12.0 SYSTEM ADMINISTRATION AND ORGANIZATION

12.0 INTRODUCTION

This theme includes discussion about how the WCB is organized and managed. The sub-issues discussed in order of numbers of responses from greatest to least are:

- professional development and performance management
- efficiency of resource utilization
- coordination of activities
- management of change
- research

12.1 PROFESSIONAL DEVELOPMENT AND PERFORMANCE MANAGEMENT

This topic reflects concerns and recommendations regarding the performance, competency, training and selection of WCB staff and their relations with workers, employers, constituents and external agencies.

12.1.1. Overall Response

This sub-issue evoked the most responses that were rated as high in intensity and was the most frequently addressed. It accounted for over 60% of all submissions and presentations directed to the theme of administration. Injured workers and their associations accounted for just over half of the presentations and submissions on this topic and it was their most dominant concern. It was also the greatest concern of members of the public, union members and their associations who accounted for almost another third. The remainder of submissions to this topic came from employers associations, independent employers, consultants, advocacy groups, medical professionals and professional associations.

12.1.2. Discussion

There was strong agreement among all stakeholder groups regarding a number of issues. This agreement is rooted in a common experience of the WCB as a bureaucratic system that is administered in an authoritarian and adversarial manner. Although some workers insist that the WCB exists to serve the interests of unscrupulous employers, when all submissions are taken into account the WCB is generally seen as a bloated, self-serving bureaucracy that fails to meet the needs of both employers and workers.

Injured workers present their treatment by WCB staff in particularly descriptive and emotional terms. It is said that the WCB purposefully sets out to “crush people.” Workers describe their experience in the system using words like “torture” or “living hell.” It is said that the system is “purposefully slow” in order to discourage claimants and make them give up. WCB employees are frequently accused of lying to claimants, not listening to them, being rude, unsupportive, harassing them, belittling them and treating them as though they were “criminals” or “malingers.” Although it is recognized that fraud on the part of workers does exist, it is
pointed out that claimants should not have to prove their case is legitimate. Rather, it should be up to the WCB to prove the claim is fraudulent if they have a justifiable reason to think so. Otherwise, all claims should be accepted as legitimate and the claimant should be treated with respect and dignity.

A number of workers also specifically target the Richmond Centre as being a particularly bad facility in their experience. They speak of unsafe surroundings and poorly trained staff whose treatment program actually worsened their condition. They say they were spied on, threatened, and harassed when they questioned the course of treatment or complained about pain.

Those medical professionals and associations addressing this topic support the allegations made by injured workers. They report firsthand knowledge of claimants being deliberately intimidated and harassed by WCB staff members in order to shorten their course of treatment. Likewise, unions say that many workers are forced into bankruptcy by the system and are “starved into submission.”

There is widespread agreement across all stakeholder groups that inspections carried out under the auspices of the WCB are inadequate. Workers, unions, members of the general public and employers all insist that WCB inspectors often have a poor understanding of the industry and working environment that they are charged to inspect. Inspectors are described as having a ‘rule book mentality’ and approach sites with a checklist of things to look for, like hard hats and work boots, while completely overlooking serious situations because they simply don’t recognize them.

In other instances, it is pointed out that workers are placed in great danger by the ignorance of WCB inspectors and their insistence on compliance with the rulebook no matter what. For example, workers employed as connectors on bridge construction are required to be tied down in accordance with ironworker regulations. Because of the outdoor nature of their work, being tied down means that the workers are held in place and unable to escape being crushed if a wind should catch the steel being lowered to them.

The majority of submissions addressing the issue of compliance with the rulebook also say that there are not enough inspections, particularly to remote, rural and non-unionized work sites that need them the most. It is argued that inspectors tend to target highly visible work sites, such as those that give notice of project completion, and routinely overlook the smaller, less visible operations.

For their part, employers state that WCB bureaucrats tend to treat people like numbers. They also complain of being ignored by staff members who never return calls, are uncaring and treat employers as though they are “guilty until proven innocent.” Many employers say that whenever they ask an inspector for advice they end up being cited for a violation rather than getting the help they need. One employer states that the way inspectors approach their jobs leaves workers with the sense that they are being spied upon. This only makes them nervous and contributes to a worker who is less focused on his job and therefore more likely to have an accident. It is said that inspectors do not use common sense and are so aware of their power.
that they will not admit their lack of knowledge, and take questioning as a challenge to their authority.

A number of members of the public and workers see WCB inspections as “a joke” because the company is always notified in advance and therefore has time to hide unsafe equipment and other infractions. They also complain that many times when safety violations are written up after an inspection they are not enforced consistently and there is little or no follow-up.

The next issue of agreement amongst stakeholders is that the regulations and policies of the WCB are interpreted inconsistently by inspectors and adjudicators. This produces confusion, frustration and resentment. Companies whose operations extend across WCB regional boundaries complain that one inspector will interpret a regulation one way and another inspector in the next region interprets it in another way. Similarly, when one inspector is replaced by another, even just for holidays, this can result in a company suddenly being required to comply to a very different interpretation of regulation than was used just one week before. Injured workers and union members agree saying that this inconsistency leaves workers and employers not knowing where they stand.

Similarly, workers and unions insist that adjudicators are not well equipped to do their jobs. They point out that adjudicators are not trained in medicine yet they frequently overrule the recommendations of doctors and therapists and make decisions that change the lives of claimants without ever having seen them, or talked to them. Injured workers state that their files are frequently shuffled from one adjudicator to another without notification and that they live with the knowledge that they could be cut off benefits without warning or adequate explanation. Many say that adjudicators are often unavailable and un-approachable.

Union submissions state that the problems with adjudicators are due in part to the fact that they have too many files in their caseload. They also say that adjudicators, like inspectors, lack knowledge about many working conditions and are therefore ill equipped to recommend appropriate treatment.

Professional stakeholder groups also question the capability of adjudicators saying that they could not understand the process of decision making used, or the medical basis for the decisions that are made. They complain that it frequently takes two or three weeks for a file to be located and that treatment plans are prescribed ‘by the book’ without regard to individual need, or medical opinion. One injured worker reports that WCB staff sometimes threaten therapists that do not co-operate with their treatment plans saying that they will be blacklisted. There is also objection by some therapists to the payment procedure currently used by the WCB for therapists. It is said that it is unfair and inadequate and is resulting in patients having to pay for treatment out of their own pocket.

Injured workers and unions also identify a lack of expertise and resources on the part of the WCB in serving the needs of minority groups, specifically: immigrants, French speaking Canadians and brain injured workers. Although the WCB’s head injury unit received high praise, the lack of access to it was criticized. It was noted that the only way a worker can get
access to the services of the unit is by referral from an adjudicator. In the view of one association this is precisely the problem since adjudicators are not trained in brain injury and it is argued they do not have the expertise to recognize brain injury.

Others point out that some workplaces, such as agriculture, forestry and the waterfront have a high number of workers who are not fluent in English and are sometimes illiterate. It is argued that these workers do not have access to safety information in a form they can understand and they find the WCB system confusing. Many of these workers are not unionized so they also lack access to someone who can help them through the system. These workers often have claims denied because their lack of language skills makes them late in filing or they make mistakes in filing. The long delays in getting payment from the WCB also means that they often end up going back to work in spite of their injury because they cannot afford to wait that long for a paycheck. This ends up increasing the chances of long-term injury and the number of appeals.

One former longtime WCB employee provides an insider look at the problems within the WCB administration. According to this submission, the problems started when successive governments began firing WCB chief executive officers on a regular basis. It politicized the system and caused the staff to form a union to protect themselves. After that, those who survived in their jobs did so by fighting for territory and power.

The submission goes on to say that adjudicators are forced to work in a system aimed at achieving political ends, which often means ignoring the WCB Act and established policy. They quickly become disenchanted because the Act and Policy are often ignored to achieve political ends. Some quit in frustration, the rest stay just to get their paycheck and collect their pension.

The submission maintains that Occupational Safety Officers (OSOs) were originally hired for their ability whereas now they are hired according to seniority. It insists that Review Boards must deal with the results of disillusioned and overworked adjudicators, who are told to make decisions more quickly, and to follow the “flavour of the day” decision pattern. The Review Board is left to “clean up the mess” created by the lack of consistency and clear direction. Workers experience the fallout of the chaos by going without fair and efficient adjudication of their claims.

12.1.3. Recommendations

In order to improve staff performance and their relationship with user groups, one employer association recommended that the WCB establish clear, concise, and measurable standards of staff deportment and performance with input from employers and workers. An education program and hiring criteria should then be set in accord with these standards. It was also recommended that the WCB establish an effective process for responding to employer and worker complaints and should immediately embark on a program of eliminating the feelings of mistrust on the part of workers toward the WCB. One way of doing this would be through instituting a complaint hot line that would culminate in board investigation. A few think that if
front-line managers and department heads are given more authority to make decisions and be accountable for them administration would be greatly improved.

Workers, members of the public and union representatives state that WCB employees should have training in interpersonal skills, should be taught honesty and ethics, and perhaps training in psychology or social work to develop a compassionate and understanding attitude. Such training would also ensure that staff members could spot signs of depression and suicide and would know how to respond to crises. It is also recommended that board employees be monitored regarding their feelings towards injured workers and moved to different job functions when it is found that they have developed negative attitudes towards injured workers. Under a less adversarial administration the Investigation Branch is seen as unnecessary and it is recommended by some that it be eliminated. Those employed in the Branch should be trained as inspectors.

Medical professionals agree that rehabilitation centres like the Richmond Centre do sometimes offer inappropriate treatment. They recommend that these centres be subject to regular third party scrutiny. Members of the public support this recommendation but also insist that such reviews include input from those in treatment. Some workers ask for a thorough investigation of the facility while others would like to see it shut down completely. Some say rehabilitation centres need to change their focus to one of restoring the worker’s health, rather than on getting the claimant back to work, as it is now. One injured worker states that the St. Paul’s Hospital should be adopted as a model for other health centres throughout the province.

Workers state that currently actions of WCB tend to pit workers against employers with employers having more power. They would like to see the WCB acting to bring employers and workers together. They would also like to see greater co-operation between the departments within the WCB and would like WCB to be more informative about the services it provides workers. It is also recommended that a working relationship be established between the doctor, the worker, and WCB during rehabilitation. If the WCB maintains its adversarial administration then several workers insist that the Board should be obliged to provide them with free legal counsel.

Many submissions from all stakeholder groups recommend that the WCB hire more inspectors and safety officers and ensure that they are well trained. A number of workers propose that these new inspectors should be drawn from the pool of injured workers. They say injured workers often have many years of experience in an industry and many would be well qualified for this type of work. It is also suggested that inspectors should have workers accompany them on their inspections so that there can be an interchange of information and concerns. A number of submissions recommend that the WCB not be allowed to take over the inspection of mines.

Employers say that inspectors spend too much time filling out papers rather than doing inspections. They insist that they want to make their work sites safer and would welcome suggestions on how to improve. One such area they specify is how to deal with employees who
abuse alcohol and drugs. One employer recommends that inspections should be conducted on a schedule “based on an inspection-per-employee ratio.”

Employers asked repeatedly that the WCB take a more flexible approach to regulation. They want regulation that allows for unique circumstances and insist that it be applied out of a solid base of knowledge. They are objecting to inconsistency that in their view arises out of: ignorance on the part of inspectors; a lack of communication with the industry and with each other; and, is reflected in the vague wording used in regulation manuals.

Overall, the majority of recommendations from business are that the WCB staff take a more consultative and solution oriented approach. Some see this being done by improving communication with employers regarding their objectives and employee claims. It is also recommended that the Board provide the medical community with education packages that deal with such issues as rehabilitation resources, graduated return to work programs, proper completion of applicable forms, workers’ rights and responsibilities, and claims procedures.

Others would rather see more of the services of the WCB privatized because in their view this is the only way to bring about lasting and positive change. One business association states that the WCB should develop “industry expert” adjudicators. Each claim should be forwarded to this core group of adjudicators that is familiar with the industry or type of business in which the accident occurred. It is also recommended that the WCB Assessment Department should be linked to the Prevention Department and Industry Hazards.

Unions recommend that workers be provided with a larger space on the claim form to describe their work in detail and explain exactly how the injury occurred. It is suggested that the WCB develop Memoranda of Understanding (MOUs) in order to work in conjunction with Federal jurisdictions in injury claims. One union association would like to see adjudicators assessed on how many claims are being overturned by the Review Board due to improper application of the Act and that they receive more training on an ongoing basis. More worker advisors are also seen as necessary and more training is needed for worker representatives. They also recommend that the brain injury unit receive more staffing to better serve workers and insist that the nature of brain injuries places workers in need of an advocate within the system, since they do not have the capacity to pursue and protect their own interests.

Unions also recommended that more effort be made to inform and educate all workers about the WCB and how to access its services with particular attention paid to the needs of minority workers. In addition, they ask that the WCB hire more bilingual Health and Safety Officers to carry out more inspections on farms throughout the Lower Mainland, particularly during the harvesting season.

Professional groups strongly recommend that the WCB take a consultative and multi-disciplinary approach to treatment and rehabilitation. This would be based on open communication with therapists, doctors, clients and the adjudicator. They insist that claimants need to be treated holistically, rather than in an injury-focused manner, and that community resources should be used extensively. One therapy program that is recommended is the
‘Touch for Health’ program. It is also recommended that the WCB should go out of its way to reward employees who enhance the workplace and work in teams.

Example Recommendations

- Improve communication – the WCB needs to improve the way it communicates and interacts with employers – we get little or no information about the claims for our workers – our request for information are ignored and phone calls are not returned by WCB staff. (EMA-073)
- There should be a more open communication system between the medical profession, the employer, and the WCB. (EMA-041)
- WCB must stop victimizing the injured and disabled. (INJ-323)
- WCB should explore privatization options for many aspects of its operations, including rehabilitation. (EMA-043)
- The foundation of the WCB mandate should be based on responding to the needs of injured and disabled workers. The WCB must embrace the concept of compassion when attending to their needs. (GEN-133)
- WCB must learn to treat injured workers with RESPECT and dignity, rather than with rudeness, arrogance and lack of sympathy. (INJ-552)
- I believe the main principle that needs to be applied is the need to have people who are competent in the field doing the inspections. Loggers should inspect loggers, miners should inspect miners and construction workers should inspect construction workers. (CON-009)

12.1.4. Quotes

- “I was unloading logs for Mac and Blo and this WCB inspector comes along and where is he standing? Right where my haul back was. I didn’t see him because I was looking the other way. I could have cut his head off for crying out loud. That’s the kind of WCB inspectors you have.” (INJ-007)
- “My life has been destroyed by Compensation.” (INJ-252)
- “OSOs should show the regulatory stick, but not clobber the worker or employer with it. The best OSOs do the least paper work. They are too busy using people skills in achieving compliance.” (CON-008)
- “I found [WCB to be] the most confusing bureaucracy that I had ever worked with. It is reminiscent of some mythical animal that has many heads, with not one in charge.” (UNA-017)

12.2 EFFICIENCY OF RESOURCE UTILIZATION

This topic reflects concerns and recommendations directed at how effectively and efficiently the WCB administration allocates its resources. Most submissions and presentations that referred to efficiency were actually directed at other themes and topics and submitters were strengthening, or even basing, their arguments on cost effectiveness. For this reason, the discussion in this topic encroaches on almost every other theme identified by the Commission members. It is therefore important that any discussion that touches other themes and topics be
taken as incomplete without reference to the fuller discussion in other parts of this document. Nevertheless, the relatively high frequency of submissions in this topic underscores the importance of cost effectiveness as a factor to many stakeholder groups.

12.2.1. Overall Response
This sub-issue was addressed by the second largest numbers of responses accounting for just over one-fifth of submissions and presentations in this theme. Employers and their associations accounted for just under half of those addressing this topic. Workers, unions and their associations accounted for almost the same number. The remainder was spread among advocacy groups, consultants, the general public, professional associations and municipal governments. The intensity of the responses was generally rated as moderate.

12.2.2. Discussion
With one or two exceptions, there is agreement among all stakeholder groups that the WCB is not doing a very good job of managing and allocating its resources. Numerous recommendations are made as to what needs to be done to improve efficiency and reduce costs. Those few who commend the WCB always go on to say that in spite of good general performance there are still a few improvements that need to be made.

The number one money waster identified by the majority of stakeholder groups is poor handling of claims. A large number of employers are also convinced that the system overcompensates workers and gives them no incentive to hurry back to work. A broader discussion of this can be found under the discussion in Theme 3. Employers also repeatedly point out that WCB administration costs are escalating way out of proportion to claims and they are wondering where the money is going. Many employers state that they are over regulated and the regulations are so complex that they have to hire staff to keep on top of them. (For more discussion see Theme 15.)

There is much misunderstanding and antagonism between employers and workers, and between workers and the WCB, over coverage related to ergonomics, stress, repetitive strain, progressive or multiple injuries, soft-tissue injuries, and delayed recovery workers. There is also considerable tension about how to determine when an injury is work-related. The lack of resolution on these issues is seen to be costing a great deal of time and money in appeals. It is also seen as increasing the costs of the health care system, social services and other public service agencies. (See Themes 1, 2, 3 and 6.)

A few submissions also identified other areas of wasteful spending. Some argued that WCB management staff are overpaid and get too many luxuries and benefits. Others insist that the WCB is over staffed. Some say that the system is wasteful because of the duplication of medical examinations. A few question the costs associated with the work of the Royal Commission and one submission expresses anger at the cost of a recent user survey being conducted by the WCB. There is also considerable resentment towards the current computerized telephone system, which is seen as a tool to avoid callers as opposed to increasing efficiency. (See Themes 13 and 14)
12.2.3. **Recommendations**

It is recommended that the WCB develop a more efficient decision making process, and respondents are adamant that the system needs to handle claims more humanely and process them more quickly to prevent undue financial and emotional hardship on claimants and their families. This would go a long way toward improving relations with workers and the public, reduce the number of lengthy and costly appeals, and eliminate the need for expensive public relations advertising campaigns. Many also insist that the WCB management needs to be completely reviewed and investigated for wastefulness and fraud, and a system of fiscal accountability and quality control put in place.

As noted in the previous topic, there is strong demand for the WCB to change its focus and approach. A large number of submissions from all stakeholder groups say that reducing accidents is the best way to save money. They recommend a much greater allocation of resources toward prevention and education. In doing so, many would also like to see much greater co-operation between and the WCB and employers, workers, and the private sector. They would also like better training of staff and workers. (See discussion in Themes 9 and 10.) A few argued that the WCB should get rid of their doctors and use the public health care system with the claimant using his or her own physician. (See Theme 16.) The system also needs to open dialogue and bring clarity to entitlement and coverage issues.

Employers and workers would also like to have more input into the development of regulations and policies, and various agencies and service providers would like to form partnerships with the WCB in the rehabilitation of injured workers, and in work site monitoring. They insist this would increase savings and provide better service. It is said that input from employers and workers in the development of regulation will increase compliance and help to streamline paperwork thus lowering costs. Some submissions suggest that the WCB could streamline its services, reduce the paperwork and improve claims management with more appropriate use of computer technology. (See discussion under Theme 11 and 15.)

There are also a few submissions recommending various alternative administration models that would improve services and reduce costs. These are covered in the next topic.

**Example Recommendations**

- There is no doubt in my mind that fewer claims in the appeal process would result in a substantial reduction in costs for all concerned. The bottom line is to resolve claims effectively in a manner that is acceptable to everyone. (UNA-017)
- The regulations should be written to minimize the number of forms, administrative requirements and paperwork required from employers. (EMA-053)
- Claims process has become a very bureaucratic process bogged down with administration and paperwork...Prevention issue is key and when that doesn’t happen the claims system needs to be in place and needs to be solid and it is lacking in that area which leads to extra frustration, extra costs on companies, trade unions and employees fighting over claims. (IEM-039)
- Crestbrook recommends that WCB investigate alternate methods to provide the same service while reducing costs (i.e. private health care facilities). (IEM-141)
12.2.4. Quotes

- “The administrators of the WCB have to be awakened to the fact that the employer community will no longer continue to willingly fund an organization that is not fiscally accountable to anyone. If we ran our business the way the Board does, we would be out of business. If they continue to run the Board the way they are, we will be out of business.” (IEM-049)
- “It takes an army of workers to handle all the paperwork.” (INJ-270)
- “When you look at the big picture, WCB, having absolute control, enables them to ignore their responsibilities. They push injured workers into already cash strapped tax payer funded agencies. Then they have the nerve to waste money on TV commercials informing the same tax payers of their concerns for injured workers and their families.” (INJ-320)
- “We are committed to the entire WCB process and think that overall the system has served B.C. very well. But, things have changed a lot since the last WCB Royal Commission some 30 years ago and we think that some changes are necessary to make the WCB efficient, cost-effective and relevant to the current economic times.” (IEM-054)
- “[The Board] is trying to convince us that ergonomics or should I say the ‘nobody moves nobody gets hurt’ policy will accomplish its goals of less injuries and less payouts.” (PAS-014)
- “WCB is slow in processing claims and we [employers] pay the extra costs.” (IEM-101)
- “The health care system is going broke fixing industrial illnesses.” (INJ-124)
- “It is the opinion of the association that partnering with private sector laboratories would allow the WCB to realize significant cost savings without negatively impacting the quality or quantity of service to the industry.” (EMA-037)
- “The emphasis on regulation rather than cooperation is non-productive and hostile to business WCB should not spend such huge sums of money on developing regulations.” (IEM-054)
- “I feel that the WCB spends way too much time and money dealing with a lot of cases all under the assumption that the injury or accident might have taken place outside the workplace.” (UNI-113)
- “Major concern is administration costs. E.g. 1988 to 96 number of claims received increased by less than 2000, an increase of less than 1% yet administration staff went from 1611 to 2550 that is a 58% increase to justify less than 1% of increased claims. To pay for this the employer’s bill has risen from $442 million in 1988 to $985 million in 1996 and that is an increase of 123%.” (IEM-061)
- “There is no doubt in my mind that fewer claims in the appeal process would result in a substantial reduction in costs for all concerned...The bottom line is to resolve claims effectively and in a manner that is acceptable to everyone.” (UNA-017)
- “I think looking at the number of staff alone has gone up considerably perhaps handling all the appeals. I just don’t know why there’s so many staff now but that would be an area that would be a good cost saver to try and streamline things a little bit and just perhaps lower those administration costs.” (IEM-098)
• “All these appeals from an economical standpoint don’t make any sense. All the money, the time involved, the people involved, the review board people, the workers advisors, the doctors - it doesn’t make any sense.” (INJ-528)
• “Told that WC system is being pressured by labour community to expand the types of acceptable claims, i.e. stress or harassment claims. These claims will only contribute to overloading of system.” (IEM-049)
• “Surely safety is one area where it is clear that collaboration would be every body’s best interest. Worker and employer services should be combined into a single shop where anyone can get the same advice and policies and their interpretation… I believe the adversarial nature in BC has been extremely detrimental to workers’ safety and their rehabilitation. Just as workers don’t go to work with the intention of getting hurt; employers don’t plan their jobs to maim employees. I think we can work together on this.” (IEM-091)
• “Claims are fought by the WCB, spending millions of dollars to fight worker’s claims. WCB should set up 3 safety schools (Prince George, Kamloops, and Abbotsford) to train key-people. Simplify the system and fast-track all claims.” (INJ-270)
• “You will see from the documents attached, how cruel the WCB can be to someone who is persistent and fights the claim. Sad to say many claimants just give up and go on welfare. I did not give up, but I paid a tremendous price. I attended 3 Medical Review Panels and a Review Board. What a waste of money.” (INJ-614)

12.3 CO-ORDINATION OF ACTIVITIES AND INFORMATION SHARING

This topic explores how the WCB administration co-ordinates its activities and distributes information among its staff members and, to a limited extent, between employers, workers and outside agencies. A more detailed discussion of communication with groups outside the WCB can be found in Themes 13 and 14.

12.3.1. Overall Response
Discussion on this sub-issue was third highest in number, although it only accounted for ten percent of submissions and presentations in this theme. Well over half of the discussion came from injured workers, their associations and union members. Employers and their associations made up another third and the remainder came from consultants and other professional groups. The intensity of responses was rated as moderate.

12.3.2. Discussion
As was seen previously, there is a great deal of dissatisfaction among most stakeholder groups regarding the lack of efficiency and service on the part of the WCB. This inefficiency is related to the way information is handled and activities are not co-ordinated. All stakeholder groups who commented on this issue express a need for the administrative structure of the WCB to take a more co-operative and streamlined approach in claims management, regulation, complaints, accident prevention and rehabilitation.

Employers complain that notification from the WCB about claims is inconsistent and slow and it prevents them from being involved in the process. Workers often insist that they are not
notified of a change in adjudicators, or about how a decision was arrived at and many accuse the WCB of manipulating the truth and the information in their files. Their suspicion receives support from professional stakeholders and is partially explained by one medical professional’s description of the WCB as “a closed system, which makes workers distrusted.”

12.3.3. Recommendations
Many submissions insist that this co-operation should start within the WCB where the “right hand doesn’t know what the left hand is doing” and claimants sometimes end up getting conflicting orders. It is recommended that WCB staff use a team approach to handling claims to ensure continuity of assistance and decision making. It is also suggested that a communications log accompany a file so that no matter where a file is, its status can be quickly determined. Alternatively, it is recommended that files should be computerized so that they can be immediately accessed when needed. A team approach is also seen as necessary between the WCB, employers, workers and outside agencies.

Employers also ask that they be given more information from the doctor regarding the nature of the returning worker’s disability, and what the worker’s limitations are. Also, they request that the worker be required to formally notify the employer before filing, as is done in Ontario. In addition they ask that physicians be required to outline in writing why their determination has been made regarding the worker's injury, indicate their understanding of the nature of the worker's job and why the worker is not able to carry out their job. They say that this information would greatly assist the WCB, employer, and the union in identifying other potential temporary, or permanent, positions for that worker.

Employers would also like the WCB to take a more consultative approach to inspections and be more willing to educate and inform employers rather than being so focused on punishing them with penalties. Some would like the enforcement element taken completely out of the WCB because in their view it directly conflicts with the preventive element. Workers also ask that the WCB take a more co-operative approach by communicating more freely with them and their doctors.

Employers want better co-ordination and efficiency of information gathering. It is argued that claims management would be greatly improved with a decision time on a claim being reduced to five working days. In addition, they suggest that information collected separately from the physician, the employer and the employee, should all be included in a single form. Others recommend that only one claims officer be given the responsibility for all decisions on a claim to avoid a file being passed from one worker to another. One association would like to see claims forwarded to a core group of adjudicators that are familiar with the industry or type of business in which the accident occurred. As adjudicators handle more claims from a particular industry, they might be better able to detect patterns of injuries or cases of fraud. Others recommend a team approach to handling claims so that adjudicators, disability awards officers and vocational rehabilitation consultants work together to ensure continuity of assistance and decision making. It is also noted that whatever new approach is taken it would require that staff be trained and monitored to ensure comprehension and compliance.
There are also numerous calls for the WCB to work toward harmonizing their regulations and policies with government departments (such as Environment, Forestry and Health and Safety), with other provinces, and with the federal government. This will prevent overlap of regulations, encourage co-operation and avoid conflict. Similarly, there are many calls for greater communication and co-ordination between WCB jurisdictions and regions to ensure that WCB regulations and policies are interpreted and applied consistently.

A number of associations and professional bodies are advocating that the WCB co-operate more closely with them in providing rehabilitation and therapy, and that the Board use community resources more frequently in serving the needs of claimants. One method for doing this would be through establishment of community advisory boards. Another suggestion is the use of a preferred provider network which does early assessment and treatment so that workers get faster and more efficient medical services and get back to work sooner.

Several submissions recommend that the WCB also give department heads and other lower level managers more decision-making authority. This would mean less paper work and quicker service. Analogously, a number of submissions ask that the WCB put in place a more direct and reliable system for responding to complaints.

There is also considerable discussion about whether or not the WCB should take over the regulation of mines. Unions generally advocate for the WCB to do so because they presently see mine regulation as being inconsistent leaving some workers inadequately protected. They also see it being more efficient and less confusing to have one regulatory body over all worker safety and compensation.

Many consultants and employer groups adamantly oppose the proposed amalgamation saying current mining safety is very good and the industry has one of the strictest inspection and enforcement systems in the province. They insist that the present system of reporting safety records and ‘close calls’ is superior to the WCB. They also argue that mine inspectors are experienced miners and therefore have a thorough understanding of the industry. This would not be the case if the WCB were to take it over. Many do acknowledge some of the problems identified by unions. However, they say these could be rectified if there was greater co-operation between the WCB and mining inspectors.

One submission also recommends that the WCB needs to ensure that “log landings” be left in place to allow helicopter access to remote areas where medical help is over an hour away.
Example Recommendations

- Make enactment of health and safety legislation including setting workplace regulations the sole responsibility of the Ministry of Labour. Removing the regulatory arm from WCB will provide for better compliance of health and safety legislation, will provide for a legislated format for developing and proclaiming new regulations, and will reduce the current mixed message that WCB both wants to foster a safe workplace by developing regulations, and on the other hand wants to punish those who don't comply. (IEM-135)
- There needs to be reciprocity across the provinces in accepting technical equivalency. (EMA-043)
- There should be more consistency in the application of practices and decisions across the province. (EMA-036)
- Environment, Forestry and Health and Safety should harmonize regulations to avoid conflict. (EMA-043)
- We believe it is really important to establish an advisory board for the community social services sector. Once this sector has been identified as distinct we would strongly advocate the need to establish a method of ongoing communication and dialogue between the WCB and the community social services industry. We are recommending the use of a sector advisory board which would meet with the WCB on a regular basis to discuss training needs, concerns, initiatives, issues, etc. (EMA-028)
- Establish an effective follow-up to employer and worker complaints. (IEM-143)
- The departments of the WCB should be 'plugged into one another'. (INJ-124)
- Claimant files must be maintained electronically...Staff must be allowed to access a claimant’s file. (INJ-136)
- Allow more decision-making power for department heads. (INJ-210)
- Restructure the WCB to allow for simple and speedy internal decisions and review. Effective follow up on worker or employer complaints. (IEM-143)

12.3.4. Quotes

- “Even though more time, energy and resources have been directed at these issues, we are continually facing administrative, systemic and other problems that delay progress and increase costs. We believe that the ever rising cost of claims is a direct measure of the WCB/Es inefficiency.” IEM-143 [Pg 1]
- “WCB is a service centre and has customers. The customers are the employees and the employers. Deal with them accordingly.” IEM-143 [Pg 1]
- "Many of the problems... could be resolved with a greater emphasis on responsible and responsive collaborations between employers and employees, which would increase awareness of hazards and reduce risks, thereby reducing incidences of illness or injury and consequently reducing the cost of workers' compensation." UNI-026 [Pg 2]
- “[WCB] has become a slowly lumbering bureaucratic beast which answers to no one and helps no one.” UNI-100 [Pg 1]
12.4 MANAGEMENT OF CHANGE

Discussion related to this topic was primarily directed at today’s rapidly changing workplace and the WCB’s response to those changes, or lack of it.

12.4.1. Overall Response
Submissions and presentations on this sub-issue made up less than five percent of the total in this theme. Therefore, discussion is not extensive. Just over half of those identifying change as an issue were employers groups. Union members and workers’ groups accounted for almost the same number, and the remainder came from consultants. The intensity of the responses was rated as moderate.

12.4.2. Discussion
Most stakeholder groups with concerns about the WCB’s management of change agree that the WCB is not doing an adequate job. Union members argue that the WCB is not keeping up with changing workplace realities and therefore is not protecting the safety of workers. They point out that workers are placed under increasing stress due to ever increasing demands for output, company restructuring and downsizing, and increasing violence in the workplace. In addition, there is a constant increase in the complexity and numbers of chemicals being used in workplaces. The effects of these chemicals on worker health are not well known and WCB doctors are not keeping up with new techniques and treatments.

Submissions and presentations from employers and business stakeholder groups agree that WCB regulations do not reflect changing workplace realities. In particular, they point out that the WCB has not recognized the rapid growth in the number of small businesses. However, these submissions and presentations reflect a very different experience of WCB regulations than do those of unions and workers. While unions and workers insist that WCB regulations are slow to change to new workplace realities, most of the business community is complaining about the rapidity of change in WCB regulations and the explosion in their numbers. They insist that they cannot keep up with the changes in regulation and question the validity and necessity of many of them. Some argue that the changes are more political than scientific. Small businesses and self-employed individuals say they find it particularly difficult to cope.

12.4.3. Recommendations
Unions would like to see the WCB take a stronger focus on prevention and education and allow workers to have more say in the safety of workers. They also say that monitoring and enforcement of regulations have to be more consistent.

Business groups are asking that before new regulations are put in place they receive an open public hearing process to ensure that everyone has input, and that they be based on solid scientific, technical and industrial knowledge. They would also like a cost benefit analysis done prior to establishing new regulations to ensure that negative impacts will be properly weighed against perceived benefits. One submission recommends that the WCB take a leadership role
in producing a compensation system that would be so innovative it could be exported to other countries.

Example Recommendations
- Current regulations do not reflect all of the new hazards or even existing hazards… WCB must be encouraged to work with employers and workers to educate, train and work together. (UNI-103)
- Amend the mandate of the Occupation Disease Standing Committee to say that all recommendations for change brought forward by the committee must be based not only on sound medical and scientific knowledge but also on up to date technical and industrial knowledge. (IEM-120)
- The exponential growth of small business will require some innovative changes at WCB if the organization is to cope with the reality of a changing work place.... the importance of small business concerns should not be under estimated. (IEM-014)

12.4.4. Quotes
- “The BCTF have strong reservation concerning the effectiveness of the current system to meet the health and safety needs of employees in schools. The BCTF, thus propose, that, in addition to addressing the five key issues identified in this Brief, the Commission effect a significant "modernization of thinking" by supporting a reformed, publicly-owned WCB system which recognizes the realities of work in non-industrialized settings such as schools, backing up a focus on prevention with clear regulations, consistent monitoring, and enforcement.” (UNI-026)
- “Biggest problem with WCB regs is that they don’t keep up with the changing work place; they are slow in being drafted, they are slow in coming forward to public hearings and they are very slow in being part of the book as you probably noticed in the Occupational Health and Safety Regs.” (UNI-021)
- “Most of the $100 million per year spent on rehab training is wasted. Successive Claims Vice Presidents run the system from theory to theory, and from political boss to political boss in a pandemonium of changes.” (CON-008)
- “All we seem to be generating is paper. Companies like ours has a safety officer to keep up with the speed of the changes. For smaller companies and individuals it must be a nightmare to receive the supplements. Fall protection is new, Occupational and Environmental regulations are changing, Occupational Health & Safety regulations are changing, WHMIS regulations and the Fallers and Buckers regulations are changing and there are so many supplements it is really difficult to keep up.” (IEM-155)

12.5 RESEARCH
Discussion of this topic reflected concerns about the reliability of WCB testing and investigations of workplace environments, particularly of air quality. It also centered on the lack of knowledge and information about the workplace relatedness of stress, diseases and injury.
The topic of research was not a primary focus within most submissions and reference to it generally occurred incidentally. Therefore the discussion is not thorough and is somewhat disjointed at times.

12.5.1. **Overall Response**
Submissions and presentations that were directed to this topic accounted for less than five percent of the total in this theme. Injured workers, their associations and union representatives accounted for almost two-thirds of the discussion in this topic. The remainder came from the general public, municipal governments and non government organizations. The intensity of the responses was rated high. Injured workers had very strong feelings attached to their comments because they insisted that their lives and their health had been destroyed, or placed in jeopardy, by the lack of research and enforcement on the part of the WCB.

12.5.2. **Discussion**
Injured workers describe their dissatisfaction and distrust of the safety investigations carried out by the WCB in their workplaces. Several responded by doing their own research. Most of these workers are concerned about chemical exposure to the air they breathed. Their mistrust of the reliability of the WCB testing arises for several reasons. First, because the WCB makes a practice of warning companies in advance of an inspection they claim that companies can, and do, hide evidence. Second, they claim that WCB testing results do not match with their own research and knowledge about workplace conditions, or with the outside sources they had consulted. In some cases, this disparity is attributed to sloppy work on the part of the WCB and in other cases ignorance of workplace conditions on the part of investigators was implied. Third, they claim that the WCB does not take into account long-term cumulative effects of exposure and does not recognize effects of exposure that are not listed in WCB manuals.

In a few cases, the WCB is accused of criminal cover-ups and of colluding with companies to hide evidence of dangerous workplace conditions. This collusion is done because of the political and economic strength of the companies involved. In other instances workers insist that the results of WCB investigations were not acted upon in spite of being in clear violation of regulations.

Other submissions express the view that the WCB does not pay enough attention to current research about work-related injury and rehabilitation and accused the WCB of concealing known information. For example, the results of the 1987 Task Force on Alcohol and Drug Abuse in the Workplace are referred to. These showed that only four claimants out of a hundred were responsible for every fifth claim being processed by the WCB. It also found that a small percentage of the claims account for a major proportion of the total costs.

This study identified multiple injuries, and delayed recovery as being a significant cost factor in WCB claims, and declared that the Board had concealed the results of this study thus making the problem worse. It went on to say that the Richmond Rehabilitation Centre had become a “dumping ground” for this kind of claimant.
12.5.3. Recommendations
To solve these problems, workers are asking that the WCB pay more attention to the concerns and findings of workers; that they do more thorough and accurate investigations; and that they make the results of testing and investigations public. Workers also argue that if the WCB denies a claim they have the responsibility to prove that it was not work related, rather than making workers prove that it was. There was also a union request for the WCB to report annually on how well school districts are meeting the standards set for schools.

The primary research concern for unions is the need for more knowledge about the work-relatedness of stress, disease and injury. Unions are calling for more study into these areas and on ergonomics. It is recommended that an Occupational Disease Panel be established to direct this research and ensure that an ongoing review be maintained to keep up with new knowledge. Several professional and union representatives, and members of the public insist that any research done to establish the work-relatedness of stress, disease and injury should be done by an independent research agency. In the view of some, research done by the WCB would be “biased,” or be seen as biased. One submission recommends that the WCB be stripped of its laboratory facilities and that these be given to the Department of the Environment.

Other recommendations are that the WCB Board should implement more systematic data collection methods within their system and with outside agencies. Submitters argue that the WCB should be tracking stress and other contentious claims to determine the number accepted and denied, and identify the circumstances surrounding the claim. They also say the WCB should be persuading provincial cancer treatment centres (and perhaps, other similar agencies) to record information about the occupational histories of their cancer patients. This research would help to shed light on the nature and frequency of these diseases and injuries.

A submission from the University of Northern British Columbia (UNBC) expresses a strong desire to partner with the WCB in its ‘Worksafe’ certificate programs. It insists that the WCB must be receptive to the input of universities on the issue of health and safety training considering the important role universities play in educating BC’s future workers. It argues that universities must be involved in the development of standards in education, training and delivery models.

Some submissions request that the WCB continue funding of outside research agencies, such as the BC Cancer control agency and university researchers. However, one recommends that all research dollars be stopped until the WCB has gotten its financial situation under control. Others insist that current research efforts by the WCB are uncoordinated and unfocused. They urge that research always be in line with overall strategic goals.

One non-government association recommends the implementation of medical/rehabilitation practice guidelines based on empirical data and research. The Richmond Centre would be governed by these guidelines.
Example Recommendations

- The difficulties inherent in assessing stress related claims should not be a valid reason for dismissing stress as a legitimate claim category. (UNI-102)
- Stress in the workplace should be better investigated and clarified. There should be special funding to research stress by researchers outside of the WCB. (GEN-186)
- Priority must be given to research that supports strategic initiatives. (MGS-006)
- WCB should fund a separate, independent body responsible for surveying and analyzing all current scientific and medical information relating to disease and injury and their relationship to a workplace. (UNA-010)
- BC needs an Occupational Disease Panel with both sufficient funding to research the work-relatedness of disease, and sufficient statutory power to decide scheduling of occupational diseases. A system of ongoing review is needed to ensure that the Board’s Schedule keeps up with current knowledge. (UNI-012)
- It is incumbent on those who administer workers’ compensation to do so on the basis of the best available scientific information. It is NOT the responsibility of each individual worker to engage in the search for that information in order to prove their case to the WCB. (GEN-068)

12.5.4. Quotes

- “WCB studies will slant findings, so that the divers won’t get the benefits.” GEN-068 [Pg 1]
- “WCB failed in their duty of care towards me by failing to investigate my claim, failed to test the pond independently, failed to cause me to take independent medical tests and examinations. WCB refused my claim out of hand. All testing and investigation and research was carried out by myself. I initiated all research over a four year period.” INJ-307 [Pg 1]

SUMMARY

Injured workers, their associations and union members dominated the discussion in this theme. They are primarily angered by an administration that in their words treats them ‘like criminals,’ does not care about or respond to their needs, and does not adequately protect their safety.

Employers and their associations were less involved in the discussion but made still made up a significant portion of those with concerns about WCB administration. They too describe the system as unresponsive and uncaring. Their primary concern is the lack of efficiency on the part of WCB management, which they say is responsible for driving up costs.

Consultants and other professional stakeholder groups were generally supportive of the concerns of workers and employers. Several reported being threatened by WCB staff themselves and knew of workers who were harassed by staff in order to get treatment programs changed or shortened. They recommend that rehabilitation of workers be more holistic and that the WCB involve all parties in the process: workers, adjudicators, doctors, employers and outside agencies and therapists.
All stakeholder groups frequently described the WCB administration as adversarial and confrontational. They are recommending that the WCB administration become more communicative, co-operative and responsive in dealing with their concerns and needs. They insist that the WCB must take a team approach within the organization in handling claims, and make greater use of outside resources in vocational rehabilitation and prevention programs. It should also become less politically driven. Streamlining of information gathering, information dissemination, and claims processing is also considered to be important to reduce costs, increase responsiveness and improve decision making.

Poor claims management was identified as one of the biggest reasons for escalating costs in the WCB, which were described by some as being “out of control.” Many employers also insist that overcompensation is another important cause of rising costs. Many also object to any increased benefits for stress, ergonomic injuries, soft-tissue injuries and injuries that are not clearly work related. They insist that if coverage is extended any more the system will be so costly they will no longer be able to pay for it. They also assert that the WCB is inundating them with a constant stream of new regulations that are unsupported by scientific data and are not taking into account new workplace realities. They say that the WCB is not aware that all businesses cannot be treated in the same way because unique circumstances often exist which make rigid “by the book” interpretation and application of regulations inapplicable and even dangerous at times.

Workers and unions, on the other hand, want the WCB to increase coverage of stress, ergonomic injuries, and soft-tissue saying that they are largely a result of current workplace realities. They acknowledge that many of these injuries and conditions are difficult to document and trace to their source but insist that they cannot be ignored and that more research must be done. They also insist that new WCB regulations are needed in response to changing workplace conditions, injuries and diseases to better protect worker health and safety.

The lack of clarity about these areas of coverage is considered to be costing the WCB a lot of money. Workers who insist they are entitled to coverage for them are driven to appeals when their claims are denied, and employers who insist they should not be held responsible for them also appeal if they are approved.

All stakeholder groups identified inconsistency in interpretation and application of regulations as a problem. Most also had problems with inconsistency in the adjudication of claims. All agreed that the primary cause is inspectors and adjudicators who do not have enough knowledge about the industries and workplaces they regulate and adjudicate. Many workers and union members also insist that the WCB takes sides with the employer. This is demonstrated by the fact that employers are consistently given prior notice of an inspection, thus allowing them to hide unsafe conditions. They say it is also shown by the fact that the WCB covers up unsafe working conditions, and does not investigate unsafe workplaces adequately, and it does not consistently enforce regulations or punish violations.