14.0 COMMUNICATION

WCB communication with stakeholders is a source of distress to a significant number of submission writers. Comments on this issue overlap those noted about disclosure, service and adjudication, especially when the style of communication involves disparaging remarks, yelling/screaming or other forms of verbal abuse. In particular, workers, employers and medical professionals expressed frustration over experiences in communication, or lack thereof, with WCB. The criticisms ranged from not being able to reach an adjudicator by phone, to a perception that representatives were not listening, to a feeling that the workings of the system were intentionally withheld, and much more. A majority of the comments came from injured workers, with more than three-quarters rated at medium or high intensity.

This paper offers a consideration of five sub-issues of communication:
• access to adjudicators and the system
• lack of knowledge of the system and the rights thereunder
• timely access to information upon which decisions are made
• understandable and well-reasoned decisions
• plain language in decisions, and throughout the system.

14.1 ACCESS TO ADJUDICATORS AND THE SYSTEM

14.1.1. Overall Response
Just establishing two-way communication with adjudicators or other representatives of WCB has been described as one of the most frustrating communication challenges for submission writers. Talking on the telephone to adjudicators, receiving answers to questions written in letters, finding out the reasons for termination of benefits, and receiving information about back to work or retraining possibilities are a few examples of communication failures, predominantly for injured workers and employers. The vast majority of people who described this problem were rated at either medium or high intensity (80/90). Employers are clearly frustrated, but most of the writers or presenters who made comments were injured workers (68/90). Other stakeholders who noted a concern about access to adjudicators and the system are a consultant, employer associations, the general public, medical professionals, a non-governmental organization, unions and union associations.

14.1.2. Discussion
Comments on this sub-issue generally repeat the same predominant theme: “the adjudicator didn’t return my calls, despite numerous messages.” Specifically, the comments range from general to specific variations on the same theme. Injured workers describe the numerous messages they have left for adjudicators. One submitter provides a time line noting the date of a call and the corresponding lack of response. Others mention time periods (two weeks, six weeks, for example) during which they waited for a call to be returned, but no response came. Still others report reasons given for an adjudicator’s inability to take calls. These include, according to the submissions, “the adjudicator is busy, has just stepped out, is not in the office, her kids are sick, we don’t know when she will be in, you have to book an appointment with her
One injured worker describes her attempts to reach her adjudicator as an “avoidance cycle” (INJ-423). Another injured worker called three times one morning (around 8:30, 10:00 and 12:15). During the last call, she spent 13 minutes on hold, only to learn it was still not possible to speak with the adjudicator. Another caller complains that adjudicators don’t give out their direct number, and thus force claimants through a long and winding telephone maze. In general, injured workers often described their inability to reach adjudicators and other WCB workers, such as vocational rehabilitation consultants, as frustrating.

Employers make similar comments. One reports difficulty attaining clearance letters for subcontractors. The writer notes that a caller has to follow-up two or three times to ensure answers about a subcontractor’s status with WCB are provided. Another employer complains about the limited communication between WCB and injured workers, and the resulting problems posed for employers in return to work programs. One employer fortunate enough to establish communication with an appropriate WCB representative notes that successful linkages occur only after transfers and a long time on hold (more than ten minutes).

Injured workers, especially, also complain about adjudicators not answering questions posed in letters. Some injured workers who go to their WCB offices face similar difficulties arranging to talk to adjudicators. Furthermore, even after achieving the much-sought-after goal of talking to an adjudicator, claimants remain frustrated. They believe that they have not been heard, particularly with regard to complaints. One injured worker blames this on the adversarial manner in which people are treated at WCB. Another blames this on a perceived preference for the employer, rather than the worker. Yet another believes adjudicators are just too busy. A medical professional commenting on this problem notes that injured workers see themselves in a subservient, inferior position to WCB representatives, furthering the perception of dependency and powerlessness.

14.1.3. Recommendations
Recommendations for improved access to adjudicators and the system range from general to specific. Some call only for improvements in access by phone and in participation of claimants. Other specific recommendations call for adjudicators to be required to answer letters and return calls, or to spend 45 minutes each day returning calls and making appointments. Still others suggest a liaison between injured workers and the WCB to facilitate communication. These include Workers’ Advisors or union representatives. Other recommendations from injured workers call generally for adjudicators and WCB representatives to listen to their complaints. The underlying theme of all these recommendations is a need to establish a link with the WCB through an adjudicator, who submitters suggest should be more proactive in doing the organization’s part in establishing that link.

Example Recommendations
• Adjudicators should be easily accessible to injured workers by phone.
• WCB should respond to requests for information and requests for services.
• The direct lines of adjudicators and vocational rehabilitation consultants should be published and mailed to every employer within the service delivery location area.
• Publish the extension numbers of adjudicators.
• Build in claimant participation at all levels and in all aspects of the claim.
• Timely reports should be submitted to employers with the names of the WCB worker assigned to the injured worker and the status of the claim.
• All adjudicators should take 45 minutes daily to return calls and make appointments.
• Adjudicators should be required to return phone calls.
• It should be easier to make appointments to meet adjudicators in person, because letters and phone calls are inadequate for communication.
• When claimants write to the WCB with questions or requests, these should be answered in a straightforward, timely manner.
• The WCB should take steps to make their phone system more user-friendly, and require their personnel to return phone calls.
• WCB should not “ignore” the concerns, questions, or suggestions of the injured worker.

14.1.4. Quotes
• “The worker should be part of the process not excluded from what supposedly would benefit him.” (GEN-045).
• “The current multi-level appeals process is long and confrontational and stressful. If the claims process is cooperative at the outset, there would be less need for appeals.” (IEM-135).
• “By the time you are finished a battle with W.C.B, you are physically exhausted and stressed to the limit and your health is in worse shape than it was following your injury.” (INJ-048).
• “Dealing with an injury is one thing but dealing with an agency and their backlog is enormous.” (INJ-148).
• “I believe that I have given my best in trying to adapt to my injury and it’s long term effects and the ongoing problems with my back but I feel alone and abandoned by the WCB, an organization that is supposed to assist me in my dilemma. I feel as if my family and I are paying the price for my getting injured at work.” (INJ-148).
• “To us, WCB is this huge beast, uncaring, without the ability to listen, untrusting, yet we have to depend on this beast for our future (INJ-516).
• “Everything is a dark secret until one day a surprise comes in the mail (INJ-629).
• “The attitude of WCB staff must change so they are willing to help the injured worker rather than place obstacles in their way. The current situation places injured workers in a confrontational position with WCB staff. There is no justification for this treatment (INJ-136).
• “WCB stands for, We Can’t be Bothered (INJ-143).
• “The amount of psychological pressure that was put on me because I had no money for groceries, I had no money for food and I had no reply back from the WCB to find out the status of my claim was tantamount to the eventuality that I had to actually had to go physically down to the WCB and ask to see my adjudicator. I even came to the stage where I said I can’t leave here today because I have an eviction notice and I’m at the end of my limit.” (INJ-477).
• “Why does WCB IGNORE me, and not only me, but everyone else? I don’t think that’s fair. If they know there’s no chance of recovery for me, why don’t they deal with it, and then get ‘rid of it’? That way my life can go on! Why do they have to continue frustrating me? It’s not right! When I call, they IGNORE me!” (INJ-588).
• “I am appalled at the lack of concern shown by the staff at W.C.B.” (MEP-003)
• “I recently requested a complete and exhaustive 1995/96 financial report and business plan and organizational synopsis from the WCB office in the lower mainland. Typical of perfect working models of bureaucracy I obtained not one, not two, not three but four personnel before I was able to present my inquiries to them.” (EMA-031).
• “I have had adjudicators yell and scream at me on the phone trying to intimidate me...” (INJ-247).
• “When making a phone call to an adjudicator, it sometimes takes them up to two weeks to answer and a lot of times they simply ignore the calls.” (INJ-247).
• “The buck is constantly shifted from one to the other and no question ever has an answer for ages.” (INJ-786).
• “In my dealings with the BC Compensation Board, I have found the people who work there to be indifferent, unorganized, callous, unfair, biased and all round hell to deal with.” (INJ-786).

14.2 LACK OF KNOWLEDGE OF THE SYSTEM AND RIGHTS THEREUNDER

14.2.1. Overall Response
As earlier noted, the ways of WCB are a mystery to many of its stakeholders. Stakeholders clearly want to know more about how the WCB works. In this second most discussed communication sub-issue, submitters express their distress with not understanding the steps, protocol and rules of the organization. Many also want more information about their rights. More than half (48/84) of those commenting are injured workers. The vast majority of the comments are rated as medium and high intensity (71/84).

14.2.2. Discussion
Injured workers enter the WCB system with an assortment of personal limitations. For some, these limitations make understanding the workings of the system more problematic. Injured workers complain that although WCB may fit the needs of an average worker, those with depression, brain injury, language/literacy limitations, learning disabilities or limited education face enhanced difficulty. The issue of language/literacy will be discussed more fully in section 14.6. One group as well notes that women may face additional difficulties in getting information about WCB, as well as in knowing their rights as workers. A systematic bias against women emerges in the WCB assumption that women are secondary providers and that their complaints are likely imagined. Another submission provides general insight into the frustrations of First Nations peoples dealing with the WCB.

Other injured workers suggest that the lack of information reflects more sinister motives of the WCB. These submitters use words like “red tape”, “secrets” and “lies” to describe their experience in information provision from the WCB. These claimants express the belief that WCB benefits from being a mysterious monolith that remains unfathomable by those it is intended to assist.

Complaints about compensation and worker rights range from the general to specific. Furthermore, they range from initial adjudication to appeals and including adjudicators, receptionists and appeal staff. Some complaints relate to a general need for help negotiating
the complex world of bureaucracy. In particular, several submissions include laments about not being informed about impending deadlines. Other complaints target the Rehabilitation Department for not providing adequate information about retraining schemes and not consulting claimants in a meaningful way. A persistent theme is the lack of claimant participation in the WCB process. This includes a lack of participation from a claimant’s personal physician. One claimant outlines the specific way in which he/she was barred access from a Rehabilitation Services and Claims Manual (INJ-195). An advocacy group for women complains that injured female workers often aren’t informed of workers’ advocates. A group representing Christian Scientists notes that adherents injured at work have the right to compensation while off work and under alternative care, as long as there is proof of the disability. A family whose son was killed at work learned, a year after his death, that the WCB would have paid for grief counseling.

Information about filling out forms constitutes a special need among claimants. Many specify needing help with “paperwork” in the form of applications. Those forms completed incorrectly are a special irritant to claimants who receive them back in the mail with instructions to make corrections. The need for injured workers (especially women, First Nations, and blue collar (male) workers, and those with limited literacy/language ability) to document their injuries as they occur also emerges as an area of concern.

Awareness of the right to refuse unsafe work is another concern related to injured workers. Several submissions, particularly from unions and advocates, note the need for training for workers about this right.

Employers comment to a lesser extent on this sub-issue; however their comments reveal a need for more information for assessment and regulations. One submission suggests prospective employers should know about WCB classification before they set up their business. Another submission from an independent employer calls for a WCB representative to visit companies where there is a conflict in classification. The submitter calls, in particular, for visits to people engaged in home-based businesses. In addition to getting more information, more “transparent” information on WCB regulations is needed. Employers ask to a lesser extent for more system information about compensation.

14.2.3. Recommendations

In asking for more information about the system, stakeholders generally want to know more about their rights and responsibilities. They ask for information about rights on compensation issues and on safety issues. Furthermore, they want to know about the WCB possibilities they have the right to access as claimants. Injured workers and dependents have voiced concern that they are not informed of benefits and services that may help (or have helped) them. Workers belonging to underprivileged groups suggest that they deserve extra assistance because society in general, and by extension, the WCB, operate as an unequal playing field which privileges people who are white, male, educated and fluent in English. The sentiments expressed about responsibilities is similar. Employers, in particular, want to have clearer communication about rules, regulations and assessment while claimants want to better fulfill their responsibilities in the compensation system, such as filling out forms. One professional
association calls for clearer communication about new requirements for divers. Employers and employees alike ask for more information about appeals, especially deadlines. Some stakeholders suggest that the mandate for communication about the system should be placed with an entity outside the WCB, such as a Workers’ Advisor. Other examples, as follow, demonstrate stakeholders wish to receive more, and more effective communication, about their rights and responsibilities.

**Example recommendations**

- More information needs to be circulated to employers and employees about the various regulations and penalties.
- All information necessary regarding hearings, compensation, rules, regulations, etc., related to the WCB processes should be available at all workplaces, and in easily-understood language.
- One submitter suggests claimants should receive assistance in filling out forms properly the first time. Another suggests company representatives should be trained for this purpose.
- WCB inform claimants about all the benefits they are entitled to.
- There should be an independent outside entity that is responsible for informing claimants of their rights and how to use them.
- Notion of WCB “Bill of Rights.” This should be posted in every workplace so workers know what their rights are and what the repercussions are to employer who tries to stop them and it could be in form of poster similar to Employment Standards Act poster.
- Most people starting a small, home-based business do not have knowledge of the implications of business classification, classification rates and classification of companies.
- This information should be readily available through the WCB or public libraries without invoking freedom of information rules. Public knowledge not now easily available to businesses will ensure a measure of fairness in classification.
- The timelines for appealing decisions should be made clear to claimants.
- WCB should be required by law to inform claimants that the Claims and Policy manuals are available in each office and can be downloaded from the Internet.
- A separate brochure should be printed, outlining the duties of the Advisory Board and the capabilities the staff member have to help the claimants in their disputes with the Board. This brochure should be included with every letter when a final disposition has been made of a claim by the adjudicator.
- Inform injured workers of their right to managerial review process.
- It would be nice to see an intermediary step to help out the worker field questions and explain the workings of the system –help with the depression and uselessness of being injured – somebody to which the WCB would have to answer to and someone who will answer the questions and their phones.
- There should be information seminars for injured workers and their families to enlighten them as to the policies and procedures of the WCB.
- When WCB issues edicts, such as the December, 1995 requirement that commercial certification would be required for all commercial scuba divers, the WCB should supply information about the requirements when requested.
• When claimants are making out WCB applications, more assistance is required from employers and WCB.
• Written procedures sent to WCB should be given guidance and assistance where necessary, rather than simply returning them to be redone and resubmitted.

14.2.4. Quotes
• “I view the Workers’ Compensation Board of BC as a large dictatorial bureaucracy, empowered to establish acts and regulations in regard to accident prevention or safety, which is top heavy with high salaried administration.” (GEN-008)
• “Very small companies do not have the resources to employ experts in WCB regulations and ramifications of WCB policy. We learn mostly from readily accessible information sources and experience.” (IEM-014)
• “Historically [brain/head injured workers and their families] seem to be denied “in-house” (WCB) services and they rarely receive the necessary specialized services available within our local community, including such resources as cognitive rehabilitation, physical rehabilitation, speech and language rehabilitation and counseling services.” (IJA-004)
• “When the gate keepers are part of the scam, it becomes a reprehensible nightmare and a tangled legal quagmire.” (INJ-124)
• “I believe that I have given my best in trying to adapt to my injury and it’s long term effects and the ongoing problems with my back but I feel alone and abandoned by the WCB, an organization that is supposed to assist me in my dilemma.” (INJ-516)
• “Overall their (women’s) experience has been one of enduring abuse, confusion and punishment by WCB for the injuries they suffer in the course of providing their labor to employers.” (ADV-002)
• Such claims include admissions like this one, “I did not just ignore or disregard procedure or time periods. I did not have any knowledge of WCB appeal policy or procedure and I was not provided with pertinent information” (GEN-008).
• “Words can not begin to describe the humiliation, frustration, hopelessness, and anger felt by the injured worker forced to deal with WCB.” (GEN-044)
• “The attitude of WCB staff must change so they are willing to help the injured worker rather than place obstacles in their way. The current situation places injured workers in a confrontational position with WCB staff. There is no justification for this treatment.” (INJ-136)
• “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)
• “Since I had no idea what my rights were, I felt I was led ... down the garden path.” (INJ-023)
• “The existence of the Claims manual has got to be one of the Board’s best kept secrets.” (INJ-195)
• “The Board has kept the rules of the game secret from the workers’ team for too long.” (INJ-195)
• “WCB is great on instructing employers how to complete forms and pay, but poor on information about safety regulation. Even small businesses must spend hours gathering
14.3 TIMELY ACCESS TO INFORMATION UPON WHICH DECISIONS ARE MADE

14.3.1. Overall Response
A prevailing theme among submitters is the wait time they endure with WCB. Information for which they wait normally comes from adjudicators or appeal bodies and usually deals with claims for wage loss, pensions or retraining. Once again, injured workers made this complaint most often (34/57). About 80 percent of complaints were rated as medium intensity (41/58).

14.3.2. Discussion
Whether it is waiting for the result of initial adjudication or the decision of the final level of appeal, stakeholders complain that the WCB system is relentlessly slow. As with other aspects of communication, comments range from a general frustration to specific irritants, and are normally included along the sidelines of other issues, such as appeals, adjudication or service. The wait time surrounding appeal and retraining decisions raises suspicion among injured workers. Some wait to have appeals heard; others wait for decisions to be implemented, and for their benefits to be applied. One injured worker recounts his decision to “camp out” at a WCB office because he had been waiting six weeks for a decision. Another submitter points to the irony of deadlines for claimants filing appeals but no deadlines for some appeal bodies. Others complain about waiting for calls to be returned or for long-awaited paperwork to arrive. One general public writer links the ulcer his injured brother developed to the WCB-enforced delays and uncertainty. Another injured worker perceives 95 percent of WCB problems to be communication-related.

Some workers perceive a long wait as the inevitable corollary of a heavy bureaucratic system; others perceive their waits as personally-directed, hostile techniques aimed at wearing them down. One worker describes his experience while waiting as being “jerked around.” Another worker blames delays in his claim on employer opposition, and alleged the adjudicator withheld that information.

Employers comment in two general areas: compensation for injuries and prevention issues. Regarding compensation, employers complain that they would like more prompt notification about claims. One asks for notification when claims are reactivated while another asks for the onus for communication to be placed, in the Workers’ Compensation Act, on employees. This would create an obligation for workers to contact employers as soon as possible after an injury and maintain contact thereafter. This employer association also calls for workers to provide copies of a completed Form 6A. WCB, as well, should notify employers about claims that have been accepted. Regarding prevention issues, one independent employer complains that tips to the Field Services Division are not followed up promptly because of the large case load of field officers.

One professional association makes comments that reflect the issue of timely access. The submitter notes that response time from WCB about treatment for injured workers ranges from
two weeks to two months. This creates conflict for the professional because she/he is obligated to treat the patient, but does not know whether WCB will pay for the treatment.

14.3.3. Recommendations
Recommendations address means of reducing time delays or enhancing communication initiatives. These include regularly dispatched reports on claim status, both to injured workers and employers, and a streamlined phone system. Advisors require more information as well, and ask for copies of documents sent to claimants. Although there are fewer recommendations in this category than in others, they emphasize the general call for more effective communication that doesn’t require a long wait.

Example Recommendations
- [Provide a] bi-monthly report to the injured worker that includes information with regard to the status of: her or his disability, compensation, medical status, and the appeal process.
- Streamline the phone system and eliminate the unnecessary answering machine messages.
- Yearly claim cost summaries should be provided automatically to employers effective six months after year end.
- Once an advisor has been appointed, all correspondence should be copied to the advisor, not just the claimant. Decisions given over the telephone should be followed by a letter.
- Restructure the system so the employer has access to accurate, timely information that may affect the employer’s ability to contest a claim or return the employee to work.
- The requirement to notify employers about reactivated claims should not be left to a policy that is largely ignored but should be mandated by legislation.
- The method and timeliness of communication from the WCB must be improved.

14.3.4. Quotes
- “While the Appeals Division has committed to a timely resolution of issues brought before it and has made good on its commitment to reduce the backlog of claims issues, the employer community has no confidence that the division is unbiased and that it has not only liberalized the interpretation of the policy, but created or directed the creation of policy. This is well beyond the intent and mandate of the division.” (IEM-120)
- “The board has proven itself to be slow in reacting to our changing workplace environment and as such, is unsuited to provide proper guidance for mines.” (IEM-035)
- “Instead of doing their (WCB) job properly and making me, the injured worker feel as if the WCB is doing something for me they: turn down my request for help and make me appeal (usually up to a year); turn down my appeal and make me appeal again (usually another year); turn me down and make me appeal to the MRP (about 6-8 months); completely screw up the MRP findings and start the slooooooooooow process of doing something (usually a year and a half); give me some money and cut me off; start at appeal over again (about a year); turn down my appeal etc. etc. etc.” (INJ-030)
• “With the time delays the loss of paper work or the misplacement I personally feel the disregard for worker that is waiting on some type of reply or to know where he stands so he can go on and put in an appeal to the claim.” (GEN-141)

14.4 UNDERSTANDABLE AND WELL-REASONED DECISIONS

14.4.1. Overall Response
Stakeholders indicated that they struggle to communicate with personnel at WCB. However, even after two-way communication has been achieved, questions are sometimes answered in an unclear or disappointing manner. Many of the people who made comments about communication difficulties say they could not understand the reasons for the decisions, or that the reasons seemed unreasonable or illogical. A large number of stakeholders talk about such disappointing events as terminated benefits. Once again, the majority of writers on this topic were injured workers (31/43). Roughly three-quarters of the submissions were rated as medium intensity (30/43) while most of the remaining quarter were rated as high intensity (10/43). Other stakeholders who commented were members of the general public, independent employers, medical professionals, a non-governmental organization, unions and union associations.

14.4.2. Discussion
The workings of WCB are mysterious to many stakeholders, particularly those for whom results are less than positive. Injured workers commonly complain about having their benefits terminated, for unclear or undeserving reasons. Some submissions question whether WCB decisions result from logic. Injured workers describe a frequent source of frustration as the opinion of a WCB Medical Advisor, who has not examined the worker, or who has done so in a hurried manner or in a short time frame. Claimants express extreme distress when a WCB Medical Advisor opinion is accepted over that of their own family physician or specialist, many of whom are perceived as more highly qualified. Claimants note they don’t understand some of the decisions made, and are not supplied with reasons. This complaint pervades all aspects of compensation negotiation from adjudication to appeals.

14.4.4. Recommendations
Those submitters who discussed this sub-issue call for more reason to be both used and made evident in WCB decisions. Some call for using “facts” (GEN-008) and others for explicit information about why claimants will be cut off from compensation (along with when). To make the rationale of decisions more clear, stakeholders suggest publishing appeal decisions as well as clarifying directly to each worker how decisions are made as they pass through the various levels of WCB. Letters of decision should include justification of decisions. The overwhelming theme of these recommendations is a need for clarity. Stakeholders indicate they want to be able to understand how the WCB reaches its conclusions, even though there is a lurking suspicion in the submissions that WCB decisions are self-serving.

Example Recommendations
• Decisions of the Review Board or Appeal Division should be based on facts, rather than on retrospective studies.
To improve consistency throughout the appeal system, all decisions of the new Appeal Tribunal should be published.

The decision making process should become more clear between the various levels of the WCB and this should be communicated directly to the worker.

The rules and regulations should be made more logical and consistent, they should be better known to all.

If a job training program is terminated before completion, there should be reasons given. The WCB should be responsible for offering another program in such circumstances.

Claimants must be INFORMED of “when” and “why” they will be cut off compensation.

WCB decisions should be justified in writing as they are made.

Policies must be clearer and available to claimants as to what specific category injuries fall into. (E.g. all injuries seem to be classified as soft tissue, but what is soft tissue?)

14.4.4. Quotes

- “Why does it take the Board only a split second to discontinue benefits and so long to reinstate.” (INJ-036)
- “Where I think the system is failing is in their communicating of their procedures from the decision board, down to their rehab consultants...I am left only to assume that they are hoping that I will walk away from a compensation income that I am entitled to from a proven, undenied, work related injury.” (INJ-411)
- “We and others have been subjected to inconsistency of legal reasoning, inaccuracies pertaining to facts of various cases, incomplete, unthorough, or nonexistent investigation into the status of claimants and their cases, adversarial posturing by adjudicators, rudeness and lack of compassionate understanding of the devastating effects of losing a child or other family member to violent crime.” (GEN-192)
- “We can’t retrain you for a job paying more money, and we can’t retrain you for a job paying less money.” (INJ-519)
- “Feelings of anguish overwhelmed me with the threat of my benefits ending. The harder I was being pushed, the harder I pushed myself, which in the end became detrimental to my condition. I felt so isolated and found myself going through self-doubt, thinking maybe it was all in my head, which was a portrayal from my adjudicator. The pain, though, was a constant reminder to me that it wasn’t.” (UNA-005)

14.5 PLAIN LANGUAGE IN DECISIONS AND THROUGHOUT THE SYSTEM

14.5.1. Overall Response
Complex language mirrors a complex system. As stakeholders call for changes to simplify the WCB process, they also call for its representatives to communicate with plain language. This is the only sub-issue in which employers and injured workers make a similar number of comments. About half of the calls for plain language (20/42) come from injured workers, their associations and the general public (some of which may be injured workers or their families) and the other half (18/42) come from independent employers and employer associations. A professional association, two unions and a union association also comment on this sub-issue.
14.5.2. Discussion
Employers stress their demands for plain language and common sense in regulations. Others mention their difficulty in understanding and interpreting the *Workers’ Compensation Act*. Some independent employers complain the WCB Industrial Health and Safety Regulations Handbook is too complicated. Another employer asks for a booklet with graphics to explain the fall protection regulations. Yet another employer complains about the complexity of the proposed ergonomics regulations.

Workers stress their demands for more user-friendly language, from initial adjudication through to appeals. They call for easier-to-understand written correspondence as well as clearer rules. Current rules are too vague. Paperwork, in general, as earlier mentioned, is described as too difficult. Forms, specifically, have drawn criticism for their complexity. Workers with language/literacy limitations face an additional hurdle with language when they deal with the WCB. A union submission suggests providing regulations in multiple languages so that they are more accessible to workers with limited English ability.

A professional association calls for the WCB and its stakeholders to agree on a terminology and language, so that communication will be clear.

14.5.3. Recommendations
Recommendations for this sub-issue tend to be straight-forward, regardless of who makes them. Stakeholders don’t want to be baffled by complex, technical or legal jargon. They want to know, in particular, the rules in a clear and direct manner. Recommendations in this category reflect the frustration expressed in other aspects of the topic of communication. Previous categories have described what stakeholders want to understand; this category resoundingly describes how. Plain language/English is the recommendation again and again.

Example Recommendations
- Industrial Health & Safety regulations should be written in plain language so they are easily understood by employer and employee.
- There should be extra attention paid to workers with English as a second language.
- Correspondence to claimants or appellants from the Review Board or Appeals Division should be clear, explicit, and in terminology that is easily understood by claimants who may not be as literate as the WCB lawyers who craft the documents.
- Accidents reports should be written in a clear, concise, easy-to-understand format.
- Rewrite Chapter 11 of the Rehabilitation Services and Claims manual to be clearer and more precise and to remove ambiguity of the policy and procedures. This should be done with involvement of major stakeholders.
- Develop a clearer understanding of Section 16 (Vocational Rehabilitation).
- The role of Workers and Employers Advisor Offices must be clarified.
- The new fall regulations need to be clarified, a booklet would be helpful, and they need to be uniformly interpreted
- WCB should provide easier-to-read materials.
- Reports from the WCB should be written in language understood by the average layman, not in legal jargonese.
• For people who have difficulty, the WCB should make it clear what the timelines are for appeals.
• Language in the WCB policy should be interpreted, where there is confusion, in favour of the claimant.
• Agree upon terminology and language so communication is clear.
• The draft revised OH&S regulations should be reviewed, revised, and edited for clarity, plain language, and relevance.
• The draft should be edited in consideration of the non-static, multi-tasking, and multi-site nature of the construction industry; and the constraints faced by smaller employers in particular, with a view to providing more direct assistance to help smaller employers to meet due diligence requirements.
• The Act should state in plain English that the intent is the prevention of occupational injury and disease as well as promotion of health and safety.

14.5.4. Quotes
• “Unfortunately, we are reluctant to ask the WCB for advice, as we receive sub par answers, or we receive advice in the form of a violation order, which counts as a strike against the property, and could result in heavy fines.” (EMA-021)
• “How can an employer be expected to meet the guidelines set out in the Health and Safety Regulations, when we can not fully understand what is being stated?” (EMA-021)

OVERALL SUMMARY

Many submissions alleged that the WCB communication system is weak and needs restructuring and repair. Other submitters hinted that the WCB communicates its intentions (e.g. we are not prepared to communicate now) very clearly but that messages received are intolerable to stakeholders. Either way, submission writers and presenters targeted communication with the WCB as an area of difficulty. The most vocal group among stakeholders has been injured workers, who commented at medium and high intensity most of the time. Employers commented to a lesser extent, but were as vocal as injured workers on the need for plain language in WCB communication. Other groups who discussed this issue were advocates, consultants, the general public medical professionals, an MLA, an NGO, professional associations, union and union associations, and victims.

The most common and most intensely discussed issue was that of access to adjudicators. Numerous injured workers complained that they could not reach adjudicators by telephone, that telephone systems were complex and intended as a maze for callers, that adjudicators did not return telephone messages, or did so at a time that was deemed “too late.” In addition, stakeholders expressed frustration that questions posed in letters were not answered. Some writers explained their difficulty in seeing adjudicators at the WCB office, or in making appointments to see them. Employers had similar frustrations with accessing adjudicators or other WCB staff.

After securing the first step of accessing adjudicators, stakeholders, primarily injured workers, had further complaints about the lack of understandable and well reasoned decisions. Many submitters questioned whether decisions had resulted from common sense/logic. In particular,
the issue of Board Medical Advisors overruling a patient’s own physician was mentioned as a source of frustration. Another source of distress came from decisions to end benefits.

This incomprehension was reflected in the third category of concern: lack of knowledge of the system and rights thereunder. Injured workers, in particular, and employers, to a lesser extent, want to have a better understanding of how the WCB works. Some submitters viewed the large size of the organization as the reason for its complexity while others perceive a conspiracy of secrecy aimed at disenfranchising injured workers. Lack of knowledge of the system is particularly problematic for those facing oppression elsewhere in the society. These groups include women, First Nations peoples, blue collar workers, those with language/literacy limitations, and learning disabled workers. Employers expressed distress, to a lesser extent, with their lack of understanding of assessment and prevention regulations.

When stakeholders cannot access adjudicators, don’t understand decisions and can’t fathom the system, many are left with few choices and a lot of time to wait. Narratives of injured workers or employers waiting for information upon which decisions are made leave the impression of excessive frustration with unbearable delay. Injured workers are primarily those who wait and as a result, they are primarily those who voice complaints. Some describe desperate choices made as a result of lengthy wait time and dissipating hope. Employers, again to a lesser extent, also express frustration at delays that appear unreasonable and incomprehensible.

The one area in which injured workers and employers made comments to the same extent is that of plain language. Employers want clearer regulations written so that they can be easily understood. Injured workers, meantime, want to understand the communication related to their own compensation claims. This includes forms, decision letters and appeal information. Workers with language/literacy limitations face particular difficulty when language is overly technical.

An underlying issue among the various sub-themes is that of participation. Injured workers, employers, professional associations, medical professions, unions, and others all hint that they would like to participate much more in the workers’ compensation process. By asking for access to the system and knowledge about it, stakeholders implicitly request a larger role and more control. Some might argue that communication is less an issue than the possibility for one to influence the outcome of events that will have life-altering effects. Communication, in this regard, is really only the messenger. It is questionable whether improvements to communication will make stakeholders any happier if the answers communicated, however clear, continue to leave them unsatisfied.