. Worker goes to Jurisdiction B to assist in fighting their fire (under MARS). Worker is injured in Jurisdiction B. Under MARS, worker can elect in either home jurisdiction (A) or jurisdiction of injury (B). Worker elects in Jurisdiction A. Jurisdiction A requests reimbursement from Jurisdiction B (province of injury) under the IJA. Jurisdiction B denies reimbursement indicating that the worker does not have a substantial connection of employment to their province based on their policies. Jurisdiction B also indicates that the employer (worker is paid by employer from Jurisdiction A) does not have an account nor required to, therefore reimbursement is not possible.

Discussion:

Questions:

- Is it appropriate for Jurisdiction B to deny reimbursement based on their policy of “no substantial connection to employment” in their jurisdiction?
- Does it matter that the employer paying the firefighter from Jurisdiction A does not have an account in Jurisdiction B?

- Since Jurisdiction B denied reimbursement based on “having no substantial connection to employment” in their jurisdiction and having no valid account, are they then implying that the worker could not elect in their jurisdiction? If so, is this approach not in conflict with the MARS agreement?
- Is reimbursement applicable?

Conclusion:

MARS supersedes IJA rules

Response to Questions:

- No, Jurisdiction B should not deny reimbursement based on there being “no substantial connection to employment” in their jurisdiction, as this is contrary to the intended purpose of the MARS agreement to share resources and recognize the right of workers to elect in their home jurisdiction or the jurisdiction of injury.
- No, although Jurisdiction B does not have an account, other jurisdictions have confirmed that they have established the account with their own provincial ministries who handle firefighters to eliminate this issue.
- Yes, with Jurisdiction B denying reimbursement on having “no substantial connection to employment” and thus, having no valid account in their province, they are suggesting that the worker would not be able to elect in their home jurisdiction.

Yes, this approach is in conflict with the MARS agreement which recognizes that workers should have the right of election with their home jurisdiction or the jurisdiction of injury.

- Pending. The appropriateness of reimbursement seemed to require further discussion with the designated members of each jurisdiction. There was a lot of discussion as to the intended meaning of Section 6.1 Personnel Information of the Implementation Guidelines of the MARS Agreement, which states in part: “The costs of the claim will be paid by the workers’ compensation agency administering the claim.” The majority of jurisdictions recognized that the MARS agreement was silent on issues of reimbursement and this portion simply identified who should be paying the injured worker and not, specific to which jurisdiction should remain with the costs of the claim. It seemed contrary to the intent of the rest of the agreement which was about “mutual sharing of resources.” As a result, it was agreed that all committee members would return to their jurisdictions and discuss specifically with the designated staff responsible and return with a response for their jurisdiction by July 30, 2019.

Action items:	Person Responsible:	Deadline:
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<p>Recirculate MARS reimbursement case study to IJA Committee with added question “Is reimbursement applicable?”</p> <p>i. Each jurisdiction shares their responses under 13c with IJA Committee</p> <p>iii. Update BPG with fact scenario and PPP with resolution responses re: Case Study –MARS Reimbursement</p>	<p>All</p> <p>All</p> <p>Rhonda Dean (AB)</p>	<p>June 30, 2019</p> <p>July 30, 2019</p> <p>September 1, 2019</p>
<p>13.0 d) Government Employees Compensation Act (GECA)/Federal Labour Program Clarification</p> <p>Case Study:</p> <p>Worker is an employee of Air Canada and resident of Jurisdiction A. Worker is injured in Jurisdiction B. Worker elects in Jurisdiction A. Jurisdiction A requests reimbursement from Jurisdiction B (province of injury) under the IJA. Jurisdiction B denies reimbursement indicating that Air Canada is covered by the Government Employees Compensation Act (GECA) and as such, the Interjurisdictional Agreement does not apply.</p>		
<p>Discussion:</p> <p>Question:</p> <ul style="list-style-type: none"> • Is reimbursement to Jurisdiction A applicable under the Interjurisdictional Agreement in this case? 		
<p>Conclusion:</p> <p>Response to Question:</p> <ul style="list-style-type: none"> • Yes. GECA only covers federal employees or employees of federal agencies. The Federal Labour Program confirmed that Air Canada is not a federal employer and therefore, its employees are not covered under GECA. 		
<p>Action items:</p>	<p>Person Responsible:</p>	<p>Deadline:</p>

i. Update BPG and PPP Air Canada case study- GECA claims excluded from IJA/AAP	Rhonda Dean (AB)	September 1, 2019
13. e) AAP -3 Year Review Protocol		Alberta
<p>AB to begin process to review AAP employers at least once every 3 years starting in September 2019</p> <p>Discussion:</p> <p>Have we come to a consensus as to the process for those employers who do not respond to the communication (3 year review)? Previously, some jurisdictions indicated that if an employer did not respond they would assume that their business had not changed and would therefore, have them remain in the AAP. Other jurisdictions indicated that no response would result in removal from the AAP.</p> <p>Conclusion:</p> <p>Each jurisdiction decides whether an employer should be removed from or remain in AAP, if no response received during the 3 year review. Each jurisdiction is also responsible to communicate their decision to the jurisdictions impacted.</p>		
Action items:	Person Responsible:	Deadline:
i. Update BPG and PPP that each jurisdiction decides whether an employer should be removed from or remain in AAP, if no response received during the 3 year review.	Rhonda Dean (AB)	September 1, 2019
14.0 BPG Updates		Alberta
<p>Discussion:</p> <p>Rhonda led group highlighting changes and updates made to BPG following 2018 IJA meeting.</p> <p>Conclusion:</p> <p>2018 changes to the BPG were reviewed and agreed. Consensus reached.</p>		

Action items:	Person Responsible:	Deadline:
i. All jurisdictions to review and confirm, or update the contact information in the BPG (pg 11-15) by email to Rhonda (AB)	All	May 31, 2019 – yearly
ii. All jurisdictions provide to Rhonda the maximum insurable earnings for their province for the BPG	All	May 31, 2019 – yearly
iii. All jurisdictions to provide updated contact list to Rhonda (AB) for update to BPG, and to Melody (NB) for update of AWCBC IJA repository (Benefits in Kind).	All	May 31, 2019 – yearly
iv. Update contact list in BPG (Benefits in Kind)	Rhonda Dean (AB)	May 31, 2019 – yearly
v. Forward updated BPG as approved at 2019 meeting to Chair and IJA Committee members.	Rhonda Dean (AB)	July 15, 2019
vi. Forward the versions of the PPP and BPG approved at 2019 meeting to AWCBC to be uploaded to the repository.	Rhonda Dean (AB)	July 15, 2019
15.0 Protocols Practices and Procedures Updates		Alberta
<p>Discussion:</p> <p>Rhonda (AB) led group highlighting changes and updates made to PPP following 2018 IJA meeting.</p>		
<p>Conclusion:</p> <p>2018 changes to the PPP was reviewed and agreed. Consensus reached.</p>		
Action items:	Person Responsible:	Deadline:
i. Forward updated PPP and BPG as approved at 2019 meeting to Chair and IJA Committee members.	Rhonda Dean (AB)	July 15, 2019

ii. Forward the versions of the PPP and BPG approved at 2019 meeting to AWCBC to be uploaded to the AWCBC repository.	Rhonda Dean (AB)	July 15, 2019
16.0 a) Report Out - Deliverables achieved in 2018		All
Discussion:		
i. Consensus with IJA and Assessment Committees to create a shared data repository for AAP applications and AWCBC expressed interest to assist in this project ii. Updated Interjurisdictional Cost Reimbursement-Best Practice Guide (BPG)-102 pages (and growing) iii. Updated Protocols Practices and Procedures (PPP)-Guide for achieving resolutions-55 pages (and growing)		
Conclusion:		
Continued commitment and cooperation in maintaining the IJA, finding solutions that are principled, workable and palatable. The IJA (not legal contract) is the model example for eliminating interprovincial barriers.		
Action items:	Person Responsible:	Deadline:
i. Committee Chair to report out on the activities/deliverables of the IJA Committee over the past year and outline work plan for 2019	Melody Mladineo (NB)	May 16, 2019
16.0 b) Report Out-Workplan 2019		All
Discussion:		
Items added for 2019 Workplan as discussed on May 15, 2019.		
Conclusion: N/A		
Action items:	Person Responsible:	Deadline:

<p>i. Circulate draft 2019 Workplan to IJA committee for review.</p>	<p>Melody Mladineo (NB)</p>	<p>May 16, 2019</p>									
<p>ii. IJA Committee to review draft 2019 Workplan and provide input.</p>	<p>All</p>	<p>May 16, 2019</p>									
<p>iii. Send Final 2019 Workplan to IJA Committee and AWCBC</p>	<p>Melody Mladineo (NB)</p>	<p>May 16, 2019</p>									
<p>16.0 c) Report Out - Emerging Issues</p>											
<p>Discussion:</p> <ol style="list-style-type: none"> 1. Cultural differences related to safety. Raised by NWT/NU. Group agreed to share with Theresa Wolfe any pertinent information they have on this subject. 2. Psychological injury under IJA Section 7.1 Occupational Diseases does not apply. Consensus is that this type of injury does not fall under the IJA. 3. Medical Marijuana IJA Committee members agree that medical cannabis is considered medical treatment/aid and will be reimbursed at 100%, regardless of the reimbursing jurisdiction's policies that may suggest otherwise. 											
<p>Conclusion: N/A</p>											
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th data-bbox="191 1066 873 1144" style="text-align: left;">Action items:</th> <th data-bbox="873 1066 1144 1144" style="text-align: left;">Person Responsible:</th> <th data-bbox="1144 1066 1430 1144" style="text-align: left;">Deadline:</th> </tr> </thead> <tbody> <tr> <td data-bbox="191 1144 873 1291"> <p>i. Update BPG and PPP to indicate that psychological injuries are not intended for Section 7 Occupational Disease.</p> </td> <td data-bbox="873 1144 1144 1291"> <p>Rhonda Dean (AB)</p> </td> <td data-bbox="1144 1144 1430 1291"> <p>September 1, 2019</p> </td> </tr> <tr> <td data-bbox="191 1291 873 1436"> <p>ii. Update BPG and PPP to indicate that medical cannabis is considered medical aid and will be reimbursement in full under IJA.</p> </td> <td data-bbox="873 1291 1144 1436"> <p>Rhonda Dean (AB)</p> </td> <td data-bbox="1144 1291 1430 1436"> <p>September 1, 2019</p> </td> </tr> </tbody> </table>			Action items:	Person Responsible:	Deadline:	<p>i. Update BPG and PPP to indicate that psychological injuries are not intended for Section 7 Occupational Disease.</p>	<p>Rhonda Dean (AB)</p>	<p>September 1, 2019</p>	<p>ii. Update BPG and PPP to indicate that medical cannabis is considered medical aid and will be reimbursement in full under IJA.</p>	<p>Rhonda Dean (AB)</p>	<p>September 1, 2019</p>
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