8.0 ACCOUNTABILITY

8.0 INTRODUCTION

Accountability is the responsibility of one person or group to another for the performance of a function entrusted to them. Generally, accountability is viewed as a requirement to “account” by reporting on financial matters. In the scope of the Royal Commission it goes beyond reporting to include concepts of agreed goals against which performance is reported and the consequences by which those who are responsible can be “held accountable.”

The predominant issue raised by injured workers regarding accountability is their right to sue employers for unsafe working conditions and the WCB for unfair treatment and coverage levels. For independent employers and employer associations, the issue of accountability centers on employee responsibility for safe work practices and the introduction of penalties for workers that engage in unsafe behavior in the workplace.

The accountability issue paper is addresses six sub-issues including:

- WCB employment, labour
- the right to sue by individual workers
- service providers
- users, clients, stakeholders
- different things to different people
- partners and other agencies

8.1 WCB EMPLOYMENT, LABOUR

8.1.1. Overall Response

This sub-issue deals with the responsibilities of WCB employment and labour with regard to accountability. Of 153 total responses, more than half were from injured workers (79/153) with independent employers making up a small minority (38/153). The injured worker responses were mostly rated as high in intensity (52/79) while most of those from independent employers were rated medium intensity (32/38). Responses were also noted from the general public (11/153), unions (6/153), advocates, consultants, employer associations, injured worker associations, municipal government, professional associations, unions, and union associations, though in smaller numbers. This was the most frequently referred to area of accountability.

8.1.2. Discussion

Injured workers overwhelmingly call for greater accountability from the WCB itself, noting there should be a process of checks and balances to offset the “abuse of power.” According to the submissions, the WCB should be accountable for applying “due diligence” and for “personal devastation caused by the delays and callous treatment during appeals.” Injured workers also want WCB employees to be held accountable for their actions and performance, particularly with regard to adjudicators and rehabilitation consultants. Additionally, injured workers believe the WCB should be held accountable for wrong decisions and be responsible for legal fees, costs of appeals, penalties, and lost wages.
The main issue raised by submissions from independent employers is the need for greater employee accountability. Employers believe there should be a balancing of responsibility between the employer and the employee regarding unsafe acts and that workers who knowingly violate safety regulations should be penalized, not the employer. They also suggest changing the legislation so that worker and employer fines can be implemented without using court of law and that WCB policy, such as inspection policy, should be amended to address individual responsibility and accountability, employing a ticketing process similar to traffic violations for both workers and employers. Independent employers and employer associations both comment on the need to ensure the WCB is financially accountable, and audited to ensure employer assessments are spent fairly and cost-effectively.

Submissions from the general public discuss the need for greater accountability within the WCB. Additionally, the actions of WCB should be subject to scrutiny and aim to provide for the needs of injured workers. One submission also suggests that there should be a process that ensures service is not provided in a baffling manner, as presently, service at the WCB is not understandable or predictable or according to logic. Another general public submission promotes amending the Act to increase options for penalties other than financial awards against employers and prosecuting employers in cases of severe injury or death. The submission also encourages increased interaction with legal agencies such as the RCMP in the interest of increasing prosecution of unsafe employers.

Union submissions discuss the need for mechanisms to ensure the accountability and fairness of Board medical advisors. They also comment that to reduce accidents and disease in the workplace, the WCB must be accountable for its prevention and enforcement activities as regulation review and development are wasted without enforcement. One union submission takes a more cooperative approach stating that the WCB must be encouraged to work with employers and workers to educate, train and work together for a safer workplace.

8.1.3. Recommendations

While general public submissions recommend the WCB should be accountable, particularly to the needs of injured workers they also suggest the WCB be required to interview all parties in a dispute before taking legal action against one of them. They also request the WCB amend the Act to include penalties other than financial against employers including prosecution in cases of severe injury or death of workers. As well, the WCB should uphold its responsibility to ensure regular inspections.

Independent employers are recommending balancing of responsibility between the employer and the employee regarding unsafe acts and that workers who knowingly violate safety regulations should be penalized, not the employer. They also advocate the implementation of a ticketing system for employers and workers. This concept is also encouraged by one municipal government and one union association submission. Additionally, the WCB must place more emphasis on individual responsibility and accountability.
With regard to financial accountability, one employer association submission believes the WCB must operate within parameters that are fiscally sound and that financial accountability and responsibility must be seen as critical. This opinion is also held by an independent employer submission that recommends the WCB be financially accountable, and audited to ensure employer assessments are spent fairly and cost-effectively.

Injured workers want WCB employees to be held accountable for their actions, performance, and treatment of claimants. They also suggest that WCB personnel should be investigated if complaints are made about them. According to the submissions, WCB should be held accountable for wrong decisions and errors in judgments as well as responsible for legal fees, costs of appeals, penalties, lost wages. Another injured worker submission endorses the concept that WCB and their medical advisors be responsible to an authority other than themselves.

Union submissions recommend the introduction of mechanisms to ensure the accountability and fairness of Board medical advisors or another remedy to deal with the bias of Board. They also suggest that to reduce accidents and disease in the workplace, the WCB must be accountable for its prevention and enforcement activities. Another recommendation from a union submission suggests that because of the widespread perception that many injured workers are malingerers, an attitude encouraged by employers reacting out of concern for their “bottom line,” the WCB should take a proactive stance in educating the community against this opinion.

According to a submission from a consultant, it is the Governors, the Chairman, and the Chief Appeal Commissioner who should be responsible for most of the illegal tactics of WCB personnel. The submission also believes the Governors should be held directly responsible for the actions of WCB staff.

**Example Recommendations**

- The WCB should be required to interview all parties in a dispute before taking legal action against one of them. GEN-007
- WCB should be accountable to the needs of injured workers. WCB should not be able to ignore regulations and laws. There should be process that ensures that service is not provided in a baffling manner. GEN-074
- Amend the WCB Act to increase options for penalties other than financial awards against employers, and to equally stress prosecuting employers in cases of severe injury or death with financial awards to workers. Increase WCB interaction with other legal agencies such as the RCMP and the Attorney Generals office in the interest of increasing criminal prosecution of unsafe employers. GEN-160
- There should be a balancing of responsibility between the employer and the employee regarding unsafe acts. Workers who knowingly violate safety regulations should be penalized, not the employer. IEM-03
- Properly-trained and experienced workers should be responsible for their violations of regulations. IEM-037
• Workers should take more responsibility for their on-the-job health and safety. Concern with how to deal with employees who are properly trained and supervised and yet have accidents because they are not in compliance with health and safety regulations. Any order or penalty should be on the worker. The legislation should be changed to allow WCB to fine workers who violate safety and health regulations. IEM-039
• Worker safety should not be solely the employer’s responsibility. Workers should share the responsibilities of job site health and safety. Currently, workers who have been properly trained and supervised, and who violate a safety procedure are not held accountable for their own negligence. IEM-071
• WCB policy such as inspection policy should be amended to address individual responsibility and accountability. Ticketing process similar to that of police for traffic violations be imposed for employers and workers. IEM-104
• Adjudicators should be accountable for their assessments. WCB and its employees should be accountable to an independent authority. INJ-206
• Lack of money should not prevent an injured worker from having proper legal and medical advice during appeals. The WCB should be more accountable to workers for the personal devastation caused by the delays and callous treatment during appeals. INJ-338
• The WCB and the medical advisors should be responsible to an authority other than the WCB. INJ-351
• Adjudicators and rehabilitation consultants must be held accountable for their treatment of claimants. INJ-352R
• WCB employees must be held accountable for their actions and performance. The Review Board and Medical Review Panel must be accountable for their decisions, and be independent of the WCB. INJ-418
• WCB should be held accountable for wrong decisions, and should be responsible for legal fees, costs of appeals, penalties, lost wages, etc. INJ-474
• Workers need mechanisms to ensure accountability and fairness of Board Medical Advisors or another effective remedy to deal with the bias of Board Advisors. UNI-012
• To reduce accidents and disease in the workplace, the WCB must be accountable for its prevention and enforcement activities. Regulation review and development are wasted without enforcement. UNI-017
• The perception by many people seems to be that the majority of injured workers are faking in order to get a free ride on the coat-tails of the honest worker. This attitude is encouraged by employers who are reacting more from concern for their “bottom line” than for their employee. I would like to see the WCB take a proactive stance in educating the community against this opinion. UNI-057
• WCB must be encouraged to work with employers and workers to educate, train and work together. UNI-103
8.1.4. Quotes

- “We were naive enough to believe our legal system automatically incorporated the mechanisms to properly convict and punish employers maintaining unsafe working conditions.” (GEN-160)

- “Given the rising costs of claims and the frustration experienced by injured workers and employers in dealing with the WCB, thought must be given to new ways to improve service delivery and improving program performance.” (IEM-039)

- “But when an inspector comes on from the WCB the only person who is accountable is me. And it doesn’t matter that you’ve told them a hundred times; it doesn’t matter that you have a 4 inch thick safety policy that they’ve read and sign they understand. It’s always just the employer’s responsibility. And I think we have to get some worker responsibility into the system.” (IEM-065)

- “I believe I speak for all small business people when I say – We’re paying the bill and we want our money spent wisely.” (IEM-095)

- “There is not a single other health and safety regulatory agency that puts less focus on individual responsibility and accountability than the WCB of BC.” (IEM-104)

- “Instead of dealing with the claim, WCB resorted to name calling, calling me neurotic, and having a low pain threshold....the WCB doctors were negligent in their own code of ethics by using discriminatory remarks against me and further by actually altering the original diagnosis without any proof.” (INJ-013)

- “Accountability will breed Responsibility.” (INJ-103)

- “At no time did I feel that I was being treated with any respect, dignity or compassion by the WCB.” (INJ-227)

- “I now feel that I should have been better informed of my rights and should have been represented by a mediator on my behalf during a most regrettable period of my life.” (INJ-227)

- “If you have a back injury, heaven help you, because the WCB sure as hell won’t.” (GEN-161)

- “My conclusion is injuries resulting in long term disabilities should be handled by courts if a claimant is unsatisfied with WCB decision. WCB are unfair, unpredictable, inconsistency and manipulative in these matters.” (INJ-297)

- “There will always be workers who cheat the system, and this is unfortunate. When the system cheats the workers, it is more than unfortunate, it is unacceptable.” (INJ-524)

8.2 THE RIGHT TO SUE BY INDIVIDUAL WORKERS

8.2.1. Overall Response

With the introduction of the “historic compromise”, workers gave up their right to sue employers in exchange for coverage in the event of injury and/or death. Now, many injured workers are asking for restoration of their right to sue not only their employers but also the WCB and other service providers. Of a total 58 responses to this sub-issue, 43 came from injured workers and, of those responses, 23 rated high and 16 rated medium intensity. Nine responses to the sub-issue came from the general public (9/58) while two medical professional and two professional association submissions discussed this aspect of accountability. Single responses were noted
from an independent employer submission and an injured worker association. This was the second-most frequently referred to area of accountability.

8.2.2. Discussion
Injured workers believe that by giving up their right to sue, they have been deprived of a basic right and are open to negligence, harassment, and malpractice. Submissions from the general public note that workers should be able to hold employers liable and retain the right to sue employers for negligence in the event of injury and accident as did one professional association that added the proper functioning of the workers’ compensation scheme does not require such a bar to basic common law rights.

Injured workers and one injured worker association seek the right to sue not only employers but also the WCB, their doctors, physiotherapists, psychiatrists, rehabilitation workers and adjudicators for careless, negligent, dangerous or improper care and/or the harm sustained through such care.

One injured worker believes that criminal injuries should be removed from the WCB, arguing that the principle of collective liability should be based on help for injured workers rather than “make work projects” for litigation lawyers. The submission also notes that criminal matters belong in the courts and WCB jurisdiction should be the workplace, exclusive of criminal acts.

8.2.3. Recommendations
Access to the courts and the right to sue negligent employers is recommended by injured workers and one submission from the general public. The right to sue should be extended to include the WCB Board, staff, doctors and other service providers due to their malpractice, negligence or harassment, according to injured workers. If it can be proved that a WCB inspector has overlooked a hazard that causes an injury, then one injured worker submission advocates the right to sue the WCB for negligence. In addition, one injured worker believes that access to the courts and common law will foster accountability while another holds that WCB should be accountable for tampering, falsifying, or misrepresenting information.

One professional association submission reflects this perspective and adds that section 10 of the Act should be carefully reviewed to ensure the civil rights of workers are not unnecessarily taken away. It also endorses the right to sue on the part of the workers, directed towards the actions or negligence of other workers.

Example Recommendations
• WCB should be held accountable for tampering, falsifying, or misrepresenting information. INJ-31
• Allow access to the court system and common law in order to foster accountability. INJ-124
• Where it is apparent that an employer has been “grossly negligent” in providing for its workers, there should be no statutory bar to tort action. The entire effect of section 10 of the Act which bars tort claims should be carefully reviewed to ensure the civil rights of workers are not unnecessarily taken away. PAS-00
• WCB Act should be amended to hold employers liable in such cases where disregard for an employee's safety concerns lead to the death or injury of a worker. GEN-126
• Injured workers should have the right to bring lawsuits against the Board. INJ-524
• The worker should have the right to sue a doctor or WCB staff member for pain and suffering due to malpractice, negligence or harassment. INJ-542
• If a hazard exists, and if the employer is proven to be liable, the injured worker should have their right to sue the employer. If it can be proved that a WCB inspector has overlooked a hazard that causes an injury, the injured worker should be able to sue the WCB for negligence. INJ-581

8.2.4. Quotes
• “If our physicians, lawyers and other professionals are not above the law, neither should those working within the WCB be free from the consequences of their actions.” (GEN-045)
• “We were naive enough to believe our legal system automatically incorporated the mechanisms to properly convict and punish employers maintaining unsafe working conditions...” (GEN-160)
• “A legal and regulatory regime that brings WCB crimes under the rule of criminal law has to be adopted with retroactive authority to investigate and prosecute.” (INJ-613)
• “It is submitted that there is no logical reason why victims of motor vehicle accidents should ultimately be entitled to judicial redress when workers in the province are not provided the same right.” (PAS-008)
• “If the WCB were no longer insuring these companies then they would have to be serious about safety, because they could be held liable in court if they choose to be negligent about safety issues. Right now all they have to worry about is whether the WCB notices these safety problems when they make their occasional pronounced inspections.” (GEN-167)
• “If legislation was changed or removed to allow claimants to use legal recourse against the board it would be the single most important improvement in providing better service.” (INJ-503)

8.3 Service Providers

8.3.1. Overall Response
This section deals with the accountability of those service providers associated with the WCB, including physiotherapists and pain clinics. Of a total 41 responses to this sub-issue, a majority were submitted by injured workers (34/41) with mostly high intensity ratings (21/34). Independent employers mentioned the sub-issue three times and responses were also heard from the advocate, employer association, and the general public groups. It was the third most frequently noted area of accountability.

8.3.2. Discussion
Most injured workers responding to this sub-issue discuss the inefficiencies of, and their dissatisfaction with, physiotherapists and the pain clinic. They also comment that the conduct of WCB doctors should conform to the competence and ethical standards of the College of Physicians and Surgeons. As well, there are suggestions that the connection between the WCB and private rehabilitation clinics run by former WCB employees should be investigated.
The employer association submission lends its support to the concept of one representative accountable for the management of an injured worker’s file through to the successful return to work. A submission from the general public advocated that the WCB be more aware of current information on brain injuries and be responsible for fair treatment while independent employers suggest there be accountability by the medical profession for effective treatment and early return to work.

8.3.3. Recommendations
Injured workers recommend that each person who works at the WCB has to be held accountable for their actions and be responsible for their actions, as with most areas of accountability. Additionally, they would like the contract arrangements between private physiotherapy clinics and the WCB to be investigated. With regard to physicians, injured workers recommend the WCB be held accountable for trying to pressure doctors into changing their reports during the appeal process and that the conduct of WCB doctors should conform to the competence and ethical standards of the College of Physicians and Surgeons.

An advocate submission recommends that WCB personnel follow through with issues discussed. While one from an employer association sanctions the concept of one WCB representative being held accountable for the management of an injured worker’s file from beginning to end another from an independent employer suggests the medical professional be accountable for effective treatment and early return to work.

Example Recommendations
- And each person who works at the WCB has to be held accountable for their actions and be responsible for their actions. INJ-079
- WCB should be held accountable for trying to pressure doctors into changing their reports during the appeal process. INJ-365
- The conduct of WCB doctors should conform to the competence and ethical standards of the College of Physicians and Surgeons, to whom they should be answerable for their performance and conduct. INJ-431
- Investigate the connection between the WCB and private rehab clinics run by former WCB employees. INJ-414
- WCB personnel should follow through with issues discussed. ADV-004
- The association supports the concept that one representative of the WCB be accountable for the management of an injured worker’s file through to the successful return to work. EMA-014
8.3.4. Quotes

- “The WCB has found a way to get around the Royal Commission -- private rehab centres that are not investigated.” (INJ-414)
- “WCB doctors conducting assessments for their employers seems to me like an obvious conflict of interest.” (INJ-088)
- “In financial accountability, the WCB should be regarded no differently than a subcontractor. If you charge us for goods or services rendered, you should be prepared to justify those charges.” (IEM-045)
- “I have appealed a decision of a Rehabilitation Consultant who, to be quite frank, lied about the reasons for the decision. In a case like this it is important that the person be compelled to give testimony under oath, and under the current appeal system that is not possible.” (INJ-469)

8.4 USERS, CLIENTS, STAKEHOLDERS

8.4.1. Overall Response
This sub-issue of accountability deals with the responsibilities of the users, clients, and stakeholders in the WCB system. Almost half of a total of 31 responses to this sub-issue were from injured workers (15/31) and those responses rated mainly high and medium intensities (6,7/15). The remainder of responses were from independent employers (6/31), the general public (4/31) as well as single responses from the consultant, employer association, injured worker association, member of legislative assembly, professional association, union, and union association groups.

8.4.2. Discussion
For injured workers discussing this area of accountability, the emphasis is on employer responsibility, not only for paying assessments, but for greater involvement in long term disability. Additionally, injured workers believe that employers who threaten workers with the loss of employment for reporting injuries should be prosecuted.

Independent employers believe that employees who continue to suffer the same injury, despite proper training, should be held accountable. As well, they would like to ensure that workers take more responsibility for their own health and safety and when workers endanger themselves or other workers, they should be fined.

From a general public submission, all parties should be treated with equity and fairness, particularly injured women.

8.4.3. Recommendations
In this area of accountability, independent employers and employer associations recommend the WCB find a way to ensure that workers take more responsibility for their own health and safety, creating mechanisms to deal with employees who are injured due to their own actions, including drug and alcohol abuse. As well, when workers commit serious violations or endanger other workers, they should be fined or penalized in some way.
One employer association advocates that in the case of parking lot incidents, where the employer has provided parking for the employee's convenience, it would be inappropriate to charge the employer for any incident that occurs from this benefit. Another independent employer submission recommends that legally constituted employer associations within BC should be able to represent the employer in cases where a claim has emerged after a mining operation has closed.

According to an injured worker association, an employee’s responsibility should be taken into account however, the responsibility should be relevant to the accident not only attributable to an employee failing to follow safety procedures. From one injured worker submission, employers who threaten workers with the loss of employment for the reporting of injuries should be prosecuted. Another injured worker is calling for the WCB to pay for debts incurred, past benefits, and other expenses when there is proof of a misdiagnosis on the part of a WCB doctor.

Example Recommendations

- In the case of parking lot incidents, where the employer has provided parking for the employee's convenience, it would appear inappropriate to charge the employer for any incident which occur from this benefit. EMA-036
- More should be done to ensure that all parties are treated with equity and fairness. This applies especially to injured women. GEN-016
- Employees who continue to have the same injury over and over again, despite proper training should be held accountable. IEM-155
- Find a way to ensure workers take more responsibility for their own health and safety. Also, create a mechanism to deal with employees who are injured due to their own actions, such as drug and alcohol abuse. When a worker commits a serious violation or endangers another worker, he/she should be fined. Change the legislation so that workers can be fined if they violate health and safety regulations. IEM-191
- WCB should be required to pay for debts incurred, past benefits, and other expenses when they have proof of misdiagnosis on the part of a WCB doctor, and the conditions unnecessarily endured by the claimant. INJ-352
- Employers who threaten workers with the loss of employment for reporting injuries should be prosecuted. INJ-566

8.4.4. Quotes

- “The institution of fiscal responsibility and accountability within the system and within the Board, and the enshrining of it within the Act will be the catalyst for true reform.” (IEM-061)
- “The WCB throughout their policies interprets a no fault benefit system as being a no responsibility and no accountability system for workers.” (UNA-003)
- Policies should be in place to prevent WCB claims from being turned into overseas vacations.” (GEN-059)
- “My V.R.C. didn’t care, he was still making his wages at WCB with no repercussions. Why be accountable?” (INJ-257)
8.5 DIFFERENT THINGS TO DIFFERENT PEOPLE

8.5.1. Overall Response
Accountability means different things to different people. It is an outward-looking response with each party requesting the acknowledgment that the responsibilities of workplace health and safety require the cooperation of all parties. Of 27 total responses to this sub-issue, 21 came from injured workers with mostly low intensity ratings (16/21). Unions raised the issue twice and consultants, injured worker associations, medical professionals, and professional associations each referred to the issue once with various intensities.

8.5.2. Discussion
The general response signals that stakeholders believe there is currently a lack of accountability at the WCB. It is a closed system unto itself and those dissatisfied with the arrangement have no recourse. All groups and injured workers in particular would like greater accountability at the Board through an imposed system of checks and balances as well as independent investigation of its activities.

8.5.3. Recommendations
The majority of injured workers calling for greater accountability at the WCB level would like the opportunity to seek restitution in the court system and one injured worker recommends criminal investigations for individuals who tamper, destroy, and misrepresent evidence. This air of mistrust is also reflected in the recommendation of one injured worker who would like to see all appointments investigated to prevent the "kick-back" of funds or favours to political parties or any other stakeholder. Another injured worker would like the WCB to be accountable in instances where injured workers return to work prematurely and suffer additional injuries. In addition to the Board, injured workers want employers to be accountable for the safety of all workers, casual and full time.

The call for greater accountability at the Board is also illustrated in the submission from a professional association where it recommends that the WCB show clear direction and accountability be mandatory for all WCB representatives.

The one recommendation with regard to this sub-issue of accountability from the medical professional group endorses the institution of a system of checks and balances on adjudicators and that the WCB thoroughly investigate qualifications, training and accountability of adjudicators and what recourse workers and third party service providers have to decisions which may be irresponsible or even destructive.

Example Recommendations
- Investigate all reported appointments of ‘friends’ to prevent the kick-back of funds or favours to political parties or any other stakeholder. Do a complete investigation of the cash flow between the WCB and the provincial party in power. The investigation should look at the process involving unions, professionals, and political correctness programs. INJ-020
- A criminal investigation should be launched dealing with individuals who participate in tampering with evidence, destruction of evidence, misrepresentation of evidence. INJ-079
• The WCB must be subject to independent accountability. The WCB must be held responsible for workers re-injuring themselves by being returned to work prematurely. INJ-439
• A system of checks and balances on adjudicators should be instituted. The WCB should thoroughly investigate qualifications, training and accountability of adjudicators and what recourse workers and third party service providers have to decisions which may be irresponsible or even destructive. MEP-014
• WCB must show clear direction, and accountability must be mandatory for all WCB representatives. PAS-003

8.5.4 Quotes
• “I would like to remain confident that this breakdown of accountability in the WCB decision-making process will be rectified and that our ability to work on solutions together will be sustained.” (PAS-003)
• “There is, without a doubt, some very fine people working for WCB who are trying to do their best for injured people. There are also those who are intoxicated with the power they wield and the lack of accountability they enjoy.” (INJ-617)
• “Shake the tree at the WCB good and hard, to get rid of all the bad apples.” (INJ-228)

8.6 PARTNERS, OTHER AGENCIES

8.6.1. Overall Response
This sub-issue deals with the accountability of WCB “partners” or other agencies that also provide assistance to injured workers, i.e. Canada Pension Plan (CPP), Social Assistance, Employment Insurance (EI). Of a total 16 responses in this category, the majority were from injured workers (10/16) and of mainly high intensity ratings (8/10). Independent employers referred to the sub-issue twice and single responses were noted from the employer association, general public, independent employer, municipal government and union groups. This sub-issue was the least referred to area of accountability.

8.6.2. Discussion
Some injured workers, who are unable to collect WCB benefits or those whose benefits have been terminated, turn to other forms of financial assistance, namely CPP, EI and Social Services. For these workers, this is a personally degrading and humiliating course of events. They feel it is unfair for them to take these measures simply because they were injured in the course of their employment.

8.6.3. Recommendations
One injured workers submission recommends that specialized rehabilitation services be covered by the Ministry of Education while an employer association submission advocates that bulk rehabilitation services must be fiscally responsible and accountable for expenditures vs. real benefits. As in most areas of accountability, it is recommended the WCB should be accountable to the rights of the injured worker.
Example Recommendations
• That WCB should be accountable to the rights of the injured worker. INJ-325
• Specialized rehab should be covered by the Ministry of Education. INJ-240
• Bulk rehabilitation services must be fiscally responsible and accountable for expenditures vs. real benefits. EMA-043

8.6.4. Quotes
• “Unfortunately, in the face of political pressure from advocacy groups the board has not held to its fundamental principles and the line has become blurred between providing compensation for work caused conditions and expanding the social safety net.” (IEM-120)

OVERALL SUMMARY
Stakeholders, in general, believe there is a lack of accountability at the WCB. There is no way to “get at” the system from the outside and that is frustrating for those who are dissatisfied with the treatment they receive from the Board. All groups responding to the issue and injured workers in particular would like greater accountability at the Board through a system of checks and balances and independent investigation of its activities.

Although throughout the issue stakeholders call for accountability, few can describe exactly what that is. Injured workers were the most vocal with regard to accountability, calling for greater accountability from their employers, the WCB, its employees, and those who provide services. The common thread is that injured workers do not feel their needs are being met by the current system, financially and psychologically.

By giving up their right to sue, injured workers stated that they are deprived of a basic right. They would like be able to hold liable and retain the right to sue employers for negligence in the event of injury and accident. The workers seek the right to sue not only employers but also the WCB, their doctors, physiotherapists, psychiatrists, rehabilitation workers and adjudicators for what they describe as “careless, negligent, dangerous or improper care and/or the harm sustained through such care.” Injured workers call for greater accountability from the WCB itself and want WCB employees to be held accountable for their actions, performance and treatment of those who use the system, particularly with regard to adjudicators and rehabilitation consultants. Additionally, injured workers feel the WCB should be held accountable for wrong decisions and be responsible for legal fees, costs of appeals, penalties, and lost wages.

Independent employers stated that employees should be more accountable particularly those who continue to suffer the same injury, despite proper training, or those who knowingly violate safety regulations. Employers would like to ensure that workers take more responsibility for their own health and safety and believe that when workers endanger themselves or other workers, they should be fined. They have suggested a ticketing type process similar to the kind used for traffic violations. As employers are those who fund the system, they are also critical of the manner in which their assessments are spent. They would like greater fiscal accountability at the WCB to ensure sound financial management by the Board.