JURISDICTION: SASKATCHEWAN

ENVIRONMENT

Population Size 1,015,600 (1995, Stats Canada)

Labour Force 494,000 (1995, Stats Canada)

Demographic and Economic Indicators

The economy of Saskatchewan heated up slowly in 1995 and 1996 after a relatively slow period of growth in 1993 and 1994. Continued steady growth is expected in 1997. Resource exploration set a new high in 1996; business investment was up 18% in 1996 as compared to 1995; and retail sales and housing starts were higher than the national average. Though agriculture is the foundation of the Saskatchewan's economy, the province continues to look to ways of expanding and diversifying the agricultural industry.

The population of Saskatchewan is fairly static, growing at the rate of 0.23% between the years of 1991 and 1995 (Stats Canada).

The average weekly wage rate in Saskatchewan in 1995 was $490.47. The unemployment rate in Saskatchewan was 6.6% in 1996, down slightly from its 1995 rate of 6.9%.
GOVERNANCE & ADMINISTRATION

Nature of System
An exclusive provincial fund.

Principles and Mandate
The mission of the Saskatchewan WCB is "to protect workers and employers against the result of work injury". The goal of the board is to

- deliver fair and timely service to injured workers;
- develop our human and other resources to meet present and future challenges;
- provide a fully funded, efficient and effective workers' compensation system;
- communicate and promote an understanding of workers' compensation.

Access to Litigation
Workers' compensation is an exclusive remedy in Saskatchewan.

In Saskatchewan, a worker can elect to claim compensation against a third party and bring an action. Where an action is taken, the WCB is subrogated to the rights of the party taking the action. Saskatchewan legislation also provides for a right of action from a worker not covered by the legislation against an employer or a person contracting with a contractor or subcontractor.

Scope of System
Who is Covered?
Coverage is compulsory for workers in all industries, with certain exceptions. Coverage includes all provincial and municipal government employees. Municipalities and other corporations may elect to cover the mayor and members of the governing body. The exceptions include farm and ranch labourers, domestic servants, outworkers, and school teachers. The Lieutenant Governor in Council also has the power to pass regulations excluding a specific industry, employer or workers from coverage.

It is estimated that 93.6% of Saskatchewan's workforce is covered under its workers' compensation scheme. In 1995 there were 41,102 employers registered under the scheme.
What is Covered? All personal injuries "arising out of" and "in the course of" employment are covered under the Saskatchewan scheme. If the accident is the result of horseplay or other intentional act the worker is still covered provided they were an innocent third party.

All industrial diseases are provided with the same coverage as accidents under the legislation. Saskatchewan will consider stress claims from workers in all occupations.

Self Insurance Saskatchewan does not permit self insurance.

Organizational Framework The Workers' Compensation WCB of Saskatchewan is a statutory body responsible for the administration of the Workers' Compensation Act.  

The Saskatchewan WCB is highly centralized. Most functions are supplied through the head office in Regina. There is one district office in Saskatoon which provides services in the area of vocational rehabilitation, claim investigation, and revenue and employer accounts. The WCB has the authority to hire staff considered necessary. It has about 350 full-time equivalent employees (1997).

Governance Structure The Saskatchewan WCB is headed by a three member board appointed by the LGIC: a Chair, one worker representative and one employer representative. The Act provides that the board may appoint a person to act as Chief Executive Officer of the WCB.

Policy Development There is an internal policy development process. Policy proposals may come from staff, the management, or the board members. The Chief Executive Officer, then the board of directors approve all policies.

Accountability The Saskatchewan WCB is required under the legislation to submit an annual report to the legislature and must submit to an annual audit. There is an organizational reporting

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1 Although at present the Saskatchewan WCB has responsibility for just the Workers' Compensation Act, under the legislation, the Saskatchewan Board can be assigned other Acts to administer or other duties as set out by the LGIC or as requested by a public authority relating to workers' compensation.
Comparative Review

**Saskatchewan**

relationship with the Minister of Labour.

**Performance Assessment**

The Saskatchewan board, similar to other Canadian boards, collects and calculates a number of statistical measures, but there is no formal, set, ongoing performance assessment and evaluation process in Saskatchewan.

**Claims Adjudication Process**

An injured worker must make a claim as soon as practicable. An employer has five days following the date of the event to notify the WCB. Employees of the board itself are responsible for all aspects of claim processing, adjudication and management.

The Department of Labour operates an Office of the Workers' Advocate to assist injured workers and their families through the workers' compensation claim process. The Office of Workers' Advocate is fully funded by the WCB.

**Dispute Resolution**

**Mediation/Conciliation**

There is no formal mediation / conciliation process in Saskatchewan. The Office of the Workers' Advocate does provide some assistance to injured workers in the claim adjudication process.
Appeals from decisions of the Workers' Compensation board are heard by the board itself. There is a three stage internal appeal process: step one is reconsideration by the adjudicator who made the original decision; step two is referral to an Appeals Committee; and step three is referral to the board of directors (there must be evidence of new information or a mistake in judgment for a decision to be heard at steps two and three).

In Saskatchewan the only external appeal or review body is the medical review panel. The Chairperson of the panel is appointed by the board, in consultation with the Saskatchewan Medical Association, to act on a part-time basis for up to a three year period (subject to reappointment). Two additional members of the panel are selected by the person requesting the review from a list of names (including medical specialists) provided by the board.
### ASSESSMENTS / FINANCING

#### Assessment or Premium Setting Process

Assessment rates are set for each major industry as determined by assessing the level of risk and the historic claims and cost experience of the industry. Each employer is then charged a specific rate per $100 of payroll. In 1997, in Saskatchewan, there are 516 industries and 69 industry rate groups and 11 sectors or classes.

Saskatchewan does not have a comprehensive experience rating program in place, though it does operate a merit / surcharge program to encourage individual employers to develop and implement effective occupational health and safety programs and to reflect "real world" cost experience. The goal is to ultimately reduce compensation costs. The Saskatchewan system is a retrospective program and applies to any employer that was active in the last three years and has paid a minimum of $25 in premiums. Employers with claims experience that is excessively higher than the industry norm over the past three years are required to pay a surcharge (of up to 40% assessment rate). Merit rebates are available to employers with better than average claims experience (of up to 25% assessment rate to maximum of $100,000).

#### Assessment/Premium Rates

In 1997, the average assessment rate in Saskatchewan was $2.01 with a low of $0.15 and a high of $17.50. Maximum assessable earnings in 1997 was $48,000.

#### Second Injury Funds / Disaster Funds

The board operates a Second Injury Fund to provide coverage for enhanced disabilities due to a preexisting disease, condition or disability. It also operates a Disaster Reserve fund. These funds are supported by employer assessments and amounts dedicated to these funds are calculated using a formula derived from an analysis of cost experience over the last five years.
Comparative Review
Saskatchewan

COMPENSATION
BENEFITS

Claim Rate  In 1995, there were 36,629 new claims reported of which 13,278 resulted in time loss (as compared to 34,811 claims, and 12,615 which resulted in time loss in 1994).

Medical Aid  

Nature of Aid  Coverage is comprehensive; the scheme covers all medical care needed to treat a work related injury or illness. The Board's medical consultants (in 1996 the board had a staff of four medical doctors and one chiropractor) are involved in examining claimants to assess the degree of physical impairment for the purpose of compensability and providing advice to claims adjudication and other non-medical staff.

Choice of Provider  The injured worker is able to choose their own health care provider. The employer or board may require the injured worker to seek consultation or treatment from a particular health care provider, but the worker can continue treatment with their own physician.

Medical Cost Containment Initiatives  The Board formulates a fee schedule in consultation with the Saskatchewan Medical Association and other health care organizations whose members provide services covered by the schedule.

Rehabilitation Vocational  Rehabilitation services are offered at the discretion of the board. The Extended Services unit, a branch of the Client Services Division is responsible for "return-to-work" programs. The unit focuses on claimants who had high pre-injury wages who will likely find it difficult to be employed post-injury at the same high wage. The services provided include job search training, vocational assessment, professional counseling, employment skills development, and on-the-job training and workplace modifications.

Social  The Saskatchewan system may cover academic training and home and vehicle modifications.

Rehabilitation  None identified.
Incentives

No special programs or initiatives identified.

Disability Benefits

Short-Term Benefits - Temporary Disability
Weekly "loss of earnings or wage loss" compensation:
Rate: A worker with a TTD is eligible to receive wage loss benefits of 90% of net earnings\(^2\) up to a set maximum and minimum (maximum assessable earnings was $48,000 in 1997\(^3\); maximum of $620.20 per week and minimum of $258.29, or 100% of earnings if less).
Indexed: Payments are indexed by CPI on anniversary of earnings loss.
Duration: Term of disability.
Taxable: No.
Employer's Excess / Waiting Periods: There is no employer excess or waiting period in Saskatchewan.

Long-Term Benefits - Permanent Partial and Total Disability
Economic "loss of earnings or wage loss" awards or pensions:
Rate: Workers with PPD or PTD are eligible for earnings loss as estimated by the Board at 90% of net earnings capacity (maximum assessable earnings was $48,000 in 1997).
Indexed: Payments are indexed by CPI on anniversary of earnings loss.
Duration: Earnings loss benefits are payable until the claimant is age 65\(^4\) after which an annuity is payable funded by the Board\(^5\).
Taxable: No.

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\(^2\) Net earnings arrived at after deductions for U.I., C.P.P. and Income Tax.

\(^3\) The maximum earnings ceiling is increased by $1,000 if 10% of workers injured in the preceding year earn in excess of the maximum.

\(^4\) Or for up to 24 months the worker is 63 years or over at the time of injury.

\(^5\) After two years disability, the Board will begin to set aside an amount equal to 10% of the benefit payment to purchase an annuity in order to fund benefits after the claimant turns 65.
Offset Against Other Social Security Benefits: After the first 12 months of disability, 50% of C.P.P. benefits are considered income for the earnings calculation. If worker is only receiving the minimum benefit there is no C.P.P. offset.

Award for permanent physical impairment:
Periodic (pension or annuity): None.
Lump-sum: For permanent functional impairment, a worker is entitled to a lump-sum payment based on a rating schedule from a minimum of $1,100 to a maximum of $22,600.
Covers Disfigurement: There is no explicit provision covering disfigurement, but Saskatchewan recognizes disfigurement in making lump-sum payments (a maximum of 25% loss can be awarded for cosmetic impairment).

Impairment Schedule: The Saskatchewan Impairment Chart.

Supplemental Awards: The board provides a clothing allowance of $198 per year for upper limb prosthetic and $436.00 for lower limb to an overall total of $2,260.00 per year. The board will also cover the cost of personal care - $228.00 to $2,489.90 per month as based on four rates.

Hearing Loss Clients with hearing (and vision) impairment are sent to outside agencies and experts for diagnostic testing.
Death Benefits

**Funeral Expense Benefits**

*Funeral Costs:* A lump-sum of $5,328.00 is provided to cover funeral costs and other immediate expenses associated with the death of the worker (1997 rates); the board will cover actual costs related to transportation of the body.

*Emergency Lump-sum:* Included in the above amount.

<table>
<thead>
<tr>
<th>Survivor Category</th>
<th>Lump-sum</th>
<th>Pension</th>
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<tbody>
<tr>
<td>Dependent spouse, without children</td>
<td>None.</td>
<td>Equivalent to the deceased worker's P.T.D. benefit based on set minimums and maximums per month for five years, even if remarry(^6) (after 12 months, 50% C.P.P. benefits treated as income in calculating pension).</td>
</tr>
<tr>
<td>Dependent spouse, with children</td>
<td>None.</td>
<td>As above, except continues until children 16, or 18 if in school.</td>
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<tr>
<td>Dependent children, over 18 attending school</td>
<td>None.</td>
<td>$271.92 monthly allowance until reach 25.</td>
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\(^6\) Or longer if termination of the pension would result in undue hardship for the spouse.
HEALTH & SAFETY & PREVENTION

Organization Structure

Agencies Responsible

The Occupational Health and Safety Division of the Saskatchewan Department of Labour is responsible for occupational health and safety in the Province and the administration of the Occupational Health and Safety Act. The Occupational Health and Safety Council, a nine member board appointed by the LGIC (one independent chair and four members each representing employers and employees), provides advice to the minister on OHS issues.

The Saskatchewan occupational health and safety legislation is based on an internal responsibility model. The goal of the Department's Occupational Health and Safety Division is "to promote and enforce a safe and healthy working environment for workers in all occupations". The Division is responsible for inspections, accident investigations and enforcement of workplace safety standards. These standards include requirements for the protection of workers from harassment and violence as well as physical, chemical and biological workplace hazards.

The Division also fulfills its mandate by supporting the establishment and maintenance of occupational health and safety committees, and worker representatives at prescribed places of employment, and by providing education and training for committees and representatives. The WCB also provides training related to workplace accident prevention and reduction.

Source of Funding

The OHS activities and initiatives of the Department of Labour's Occupational Health and Safety Division are fully funded by employers' assessments through a transfer from the workers' compensation fund.

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7 Saskatchewan was the first Canadian jurisdiction to adopt an internal responsibility model over twenty years ago. The OHS legislation enshrines the workers' right to know, right to participate, and right to refuse unsafe work.
Accident Reporting
Under the occupational health and safety legislation, all serious accidents and dangerous occurrences that have caused or could have caused a death, or the hospitalization of a worker for a period of 72 hours or more, must be reported to the OHS division.

OHS Representatives & Committees
The Saskatchewan OHS legislation requires that every workplace with ten or more employees must have a health and safety committee and prescribed workplaces with between five and nine employees must have a health and safety representative.

Offenses & Penalties
Contraventions of the Legislation
There is a graduated level of fines, ranging from $2,000 to $300,000 and possible two years imprisonment, depending on the seriousness of the offense and whether it caused injury or death.

Convictions:
1995 - unavailable.
1996 - four convictions (all employers); total amount of fines $300,000.

Administrative Penalties
There is no provision for administrative penalties in Saskatchewan.

OHS Legislative Review
There is a legislated requirement that the OHS Act must be reviewed at least once every five years; there is no legislated or formal and regular review requirement respecting the regulations. The review process is lead by the OHS Council.

Health and Safety and Loss Prevention Initiatives
None identified.
FRAUD PREVENTION

The Saskatchewan WCB has a fraud prevention unit, called the Program Evaluation and Internal Audit Unit, and with a staff of five. There are no statistics available on the number of investigations, nor the cost savings impact of the unit.