7.0 GOVERNANCE

7.0 INTRODUCTION

This topic covers decision making at the WCB. It addresses the following questions:

- Who makes decisions?
- How decisions are made?
- When should decisions be rendered?
- What is involved in the decision making process?
- Why are certain decisions made?

Respondents, in general, offer recommendations to ensure that the decision making of the WCB is based upon sound analysis of complete information. Concern is expressed that Governors should become more representative of the interests of stakeholders. For injured workers in general, it is hoped that this would result in the ethical treatment of injured workers. In contrast, for independent employers in general, it is hoped that this would result in strict financial management of the WCB. The recommendations are divided into the following sub-issues:

Structure, roles and tenure;
Accountability;
Communication, training and the use of information in decision making and;
Review mechanisms and performance evaluations.

7.1 GOVERNANCE: STRUCTURE, ROLES & TENURE

7.1.1. Overall Response.

The question of ‘who should be making decisions about the policy and practices of the WCB’ drew varied responses. Respondents offer many opinions about the selection of Governors, as well as the tenure and roles of Governors.

Less than half (46/120) who commented on this sub-issue were independent employers and members of employers associations. Also less than half (40/120) of the responses were from injured workers. A few (13/120) responses were from unions. Other groups that provided responses include the following: advocacy groups, members of the general public, member of a legislative assembly, non-government organizations, professional associations and union associations.

7.2.2. Discussion

Concern was raised that Governors do not represent the range of interests of stakeholders. The structure of the Board of Governors, with majority representation from workers and employers, was considered problematic. Changes in the structure, roles and tenure of the Board of Governors were recommended as a method of improving governance.
This sub-issue also reflects concern about the conflict between workers and employers. It is noted that the adversarial nature of the Board of Governors has impeded effective policy making. Sound analysis rather than partisan conflict is recommended as the basis of governance.

Respondents are worried that the policy makers of the WCB are not chosen for their ability to make sound decisions, but rather to appease certain interest groups. Concern is raised that Governors are not familiar with management principles such as fiscal responsibility, ethical treatment of injured workers and organizational efficiency. Different selection criteria and Board composition are seen as necessary for improving decision making.

7.2.3. Recommendations

Theme: Present governance is limited by conflict between labor and business

Independent employers and employers associations generally express concern with the current system of governance. It is recommended that a Board of Governors be a competent and objective group rather than one divided by partisan interests. Employers and employer associations want a Board of Governors comprised of multiple stakeholders. They also want labour and employers to occupy minority positions with the majority being comprised of professionals. For example, to form a board of governors consisting of 9 voting members the composition of the board should be as follows: one member from the workers, one member representing the employers, and the other members should have broad-based backgrounds and should be drawn from such groups as the medical community, the insurance industry, engineering, accounting, accident prevention, vocational rehabilitation, occupational rehabilitation, legal community and the banking/investing community. These Governors should have no direct interest in the WCB and should provide wide policy direction. Selection would be based upon drawing appointees from a number of professional disciplines based on their neutrality, integrity, professional qualifications, and experience. (IEM-211; IEM172)

In agreement, a few injured workers advocate that neither workers nor employers should be represented on the Board of Governors. It is feared that the adversarial nature of the two sides will continue to negatively affect policy making. (INJ-124) Instead it is recommended that the present governance structure should be replaced. For example, it is suggested that 16 of the 18 boards should be abolished. It is also suggested that the whole WCB system needs to be abolished. (INJ-240) One injured worker recommends that the Minister of Labor should assume responsibility for administering the WCB. (INJ-124)

In contrast, unions appear to support a Governance structure that is composed of workers and employers. Concerns are expressed that more worker representation and cooperation between all parties are needed. (UNI-094)

A Member of Legislative Assembly insists that the Board of Governors should be similar to administration in crown corporations. For example, there should be an elected representative on Board, a number of lay people, and a representative for injured workers of BC. (MLA-001)
Theme: Choose Governors on knowledge and experience rather than affiliation

Employers and employers associations state that in order to make the best decisions, the Board of Governors should be comprised of knowledgeable and competent people. It is recommended that WCB should examine the product and service components of the business and then select personnel accordingly. The Board of Governors should be comprised of people with experience and expertise including accident prevention and loss control, short term claims management, medicine, occupational and vocational medicine, finance and law. WCB needs to develop sets of competency profiles for senior-most positions. This would ensure that representatives of the Board are equipped with the requisite skills and attributes required to effectively manage an organization of this stature. Employers generally support a WCB with strong leadership with individuals selected for their capabilities rather than affiliations. Governors must have shared goals and visions including fair compensation, fiscal efficiency, accident prevention and customer or client service. (IEM-219)

Employers and employers associations also offer recommendations about the chairperson and the chief executive officer (CEO) of WCB. In particular, it is recommended that the chairperson should be neutral, competent and able to keep the conflicting groups on schedule and topic. Also suggested is revamping the WCB structure by appointing a chair with hands-on experience in the field of safety and an overall knowledge of finances. (IEM-046) In addition, the CEO should be a non-voting member of the Board of Governors. The Chair in consultation with the CEO, should determine the agenda of meetings of the Board of Governors. (IEM-073)

A recommendation of the unions is that Governors should be chosen who have a mixture of academic training and practical experience. This combination is needed in order to make competent policy decisions. (UNI-078).

A member of the general public insists that political patronage should be outlawed and that Board terms should be one year. (GEN-063) Another member of the general public insists that the term of Board members should be 10 years. (GEN-161) Another member of the general public advocates the creation of three separate Boards: 1) to provide workers' compensation; 2) another to manage limitation of employers' liability; 3) and another, the "Workplace Safety Board", that would do site inspections, set safety standards, and arbitrate disputes between the other two boards. The Workplace Safety Board could have direct government support for its budget. (GEN-063)

Theme: Governance by representation

Respondents would like the Board of Governors to be more representative. For different groups, this representation would mean different things.

Among independent employers and employers associations, it is generally advocated that the Board of Governors should be more reflective of the professional communities. Having representation from the following professions is recommended: medical, legal, accounting, engineering, trade, finance, and insurance fields, among others. Having these professions represented in the Board is seen as a way of increasing accountability and making competent policy developments. Including representatives of the public is noted as being important.
Having representation from workers and employers is still considered to be important. It appears, however, that the representation should be structured as follows: one representative each from organized labor, non-unionized labor, large businesses and small businesses (which might include subcontractors or licensees). (IEM-172) Among independent employers, there were a number of recommendations concerning the role for the Board of Governors. One recommendation is that the Governors should be involved in making broad policy recommendations. Also suggested is that the regulatory functions of the Board should be transferred to the Ministry of Labor. (IEM-140). It is also suggested that safety in the mining industry should continue to be regulated through the Mines Inspection Branch with its professional engineers, and not through the WCB. (IEM-061)

Among injured workers, it is generally stated that more representation of injured workers is needed on the Board of Governors. People who make decisions concerning injured workers should have first-hand knowledge of work place injuries, medical treatments and accompanying problems. (INJ-227) There also appears support for greater representation of non-unionized workers. It is questioned why unionized workers are so well represented on the Board of Governors when the majority of workers in the Province are non-unionized. (INJ-418) One injured worker requests that the system of Governance be changed entirely by decentralizing decision making. (INJ-305) This is suggested as a way of reducing unnecessary bureaucracy and improving responsiveness to local needs. Others suggest that Governors should be elected. For example, WCB should have a provincial body of elected officials (6 men and women) who would become part of the WCB decision-making group (INJ-270). Another recommendation is that the tenure of the Governors should be based upon performance: Governors would be employed only as long as they were contributing to an organization that treated workers fairly.

Among injured workers, there were a number of suggestions about the roles for the Board of Governors. For example, the Board should retain responsibility for training and education of workers while the Ministry of Labor would assume regulatory and enforcement roles. (INJ-124) The Governors should not override the jurisdiction of doctors and medical personnel with financial considerations. Also recommended is that the Board should work with stakeholders to do the following:

- to assist in resolving problems, not conflicts;
- to provide high-quality information and research;
- to assist in the implementation of appropriate policies and procedures at the local level;
- and to provide education and training support.

With regard to union associations, it is recommended that the Governors’ terms should be fixed, with staggered renewal dates. It Is also favoured having one voting Chairperson and a non-voting CEO alongside two worker and employer representatives as well as four representatives from the professional community. (UNA-020) In addition, the Board members should be full-time in order to ensure that the Governors are committed and capable of making the best decisions possible. (UNA-001)
7.2.5. Quotes

- “The original Board of Governors concept deserves a chance to succeed. Insisting on quality representatives from related disciplines and improving the equity of stake holder representation, can help give it that chance.” (PAS-007).
- “A multipartite approach with a majority of Board members from the professional community, such as medical, legal, engineering, and actuarial, among others, and a minority made up of employer-employee reps, could avoid the polarized deadlocks which undermined the previous Board.” (EMA-020)
- “It is not enough to have an equal representation for both worker and employer communities in order to avoid any imbalance of power. There must be enough non-aligned members of the governing body, to override any gridlock created by the often diametrically opposed positions of these two constituent groups.” (PAS-007)
- “A redistribution of representation must occur in the form of a diverse cross section of employer, worker, public and professional representatives.” (IEM-120)
- “WCB’s governance is flawed, a board of governors equally divided between management labour will be subject to ongoing difficulties because labour relations will intrude into what should be a collegial process.” (IEM-074)
- “There has been too much dysfunction on the Board as a result of its composition being mainly representatives of management and labour. These opposing factions have tended to take positions representing their constituents rather than to work for what is best for achieving the objectives of the Board. The board should be made up of unbiased professional or experts in such areas as risk management, occupational medicine, law and insurance actuaries who could help the board to make sound, supportable policy decisions.” (IEM-038)
- “A multipartite approach should be used in the makeup of the Board of Governors. A majority of Board members should come from the professional communities, and a minority should come from the employers and workers.” (EMA-020)
- “WCB should not be governed solely by partisan groups of organized labor and employer representatives the governing body should be comprised of people in such areas as insurance, occupational health and safety, medicine, finance, rehabilitation, and so on. Organized labor and business should be represented, but should not control the operation of the Board.” (IEM-211)

7.3 GOVERNANCE: ACCOUNTABILITY

7.3.1. Overall Response

Under this sub-issue, responses centred around the accountability of Governors. Methods to hold the Governors more accountable were also discussed.

Slightly less than half (39/82) of the responses were from injured workers. Independent employers contributed a few (18/82) of the responses. Members of the general public also contributed a few (10/82) of the responses. The remaining amount of responses were offered by the following: consultants, employer associations, injured workers associations, a member of legislative assembly, a professional association, union associations and unions.
7.3.2. Discussion
Respondents express concern with the accountability with the Board of Governors at the WCB. It is felt that the policy makers answer to no one or are not judged against measurable standards. Respondents consider the potential for an abuse of power by the Governors to be high. For injured workers, a prime concern of abuse centres around the unethical treatment of injured workers. For independent employers and employer associations, a prime concern is that the Governors are not fiscally responsible.

Respondents suggest a number of changes to improve the visibility of the decision making process. Restructuring the Board of Governors, having external audits, implementing performance measures and creating systems of review are suggested. Also, there is concern that the Governors cannot be held personally responsible or liable. It is felt that effective governance requires that the decision makers have some responsibility for their actions. Ways to increase this responsibility are recommended.

7.3.3. Recommendations
Independent employers and employers associations would like the Board of Governors to be more accountable. Demonstrating fiscal responsibility through controlling expenditures is a way in which Governors should be accountable. In order to promote accountability, a number of recommendations were made:

- have the Auditor General complete an audit of the WCB and present the results to the public;
- incorporate clear targets for fiscal responsibility of the Governors into the WCB Act;
- separate the powers of the Province and the Cabinet from what?
- make all decisions according to the principles of cost-benefit analyses and scientific research (EMA-072);
- prohibit unfunded liabilities;
- have Governors nominated by premium payers
- review other government and non-government administration systems in order to guide reform of WCB;
- have an independent body review the decisions of the Governors;
- write fiscal responsibility into the mission statement of the WCB and;
- take responsibility and stop blaming employers (IEM-104).

Injured workers unions and union associations also recommend that greater accountability of the Governors is needed. Ensuring that injured workers are treated in fair and humane manner is a way in which the Governors should be held accountable. In order to promote this accountability, a number of recommendations are made:

- establish a Forensic audit and a Criminal investigation of all WCB activities;
- complete a review of the WCB by Human Rights Commission; (INJ-009)
- change the legislation to make the Governors accountable for the mistreatment of injured workers;
• establish customer service criteria that would automatically provide feedback to the 
Governors ensuring that injured workers are treated appropriately; (UNI-021)
• ensure that WCB saves money through administration costs rather than on benefits for 
injured workers;
• make the WCB accountable for reimbursing workers for their medical expenses that are 
due to them because of a decision by the WCB;
• have an internal affairs department that continually reviews the actions and policies of the 
Governors;
• make the Board a group of elected officials that must present their accomplishments to the 
public in order to be elected; (INJ-270)
• lower the wages and benefits to WCB Governors; (INJ-422)
• establish a moral and ethics committee to constantly review the decisions of the Governors;
• review the Board to ensure that conflict of interest is not occurring;
• ensure that the Governors understand the needs of the workers by providing sensitivity 
training; (INJ-638)
• amend the Act to include provisions which require the Board to make an annual public 
report on occupational health and safety, and conduct public health surveillance research 
and analysis for all sectors; (UNA-013)
• incorporate accountability requirements of the Board of Governors and WCB senior 
positions into a new section of the Act and;
• require the Auditor General to conduct and make public a full audit of WCB accounts.

Members of the general public express two main viewpoints. The first is concern that 
accountability within the current WCB is not possible. It is recommended that the current 
Governors be fired and that criminal proceedings should be followed. (GEN-046; GEN-062) 
The second viewpoint is that the WCB should be held legally responsible to the courts or the 
government. (GEN-088) When a mistake is made, there should be an admission of the error 
and immediate amendments. Errors could also result in organizational or personal liability.

Among Non-Government Organizations (NGO) there is a recommendation that all meetings 
should be open with the media present. (NGO-001)

7.3.4. Quotes
• “The objectives and responsibilities of governance are to serve all stakeholders, ensure 
financial viability, and to act in the best interest of the organization and all stakeholders. 
design a rule-making process that is driven by good scientific research and grounded on 
cost-benefit analysis.” (EMA-072)
• “A new purpose clause should be enshrined in the Act that would require sound financial 
management of the WCB to take precedence over all other duties and obligations contained 
in the Act.” (EMA-055)
• “The public should also have access to the minutes of the Board meetings.” (INJ-270)
• “In order to promote accountability, there should be clear directives and targets for fiscal 
management, client services and organizational productivity that the performance of the 
governors can be measured against.” (IEM-120)
7.4 GOVERNANCE: COMMUNICATIONS, TRAINING AND USE OF INFORMATION TO MAKE DECISIONS

7.4.1. Overall Response
The respondents in this sub-issue are concerned with how the Governors and policy makers receive and distribute information. Concern is also expressed about how the Governors are trained and what information is used in order to make decisions.

Less than half (13/39) of the responses in this sub-issues were from injured workers. As well, less than half (11/39) of the responses were from independent employers. About one quarter (8/39) were from members of the general public. Other respondents included the following: advocacy groups, consultants, employer associations, injured workers associations, medical professionals, non-government organizations, union associations and unions.

7.4.2. Discussion
Respondents under this sub-issue are concerned about how Governors gather and distribute information regarding policy making. Part of this concern is that sound information is not underlying decision making. It is put forward that Governors are making judgments without having all of the facts. In fact, it is suggested that Governors should become more aggressive in seeking information and meeting with stakeholders. Others suggest that certain avenues for communication between stakeholders and Governors be created.

Training is seen as being necessary to ensure that the Governors have the appropriate information necessary to make sound decisions. It is suggested that Governors require more information concerning fiscal responsibility, medical developments and the ethical treatment of workers.

Another part of this concern is that the Governors are not communicating their decisions very effectively. It is suggested that WCB staff and injured workers are not sure of the policies and practices of the WCB. Concern is also expressed that stakeholders do not understand the reasoning behind certain decisions. Again, better communication is recommended.

7.4.3. Recommendations

Theme: Governors should seek out information from stakeholders
Among injured workers there are a number of recommendations concerning communications and information gathering of the Governors. One recommendation is that less in-fighting between WCB personnel should occur. The in-fighting is seen as a barrier to effective communications. (INJ-349) It is also put forward that the common sense of injured workers should be sought when the Board considers policy making. (INJ-542)

Among unions, it is recommended that the upper echelons of the WCB be required to keep their staff well informed of the activities of the Board, so that when the public makes inquiries,
the staff are able to provide them information requested. (UNIO-035) WCB should also continue to work with active non-profit organizations to address the needs of the agricultural worker community.

Members of the general public recommended that the Governors seek the minutes of the meetings of Occupational Health and Safety (OHS). Any policy changes should consider the actions and policies of OHS.

Members of the Legislative Assembly also recommended that the Governors should seek out the advice of Workers Advisory in order to ensure that the needs of the workers are taken into account during policy making. (MLA-004)

Among professional associations, it was recommended that the Governors should seek out the advice of stakeholder groups. Firefighters associations are mentioned for example. (PAS-001)

Theme: Stakeholders want methods to communicate with the Governors
Among independent employers, there are demands for greater input into the policy making process. In fact, it is recommended that policy changes should be made only after a public consultation. Therefore, public consultations should be done more frequently. Costing and analysis should also guide the decision making of the Governors. (EMA-013) There should also be some method of communicating problems such as unreturned phone calls or lost emails. Without these methods, it is felt that the Governors cannot make appropriate changes. (IEM-040) It is put forward that a 1-800 number should be established for inquiries and that WCB staff should respond in a timely fashion.

Members of the general public recommend that special committees should be formed in order to gain information for special focus groups. (GEN-045)

Injured workers recommend that better communication with workers is needed so that the rights of all are known. In particular, non-unionized workers would like better methods of communicating their concerns to the Governors. It is stated that the concerns of unionized workers have been better communicated. (INJ-020)

Among unions, it is recommended that it should be easier for employees to convey their concerns to the Governors. Bi-weekly audits, surprise visits and meetings with workers are recommended. (UNI-107)

Theme: Stakeholders want information behind decisions and about policies
Among independent employers and employer associations, it is recommended that employer and worker services should be combined into one department. Combining the departments would ensure greater consistency as information would come from a single source. (IEM-091) It is also suggested that Section 16 and Chapter 11 be clarified so as to remove ambiguity from policies. A public information campaign is suggested for the WCB to communicate their policies and to warn of the problems of a high payroll tax.
Among consultants, it is also recommended that the Governors affirm that the Act is law and should be complied with. Concern centres around inconsistent interpretation and enforcement of the policies and laws. (CON-0008)

It is recommended among unions that Governors should better convey information and decisions to the staff of the WCB. There is concern expressed that WCB are not aware of policy changes and therefore offer improper service and advice. (UNI-035)

**Theme: Governors should be better trained**

Among independent employers and employer associations, there are recommendations for training of the Governors. In particular training should include standards of care, conflict of interest, staying independent of management and recognizing ethical issues. Refreshers on specific matters of governance should be provided perhaps once per year as an agenda item at a regular meeting. (IEM-073)

Injured workers and unions insist that Governors need to be trained according to the needs and challenges of injured workers. In particular, it is suggested that the Governors cannot make effective policy recommendations until they understand the problems that workers face. In particular, Governors need training concerning retraining possibilities, employment trends, medical treatments, the diagnosis of injury and the losses associated with injury and unemployment. (INJ-383)

### 7.4.4. Quotes

- “The personnel at the WCB are not knowledgeable enough to make proper judgments about accidents, transferable skills, or the demands of a new job on the worker’s ability.” (INJ-347)

- “My largest problem with WCB has been communication.” (INJ-447)

- “Policy changes are to be made at the Board level after extensive stakeholder consultation, costing and analysis are completed.” (EMA-043)

- “Employers need a better flow of information from the Board.” (EMA-047)

- “What is really need is a little common sense when making these policies; experienced laborers should be consulted when making up new policies.” (INJ-542)

### 7.5 GOVERNANCE: REVIEW MECHANISMS AND PERFORMANCE EVALUATIONS

#### 7.5.1. Overall Response

Closely linked to the accountability sub-issue, respondents here discussed the types of audits, review mechanisms and evaluations of performance that are needed for the Governors and for effective policy making.

Less than half (20/50) of the respondents in this sub-issue were injured workers. Also comprising less than half (17/50) were independent employers. Other respondents in this sub-issue include the following: consultants, employer associations, members of the general public,
7.5.2. Discussion
Respondents under this sub-issue want to ensure that the WCB operates appropriately. For some, this means that the WCB should never operate as an unfunded liability. For others, this means that injured workers should be treated with compassion and fairness. These respondents want certain performance standards and review mechanisms to operate as monitors of the performance of WCB.

For some of the respondents, the concern over the operations of WCB translates into ongoing or continuous review mechanisms. For others, however, review mechanisms need only be periodic or one time. In any case, respondents would like the decision making processes of the WCB to be more visible to, responsible to and guided by the stakeholders.

7.5.3. Recommendations

Theme: Ongoing Review
Independent employers and employers associations have a number of suggestions regarding review mechanisms and the Governors of WCB. For example, it is put forward that the studies and recommendations of other commissions and consultations, external to the WCB, should be reviewed by the Governors. (IEM120) It is suggested that stakeholders need to be able to provide inexpensive, timely and accessible policy input to the Governors. For this, the following are needed: firstly, an ongoing, publicized commitment to be responsive in the matter of regulations; and, secondly, a defined person or group within the WCB having ongoing responsibility and authority in the matter of revising regulations (EMA-054). The WCB should develop an internal audit process to review claims files to ensure processing occurs in under 5 working days from the date the completed Form 7 is submitted by the employer. An independent employer also insists that an ongoing review process concerning fraudulent WCB claims is needed. (IEM-242)

Among the general public, it is recommended that the Governors form an ongoing review and policy committee. The committee could ensure that stakeholders would have ongoing access to the policy making process. (GEN-178)

Among injured workers, there is the recommendation that an ongoing Review of Ethical Treatment and General Ethics be established. (INJ-021) It is also put forward that the Governors should create a committee that would hear the grievances of injured workers. The committee should be independent of the WCB, should be staffed by injured workers and should have the power to implement change. It is suggested that a committee of this nature is needed so that injured workers can have their needs addressed without fear that their cases will be negatively affected. (INJ-032)

Among union associations, it is recommended that the Governors investigate the feasibility of having a Standing Committee to review regulations and changes to regulations. (UNA-018)
Among unions, it is recommended that the Governors have the Joint Safety Committees report problems and concerns to the Governors.

A consultant suggests that there must be performance based budgeting and accountability. (CON-008)

Theme: Periodic Reviews
Among independent employers and employers associations periodic review mechanisms are suggested. In particular, it is recommended that consultations occur to ensure that the Workers Compensation Act reflects the views of stakeholders. It is put forward that the Governors should hold consultations concerning Schedule B every two years. (IEM-120) A few suggest that an independent audit should be conducted every year and the results should be made available to the public. (EMA-043)

Among injured workers, it is recommended that the WCB should be reviewed every 10 years. (INJ-312) In addition, it is suggested that private interviews with injured workers or client groups should be completed.

Medical Professionals offered opinions concerns review mechanisms. For example, it is recommended that reviews by conducted every 3 to 5 years of all Loss of Earnings benefits.

Theme: One-Time Review
Employers associations recommend that the Governors should review the entire WCB system with the goals of improving productivity and establishing a level of fiscal responsibility. Comparing the productivity and administration to the WCBs in other provinces is recommended. (EMA-019) Establishing a commission concerning the needs of injured workers and small business programs is also suggested. (EMA-038) In addition, a one-time consultation and review of Section 6 and schedule B is recommended. An employer also recommends that the Auditor General complete and make public a financial audit of the WCB (IEM-138)

Among members of the general public, there are recommendations that the Governors survey BC doctors and their College Association to ensure that the medical profession remains independent of the WCB. (GEN-200)

Injured workers also have recommendations concerning one-time review mechanisms. In particular, it is recommended that a full investigation should be conducted concerning the activities of the Nelson office. It is also put forward that the injured workers who dealt with Richmond should be consulted in order to determine if inappropriate actions occurred.

Theme: Another Royal Commission
Among injured workers, it is recommended that Royal Commissions at the WCB be conducted every 2-5 years. (IJA-009)
There are some guidelines offered from injured workers concerning a Royal Commission of the WCB. These would include the following:

- Each injured worker should have the opportunity of an oral hearing.
- The hearing should be held in a district not more than 100 miles from the injured worker’s residence.
- Should an injured worker be required to travel more than 100 miles from his or her residence, travel and lodging expenses should be paid by the Commission.
- The place where the hearing is being held should be wheelchair accessible.
- A sign language translator should be present to translate for injured workers who may require it.
- Communication should be set-up for injured workers who are confined to their home, so they have a chance to present their submission to the hearing.
- An injured worker should be able to present his or her submission in a layman vocabulary without being reprimanded (unless he or she becomes vulgar or abusive).
- An open conversation between the judge and the injured worker should be encouraged.
- The injured worker should be able to present any evidence he may have which may substantiate his oral submission.
- If an injured worker cannot speak English, a translator should be present to translate for him or her.
- Also the timelines should be lengthened in order to gather an accurate and complete picture of the suffering of the injured workers. (INJ-002)

Among unions, it is recommended that the Royal Commission should consider its recommendations according to the original principles for WCB as set out by Sir William Meredith. (UNI-087)

7.5.4. Quotes

- “The commission, in our views, presents a unique opportunity to review the entire compensation system with, of course, the ultimate goal in mind of improving productivity and establishing a level of fiscal accountability.” (EMA-019)
- "It took 31 years to have this Royal Commission and people in my age group will probably not have another opportunity to try and make things right." (INJ-481)
- “Order a regular Royal Commission into the WCB at least every 5 years. The corruption at the WCB today is at least partly due to the 35 year time span between this Royal Commission and the last Royal Commission.” (INJ-020)

OVERALL SUMMARY

The category of Governance has elicited similarly large numbers of responses from workers and employers. The workers in general were concerned that policies are formed without adequate consideration of the needs of injured workers. In contrast, independent employers were, in general, concerned about the lack of fiscal responsibility of the WCB. Other groups
including the following have also offered a range of recommendations: advocacy groups, consultants, employer associations, members of the general public, injured workers associations, medical professionals, member of legislative assembly, municipal government services, non government organizations, professional associations, union associations and unions. In general, the comments reflected the following themes: Governance through competency not partisan conflict; decisions should be reflective of the interests of stakeholders; Governors should be more accountable; decisions should be based on complete information; Governors should share information better; and that performance measures and review mechanisms of the Governors and the WCB are needed.

Independent employers and employer associations expressed concern that the conflict between workers and employers is ruining decision making at the WCB. Having a majority of the Governors drawn from the professional community was seen as way of ensuring that decisions are not made according to partisan politics.

Injured workers were interested in the Governors making decisions in a manner that is more reflective of their needs. Frustration exists as injured workers insisted that the Governors do not understand the challenges of a workplace injury, the opportunities for rehabilitation and the barriers concerning retraining. In contrast, independent employers and employers associations insisted that the Governors are not aware of their needs: the impact of rising premiums, the problems associated with fraudulent claims and the dangers of financial mismanagement.

Respondents would like the accountability of the Governance to be increased. Respondents want measurable standards and external authorities to guide the actions of the Governance and prevent abuse. For injured workers, a prime concern of abuse centres around the unethical treatment of injured workers. For independent employers and employer associations, a prime concern was that the Governors are not fiscally responsible.

In general, respondents would like the Governors to make decisions based upon complete information. Providing opportunities for stakeholders to provide input, providing training for Governors and requiring Governors to more actively seek out information are requested.

It was also generally recommended that Governors should communicate information more effectively to stakeholders. It was stated that stakeholders require more information to understand policies and practices available as well as the reasoning behind policy decisions. The staff of WCB, employers and workers require more information concerning the decisions of the Governors.

Related to the accountability of the Governors of the WCB, it was generally recommended that review mechanisms and performance evaluations should be implemented. Independent employers and employer associations favour such recommendations as a one-time value-for-money audit by the Auditor General and fiscal targets being implemented into the WCB Act. In contrast, injured workers insisted that others measures are needed such as Standing Committees on the Ethical Treatments of Workers and additional Royal Commissions.
In general, respondents want ‘good’ decisions. They want decisions based upon sound analysis and complete information. Bad decisions could result in abuses of power or travesties of justice: for employers this would mean rising premiums and for workers it would mean inadequate compensation and benefits. The recommendations, although seeming to come from different groups, are actually similar pleas to eliminate barriers to ‘good’ decision making: perceptions of hidden agendas, unexplained and illogical decisions, ignored recommendations, unresponsive decision makers and opposing interest groups.