

**AWCBC ALL COMMITTEE CONFERENCE
INTERJURISDICTIONAL COMMITTEE MEETING**

May 27 and May 28 2015

The Omni King Edward Hotel, 37 King Street East, Toronto, Ontario

2015 MINUTES

Sharon Cameron (Executive Sponsor, Prince Edward Island)-Via Telephone

Glenn Jones (Manitoba)

Rhonda Dean (Alberta)

Jan Glemba (Alberta)

William (Bill) Ostapek (Alberta)

Curtis Craig (Alberta)

Mark Powers (British Columbia)

Deepak Kothary (British Columbia)

Melody Mladineo (New Brunswick)

Ann Martin (Newfoundland Labrador)

Suzette Doyle (Newfoundland Labrador)

Carolyn Rice (Newfoundland Labrador)

Marlene Bonnell (Northwest Territories/Nunavut)

Emerald Murphy (Northwest Territories/Nunavut)

Larry Clarke (Northwest Territories/Nunavut)

Tom Ivinac (Ontario)

Robin Senzilet (Ontario)

Greg (Prince Edward Island)

Sophie Genest (Quebec)

Caroline Hogue (Saskatchewan)

Kathleen Avery (Yukon)

Paula Arab (Nova Scotia)

Jonathon Stobbs (Saskatchewan)

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1. Call to Order

Ann Martin (NL, New Chair) called the meeting to order at 9:00 am. Sharon Cameron (PEI, Executive Sponsor) joined by phone.

2. Welcome and Introductions

Ann Martin (NL) welcomed all attendees and requested round table introductions. A special welcome was made to all new members of the committee.

3. Approval of Agenda/Workplan (Agenda Item #1)

No new agenda items were added. The agenda was approved in current form with no revisions or additions.

4. Approval of May 2014 Meeting Minutes (Agenda Item #2) – approved

No further changes required to the 2014 meeting minutes that were circulated to the committee members. All jurisdictions approved the minutes.

Final meeting minutes for 2014 were agreed to be distributed to all Committee members by June 5, 2015.

Reminder: As agreed in the 2012 meeting, there are two workplans circulated each year; a workplan distributed at the beginning of the 2 day meeting that shows all workplan items recorded as “to be completed” on the previous years’ work plan (first workplan will mirror the workplan update submitted to the AWCBC Executive the year prior) and the second workplan (workplan update) that is submitted to the AWCBC Executive at the end of the 2 day meeting to record the “to be completed” workplan items that are now “completed” since the last meeting and before the end of the current meeting. “Completed” workplan items will not carry forward to the next year’s workplan.

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- ❖ Rhonda Dean (AB) to send 2014 finalized meeting minutes to Ann (NL) by Friday June 5th.
- ❖ Ann Martin (NL) to submit 2014 meeting minutes to Cheryl Tucker (AWCBC) by June 30, 2015.

1. Alternate Assessment Procedure (Agenda Item #3)

(a) Procedures and Best Practices

- Workplan Item 1 (i) AAP procedures to be reviewed for redraft once approval obtained to expand AAP to industries outside trucking.

Rhonda Dean (AB) confirmed that the AAP procedure has been updated to reflect the approval of the expansion to the industries outside trucking. There are no additional changes required to the procedure or the PPP at this time in relation to the expansion.

Item 1 (i) APP procedure update will be recorded as “completed” in the 2015 workplan and will not carry forward to the 2016 workplan.

- Workplan Item 1 (ii) Jurisdictions to review/edit draft Best Practices Training Guide (including Elections, Cost Reimbursement, AAP and Dispute Resolution)

This review was completed by the jurisdictions.

Item 1 (ii) will be recorded as “completed” in the 2015 workplan and will not carry forward to the 2016 workplan.

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(b) Best Practice Training Guide

- Workplan Item 1 (iii) Finalize draft Best Practice Training Guide (BPG) and communicate/distribute guide post-AAP Expansion.

The BPG updates in relation to the AAP expansion will be completed by Rhonda Dean (AB)

Ann Martin (NL) suggested that case scenarios and resolutions could be added to the BPG. The BPG will continue to be used as a document which contains the rules; a new document will not be created for this purpose. All learnings from IJA Committee meetings will be reflected in the BPG. Further clarification is needed on:

- i. Administration payment guide and
- ii. Acceptance of claims and the transfer of assessment dollars and board cost reimbursement guidelines.

Action Item

- ❖ Rhonda Dean (AB) will continue to be responsible for updating the BPG based any updates PPP or IJA meeting discussions.

Item 1 (iii) will be recorded as “completed” in the 2015 workplan and will not carry forward to the 2016 workplan.

(c) Case Scenario submitted by Alberta

- Workplan Item 1 (iv) Case Scenario Discussions

Case scenario #1 was provided to the committee prior to the meeting.

Rhonda Dean (AB) provided further explanation to the case. Coverage did exist in this situation since there was a casual relation to Canadian

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employment. Jurisdiction B had accepted worker as having coverage and AAP participation. The questions posed in the case were:

- (1) Does the AAP apply to injuries outside of Canada?
- (2) Does the AAP “transfer of assessment” apply to injuries outside of Canada? (I.e. is cost reimbursement appropriate to Jurisdiction A (from Jurisdiction B under the AAP even though the accident occurred in the USA?)

Mark (BC) – under the IJA, the worker would have to be entitled in both jurisdictions but not the same entitlement under the AAP. BC would answer yes to both questions in the case. Mark did express concern regarding the connection to employment, if the person is entitled to compensation in Canada, is there sufficient connection to Canada.

Bill (AB) agreed with Mark (BC), employer can pay all assessments in one jurisdiction; work place connection could undermine this IJA principle.

Sophie (QC) - if no coverage in own jurisdiction then the coverage would not exist. QC would have to accept this claim.

Robin (ON) – The definition of “worker” in the AAP refers to an Assessing Board providing coverage for work performed anywhere in Canada. That is the obligation that Boards undertake when becoming Assessing Boards. Therefore, there is no clear obligation to reimburse under the AAP for work performed outside of Canada.

Rhonda (AB) – Follow up question for the group discussion - Could re-adjudication apply under the AAP in this situation? If the only reason the worker was crossing the border is due to Canadian work?

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- Mark (BC) – discussed that if re-adjudication did apply and the injury outside of Canada was excluded then AAP fails. If the claim is accepted in the one jurisdiction should not be re-adjudication because it has already been accepted under the AAP.
- Greg (PEI) – re-adjudication is not consistent with the AAP original intent. PEI agrees that this would undermine the intent.
- Jonathan (SK), Glenn (MB), Kathleen (YK) and Ann Martin (NL) are in agreement with PEI and BC.
- Everyone agrees if a worker is accepted, except ON because of the definition of worker in the AAP. ON – AAP only applies to work occurring in Canada.
- Paula (NS) – AAP reimbursement follows where the premium is paid. What if worker doesn't meet the legislative requirements of the province, but AAP applies in one province but not in the other. This situation would defer back to IJA. – This is for another discussion. Gaps may exist in the IJA regarding this point.
- Bill (AB) – if you have collected assessments for the reimbursement of the risk of injury, then the assessing board should reimburse.
- Mark (BC) – would allow coverage for short term work outside Canada (i.e. 6months) key consideration would also be for a specific piece of work or timeframe. The definition of worker could be changed in IJA but have to be careful not to limit the worker. AAP applies because the legislation requirement was already considered. We should be reluctant to change definition of worker to include US residents working in Canada. Would not want to extend coverage of AAP to non-Canadian residents.

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Mark (BC) does not believe that the current definition of worker is limited to work only occurring in Canada.

- Case scenario discussion outcome– All jurisdictions with the exception of ON voted on the answers to the case questions as Yes/Yes.

- Jonathon (SK) – if a real life disagreement occurred in a scenario like the case presented it would have to be resolved using the general dispute mechanism.

Action item

- ❖ Rhonda Dean (AB) to add discussion resolution to the PPP and BPG.

Case # 2 - Rhonda Dean (AB) provided further explanation to the case.

Question posed to the group – when an error is made in payment how should it be rectified?

There was much discussion related to the different jurisdictions' points of view. The general agreement: if 2 jurisdictions find themselves in this situation, they can request arbitration to resolve the dispute.

- Paula (NS) if the jurisdiction should have collected the assessment then they should go back and fix the error and pay the reimbursement.

- Rhonda (AB) referenced the 2012 revision to the PPP pg. 7 this issue was resolved under AAP participation.

- Bill (AB) once an employer is in the AAP they cannot choose between the boards.

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- Sophie (QC) the 3 years review of participation should reduce the occurrence of this type of error.
- Greg (PEI) prior to the 3 year review it was a lifetime membership and these errors did occur more frequently.

- Robin (ON) – provided further explanation of the case: jurisdiction B in this scenario was Ontario. Ontario was a registering board, no AAP application was sent to ON, worker was an ON resident injured in the Yukon and payment was denied on the basis that no AAP application was received from the employer in Ontario so Ontario is not an Assessing Board for this employer. Deepak (BC) – responsibility still remains with the employer once they sign regardless of board, the boards have a responsibility to correct the situation.

- Marlene (NWT) – if the worker had a right to obtain coverage in ON, denial would jeopardize the worker’s rights if error was not fixed.

- Rhonda (AB) – when this occurs for AB, the jurisdiction will retroactively apply the AAP and collect.

- Ann (NL) – issue between AB and ON – the issue between these 2 jurisdictions cannot be resolved here today and may require some form of dispute resolution process.

A clearer statement is required regarding corrections to AAP applications. Assessment related questions should be referred to the Assessment group. This should be tabled at the National Assessment meeting June 9-10 2015.

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- ❖ Bill Ostapek (AB) Develop statement/question regarding corrections that will be tabled at the National Assessment meeting June 9-10 2015.

- ❖ Deepak (BC) - will take this item to the National Assessment group. Group will provide answer back to the IJA committee by June 30 2015.

Item 1 (iv) will be recorded as “completed” in the 2015 workplan and will carry forward to the 2016 workplan under the Alternative Assessment Procedure item.

(d) Expansion Discussion

- Workplan Item 1 (v) Discussion of potential further expansion of the AAP.

Ann (NL) – Asked the group if there other industries we should discuss to include as potential inclusion in the AAP, such as the marine industry.

Deepak (BC) – Proposed tabling this as an agenda item at the National Assessment meeting in June 2015.

Action Item

- ❖ Suzette Doyle (NL) to discuss with Director of Assessment to table a regional discussion at the National Assessment meeting June 9-10 2015. Outcome will be reported back to the IJA chair by June 30th.

Item 1 (v) will be recorded as “completed” in the 2015 workplan and will carry forward to the 2016 workplan under Alternative Assessment Procedure.

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New Agenda Item – General discussion regarding dollar for dollar reimbursement

Bill (AB) – it is administratively feasible for jurisdictions to enter into dollar for dollar reimbursement agreements.

AB, MB, SK, YK – currently have dollar for dollar reimbursement agreements.

Ann (NL) – what documentation does each board need to ensure billing fraud is not occurring?

Glenn (MB) – MB must receive the full claim file to protect against fraud.

Rhonda (AB) – AB requires a cover letter with a breakdown of claim costs (i.e. TEL, medical) pulled from claim file. AB has a system generated letter that they provide to other jurisdictions.

Carolyn (NL) – NL is interested in this type of agreement and breakdown.

Paula (NS) – jurisdictions interest in creating dollar for dollar agreements should refer to the current agreements that exist to help develop their own.

Jonathon (SK) – annual update of additional agreements should add to the PPP. Future agreements should also be noted.

Recapped what agreements currently exist; BC, AB, QC and NL are interested in this type of agreement.

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2. AWCBC IJA repository clean-up (Agenda Item # 4)

- Workplan Item 2 (i) All jurisdictions to review IJA document repository and provide any feedback/recommendation

Ann (NL) and Paula (NS) have reviewed and identified updated required.

Paula (NS): Identified the following issues with repository:

- **Cost reimbursement** – do we need this document
- **Doc template AB specific and QC specific** – are they needed here
- **Duplication** – IJA initial invoice and outgoing invoice – remove duplication

Action Items

- ❖ Ann Martin (NL) to upload the most recent version of the PPP and BPG by November 2015.
- ❖ Paula (NS) to give Ann the list of forms/document for removal Ann will have them reviewed by November 2015.
- ❖ Ann Martin (NL)/Glenn Jones (MB) Review the terms of reference for IJA committee and recommend whether this needs to be updated TBD.

Item 2 (i) will be recorded as “completed” in the 2015 workplan and will carry forward to the 2016 workplan under AWCBC IJA Repository Clean-up.

3. Benefits in Kind Contact List (Agenda Item #5)

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- Workplan Item 4 (ii) All jurisdictions to provide updated contact list to AWCBC for IJA repository contact list. This is a recurring activity.

Action Items

- ❖ All jurisdictions to provide Benefits in Kind contact list to Ann Martin (NL) by June 30 2015.
- ❖ Ann Martin (NL) to forward to AWCBC chairperson – this should be annual task.

Item 4 (ii) and (iii) will be recorded as “completed” in the 2015 workplan and will carry forward to the 2016 workplan under Benefits in Kind Contact list.

4. Proposed revision to IJA (Agenda Item #6)

- Workplan Item 6 Revise IJA Section 3.2 (d) and (e).

Bill (AB) –After review there are no obvious conflicts in the agreement. Bill provided an email summary to all committee member prior to the meeting. No amendment is needed at this time.

Item 6 will be recorded as “completed” in the 2015 Workplan and will carry not forward to the 2016 Workplan.

5. Approval of Best Practice Guide (Agenda Item #7)

- Workplan Item 7 Update BGP – review and approval of the BGP

Ann (NL) – thanked Rhonda (AB) and Kate (PEI) for all their work on the BGP.

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Rhonda (AB) – red items need to be accepted, future changes have to be approved.

Greg (PEI) volunteered to replace Kate (PEI).

Mark (BC) to provide updated BC contact to Rhonda (AB). Jonathon (SK) to provide own contact information.

All jurisdictions approved document updates.

Sharon (PEI) – suggested a formal presentation be made to AWCBC board regarding this piece of work, she could present to board at June 2015 meeting.

Action Item

- ❖ Rhonda Dean (AB) will update the BPG with approved changes and send to the Ann Martin (NL) and Sharon Cameron (PEI) by June 5 2015. Sharon Cameron (PEI) to present BPG presentation at the AWCBC board meeting June 23 2015.

Item 7 will be recorded as “completed” in the 2015 workplan and will carry forward to the 2016 workplan. BGP is an annual meeting discussion item.

6. Review and approval of PPP (Agenda Item # 8)

- a. Discussion of fatality statistics reference in 2008/2009 meeting minutes

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- Workplan Item 8 (v) Correction required to fatality statistic reference in 2008/2009 meeting minutes.

Rhonda (AB) – how do jurisdictions count fatalities? Rhonda suggested the IJA group contact the NWISP committee. The PPP information may not be accurate. In 2008 – we were to check with a NWSIP representative to clarify. In 2009 we verified that it was consistent. NWISP meeting minutes for that year differ from the IJA meeting minutes. This item is on the NWISP committee agenda today.

During the morning break Rhonda followed up with the NWISP representative (Pieter) for feedback from the committee's morning discussions. Pieter confirmed that there is no consistent approach for counting fatalities between the jurisdictions. The NWISP group is to gather the jurisdictional information by the end of October 2015 and provide a feedback to the IJA committee.

Ann (NL) –once we review this information from NWISP, we will determine if any further updates are needed to PPP.

Action Item

- ❖ NWISP committee representative will provide jurisdictional fatality counting method to Rhonda Dean (AB) by October 2015. The committee can review next meeting to see if anything required of our committee.

Item 8(v) will be recorded as “completed” in the 2015 workplan and will carry forward to the 2016 workplan under the PPP.

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b. Discussion of Disclosure of Information request when requesting information from another board

- Workplan Item 8 (vi) Disclosure of information request between jurisdictions.

Rhonda (AB) – Some items in PPP can be re-worded to be more user-friendly. Pg. 13 – 14 – clarification on IJA claim definition required. IJA claim where the worker has the option to elect in more than one jurisdiction. Is the worker required to sign consent to share the information between jurisdictions?

Mark (BC) – A consent section could add be added to the election form. This question should be framed to include the following and asked to each jurisdiction:

- Cost reimbursement
- For assessing employer
- Transfer of cost relief
- Claims outside the IJA
- Benefits in Kind

Glenn (MB) – All jurisdictions are collecting information before claimant elections received, disclosure of claimant information would only be sent to the other board after election. This is a reminder not to send claimant information to another board until they request it.

Ann (NL) - Information disclosure is not required until the claimant initiates the election form with the board.

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Mark (BC) –Treating physicians of injured workers have an obligation to report to WCB.

Emerald (NWT) – This medical information is critical to start the claim.

Mark (BC) – We should not confuse sending the claimant information to the other board with the client service issues. Can still reach out to the other board indicating there may be a potential claimant that doesn't understand their rights.

Action Items

- ❖ Suzette Doyle (NL) to draft and send disclosure of information question to all jurisdictions by June 30 2015.

- ❖ Each jurisdiction to send response to Suzette Doyle (NL) by August 30 2015.

- ❖ Suzette Doyle (NL) to compile and send to Rhonda Dean (AB) by Sept 30 2015 to include the BPG. Rhonda will work with Sophie on the location update.

Item 8(vi) will be recorded as “completed” in the 2015 workplan and will carry forward to the 2016 workplan under Update PPP.

- Workplan Item 8 (iv) Review and approval of minor changes to the PPP.
 - Pg. 23 – limitation period – add appendix reference - approved
 - Pg. 28 – reimbursement – invoice frequency – put in date order – approved.
 - Pg. 34-35 – statistics – place all statistic in one block – approved
 - All changes to PPP – approved.

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Action Items

- ❖ Rhonda Dean (AB) and Sophie Genest (QC) will compile PPP/BPG updates by November 2015.
- ❖ Rhonda Dean (AB) will forward the approved PPP to Ann Martin (NL) to upload to the AWCBC repository by June 2015.
- ❖ PPP will require annual updates based on meeting minutes. To be assigned annually.

Item 8(vi) will be recorded as “completed” in the 2015 workplan and will carry forward to the 2016 workplan under Update PPP.

7. Discussion of minimum election requirements (Agenda Item #9)

- Workplan Item 9 All committee members to discuss the minimum requirements.

Sophie (QC) – Collected information from all boards and forwarded to committee members prior to meeting. There was clear consensus since boards require different information to start a claim. What information should we agree to provide each other?

Ann(NL) –Proposed - worker name, date of injury and date of birth,– PEI and NB will come back once they determine if they capture date of birth.

Action Item

- ❖ All committee members to send Sophie (QC) minimum information required for election notification, further clarification required by June 30 2015.

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Item 9 will be recorded as “completed” in the 2015 workplan and will carry forward to the 2016 workplan under Election Notification Requirements.

8. Review and approval of revised Appendix “A” [French and English] (Agenda Item # 10)

- Workplan Item 10 Appendix A translation and revision

Ann (NL) – Sophie (QC) has reworded the English and French.

Sophie (QC) – Changes have enhanced the wording, now user-friendly and simplified. Should we keep the confirmed date as this is not found in any other part of the agreement? If yes, then need to update the date to 2014 when this was reconfirmed.

Ann (NL) – does everyone agree with removing the date? All agree, the date on the agreement stands for the whole document - January 1 2015. All agree to the format of Appendix A.

Action Items

- ❖ Sophie (QC) will complete the edits and send to Ann (NL) by June 15 2015.
- ❖ Ann (NL) will forward the update Appendix A to AWCBC by June 30 2015.

Item 10 will be recorded as “completed” in the 2015 workplan and will carry forward to the 2016 workplan.

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9. Privacy requirements - discussion of authority to share information prior to claim cost reaching the minimum threshold (Agenda Item # 11)

- This was discussed under Agenda Item #8 above.

10. Discussion of occupational disease provisions of the IJA (Agenda Item # 12)

➤ Workplan Item 12 Occupational disease provisions in Section 7

Ann (NL) - which jurisdictions provide cost reimbursement under the IJA for occupational disease claims? NL does not go to other boards for this type of reimbursement. As well in NL the amount of exposure in other jurisdictions is not considered once claim meets NL legislative requirements.

Rhonda (AB) – AB does reimburse under the IJA for occupational disease.

Ann (NL) - Are there other jurisdictions that use exposure levels in adjudication?

- BC, ON , NWT, SK, QC

Some jurisdictions have exposure level; they are using the IJA occupational disease reimbursement.

Sophie (QC) – no longer participating in IJA occupational disease section.

Rare cases when multi exposure in other provinces. QC has to have enough exposure in own jurisdiction, does not consider other jurisdiction exposure.

Paula (NS) – NS does not capture out of province accidents so if can occupational disease occurs in NS and another jurisdiction, it would only collect NS exposure therefore no IJA flagged.

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Ann (NL) – NL has been asked to collect more information for the purpose of asbestos legislation not IJA. If we started using the IJA section then the adjudicator would have to be trained to collect the required information.

Item 12 will be recorded as “completed” in the 2015 workplan and will not carry forward to the 2016 workplan.

11. Other Business (Agenda Item #13)

- a. Jan (AB) – Asked the other committee members if their jurisdiction would be willing to receive forms via fax or email.

Action item

- ❖ All committee members to respond to Jan’s email asking if boards would be willing receive IJA forms through fax or email June 30 2015.

- b. Marlene (NWT) – forest fire fighters – when fires occur in NWT, workers are recruited from jurisdictions to fight the fires. Everyone who arrived was registering with their board. Government paid their assessments. The MARS agreement would go against NWT legislation.

Bill (AB) – MARS forest fire fighter can claim in their home jurisdiction or where the accident occurred. Bill did not agree that the MARS agreement not in line with the NWT legislation. Most fire fighters claim in their home province. MARS was setup to make dealing with the emergency situation simpler. The AB government treats the fire fighters as workers of the government therefore no issue.

Variations exist between boards.

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- c. Mark (BC) – Which justification say claims should be paid by the jurisdiction where the accident occurred. Does this still make sense?

Ann(NL) – Each province is responsible of their own safety culture.

Greg – ER should have been covered. Was it to cover this point?

Bill (BC) – There is an allocation of risk and cost and an attempt to equalize the cost to the employer across the jurisdictions.

Mark – There is an allocation of dollars - high risk areas have higher cost than lower risk areas. Jurisdictions will promote safety based on the risks that exist.

Ann (NL) – dollar for dollar reimbursement – the different jurisdictional maximums are ignored.

- d. Carolyn (NL) – are all jurisdictions using the template letters in Appendix A and B? NL is having trouble paying because of missing information required for the payment. If everyone could use the letter it would help with consistency. Medical aids to/from dates are separate in NL between TEL and medical aid. Annual gross salary.

Ann (NL) – reminder of all jurisdictions to ensure their staff are using these template letters.

- e. Jonathon (SK) – There can be long waits for particular workers, what are the jurisdictions election form timeframe best practices?

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Jan (AB)/ Paula (NS) – serious injury do not have the right of election. When appropriate would move forward with the election and inform the other jurisdictions. If the election form comes in at a later date they will be considered due to the situation. Claims will be re-opened.

Glenn (MB) – election under IJA not required for election under a board's act. Jurisdictions should continue with the claim process in order to keep the process moving.

Ann (NL) – What happens when the claimant is hospitalized, for example in a coma, when do they can make decision, what happens to the cost during this time to decision?

Glenn (MB) - Biggest issue is ensuring the medical aid is being paid, would reimburse at that time the decision is made.

- f. Ann (NL) – Compensation/Benefits – psychological injuries, there are policy changes occurring in western jurisdictions, does this have any implications to the IJA?

Johnathon (SK) – case by case basis, excessive and unusual stress, fire fighters and police officers PTSD – changes is that PTSD does not have to occur over time.

Committee agreed that there is nothing to discuss with Compensation/Benefits committee yet.

Mark (BC) –Future discussion may be required for PTSD situations. For example: if a worker is exposed in NS, BC would accept but NS would not. There may be road blocks if they start looking for reimbursement. This may be too new an issue to resolve yet.

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- g. Ann (NL) - Communication Support Questionnaire - reviewed the questions with the group.

 - h. Bill (AB) – the networking and contacts made at the meetings are invaluable. Learning from other jurisdictional experience.

 - i. Paula (NS) – identify agenda items in a detailed manner –would allow committee members to be better prepped and get the answers before the meeting.
12. Approval of 2015 Final Workplan

All committee members reviewed and approved the final workplan that was to be submitted to the AWCBC by 10:00 am on May 28, 2015.

13. Adjournment

Meeting concluded May 28, 2015 at 10:00am.

/sd