

# 2005

## REPORT TO STAKEHOLDERS

Working Together



**WORKSAFE TRAVAIL SÉCURITAIRE**

# Contents

Message from the Chairperson and the President and CEO . . . . .	2
<b>2005 Goals and Statistics:</b>	
Safety Goal . . . . .	8
Safety Goal Statistics . . . . .	10
Service Goal . . . . .	12
Service Goal Statistics . . . . .	13
Return to Work Goal . . . . .	15
Return to Work Goal Statistics . . . . .	17
Efficiency Goal . . . . .	19
Efficiency Goal Statistics . . . . .	20
Staff Satisfaction Goal . . . . .	23
Staff Satisfaction Goal Statistics . . . . .	25
Appeals Tribunal . . . . .	26
Appeals Tribunal Statistics . . . . .	28

# Working Together\*

## *Message from the Chairperson and the President and CEO*

We are very pleased to present this 2005 Report to Stakeholders, a testament of the WHSCC's commitment to working together – working together with New Brunswick's injured workers, employers and health care professionals to achieve our vision of healthy and safe workplaces in New Brunswick.

The stories and statistics in this report support this vision, and our mission of promoting a safe and healthy work environment to New Brunswick's workers and employers, and to efficiently provide quality service, just adjudication and fair administration of our legislation.

*\* Our vision and mission are defined by our five strategic goals: safety, service, return to work, efficiency, and staff satisfaction.*

By working together with our stakeholders, the provincial accident frequency continues on a downward trend. Our safety goal is achieved by providing relevant education and consulting services, working closely with Joint Health and Safety Committees, and through additional resources committed to enforcement.

In 2005, the WHSCC conducted more than 500 workplace health and safety workshops around the province, on topics including due diligence, accident investigation, developing health and safety programs, trenching and fall protection. The WHSCC also hosted a variety of public workshops, with a focus on the 3-day Joint Health and Safety Committee Core Training workshops, which attracted 861 participants.

We have added two new officers dedicated to enforcement in two problem areas; one is dedicated to the woods harvesting industry in the northwest, the other to the commercial and residential construction industry in the southeast/southwest regions. Because falls from heights are a major contributor to workplace injuries, our Board has recommended fall arrest protection regulations to the government. And,

as a result of recommendations from a Coroner's Inquest, we consulted with the fishing industry and have referred the issue of occupational health and safety in that industry to the government.

We also implemented a zero-tolerance approach to a particular set of unsafe work practices, supported by an innovative demerit policy, which allows administrative charges to be applied to employers' assessment rates for non-compliance with certain sections of the *Occupational Health and Safety (OHS) Act*.

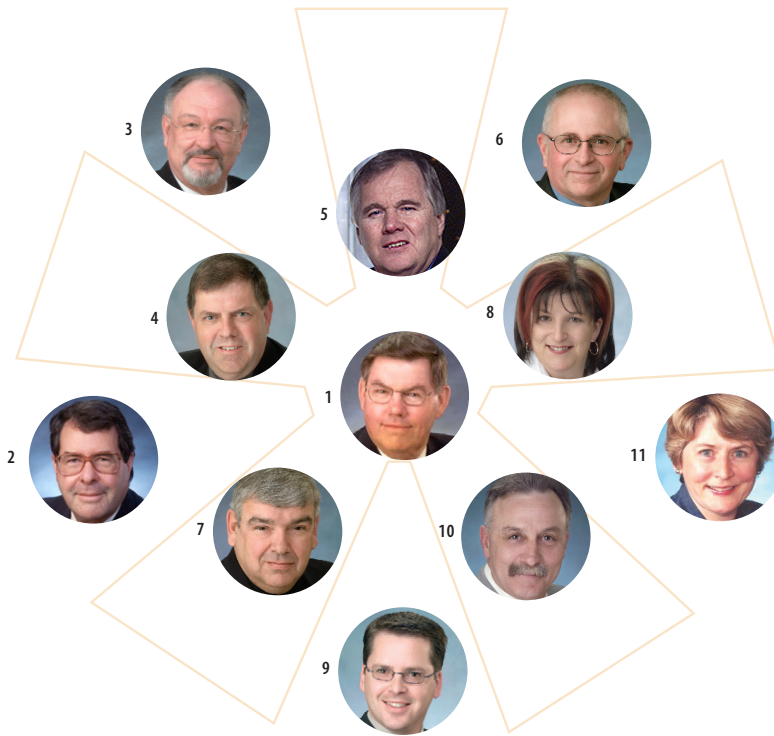
By working together with our stakeholders, we continued to provide prompt, effective, efficient, just, fair and caring services to each of our clients. In support of our service goal, we've enhanced rehabilitation and compensation benefits for our injured workers. Policy changes made by the Board in 2005 add approximately \$200,000 to annual benefit payouts to injured workers, and add over \$5 million to the Commission's long-term benefit liabilities.

These enhancements include improved allowances to claimants for clothing and home modifications, improved policy on hearing aids and batteries, and expanded claim-related travel expenses for injured workers.

By working together with our stakeholders, we were able to decrease the time for injured workers to return to pre-accident, modified or alternate employment. We improved rehabilitation and return to work services through new programs such as Rehabilitation Program Development and Evaluation (RPDE), Augmented Work Conditioning, and Mild Traumatic Brain Injury (MTBI) protocol.

To encourage return to work, we established incentives which reduce offsets to benefits when injured workers improve their employment income. And, for those who cannot return to work, our mandate remains to continue to provide secure wage loss benefits, ongoing medical benefits and support with daily living.

*\*By working together with our stakeholders, we met our efficiency goal and held our employers' assessment rates to the lowest level possible while maintaining the best possible benefits to our clients.*



**BOARD MEMBERS:**

(1) Robert Scott, Chairperson

**Non-voting members:**

(2) Douglas Stanley, President and Chief Executive Officer

(3) Paul LeBreton, Q.C., Chairperson of the Appeals Tribunal

**Members representing employers:**

(4) Lin Hupman

(5) N. Fraser MacLeod

(6) John Mahar;

**Members representing workers:**

(7) J. Norman Bernard\*

(8) Chantal Lafleur

(9) Dr. Morris Mendelson

(10) Brad Brinston;

**Member representing the general public:**

(11) Bernice Doiron Chiasson

\*Term expired January 16, 2005

For more information: [www.whscc.nb.ca/cor2\\_e.asp](http://www.whscc.nb.ca/cor2_e.asp)

*\*We are extremely proud of the accomplishments presented in this 2005 Report to Stakeholders. Many of these accomplishments would not have been realized without the dedication and diligence of our Board of Directors.*

We returned to a fully-funded status, at 102.3% and, for the second consecutive year, we reduced assessment rates, resulting in a rate decrease for more than 7,400 New Brunswick employers.

The significance of being not just fully funded but funded at a level that allows for stability of funding through the down years of a business cycle cannot be over emphasized.

And, finally, by working together we continue to make the WHSCC a good place to work. Staff turnover and absenteeism rates declined again in 2005. In addition to our stakeholders, our staff deserves considerable credit for helping us meet our performance objectives. They've accepted and adapted to significant organizational change, change that has made us stronger and more responsive.



**EXECUTIVE:**

- (1) Peter Murphy, Vice-President, Corporate Services
- (2) Douglas Stanley, President and Chief Executive Officer
- (3) David Greason, Vice-President, WorkSafe Services

We'd like to thank them for their hard work on behalf of New Brunswick's workers and employers.

We also want to wish a fond farewell to J. Norman Bernard, a board member representing workers, who finished his term in 2005, and extend a warm welcome to Brad Brinston, our newest board member, who represents workers.

With you, our stakeholders, we promise to continue to strive to attain the vision we all share – that of healthy and safe workplaces in New Brunswick.

Sincerely,

Robert M. Scott

Chairperson, Board of Directors

Douglas C. Stanley

President and CEO

# Safety

Our vigorous pursuit of safety will lead to a significant decline in the frequency of accidents.

*Page 8*

Our employees will consider the Commission a good place to work.

# Staff Satisfaction

*Page 23*

*Page 12*

# Service

We will provide prompt, effective, efficient, just, fair and caring services to each of our clients.

# Efficiency

We will hold the assessment rates to employers at the lowest level possible, consistent with the best possible benefits to clients.

*Page 19*

*Page 15*

# Return to Work

We will decrease the time by which injured workers return to pre-accident, modified or alternate employment.

## Key Statistical Indicators

	2004	2005
Number of claims reported	25,409	<b>25,553</b>
Total claims adjudicated	25,151	<b>25,657</b>
Lost-time claims	5,750	<b>6,280*</b>
No lost-time claims	5,594	<b>5,604</b>
Claims recorded, no benefits paid	13,800	<b>13,762</b>
Work-related fatalities occurring	9	<b>11*</b>
Average payment per claim	\$3,996	<b>\$4,073</b>
Average days lost per lost-time claim	74.5	<b>73.1</b>
Current year claims costs incurred (000s)	\$102,086	<b>\$116,494</b>
Claims payments made for current and prior years' injuries (000s)	\$115,306	<b>\$122,279</b>
Claims costs incurred for current and prior years' injuries (000s)	\$170,107	<b>\$179,098</b>
Total benefits liabilities – assessed employers (000s)	\$721,143	<b>\$769,729</b>
Total benefits liabilities – self-insured employers (000s)	\$110,298	<b>\$118,531</b>
Fund balance (in millions)	\$(9.8)	<b>\$20.3</b>
Percentage funded	98.8%	<b>102.3%</b>
Administration costs – Operations, excludes self-insured (000s)	\$17,892	<b>\$18,892</b>
Administration costs – Occupational health and safety (000s)	\$7,456	<b>\$7,821</b>
Assessment revenue (000s)	\$142,828	<b>\$144,672</b>
Total premium revenue (000s)	\$170,762	<b>\$175,956</b>
Assessable payroll (000s)	\$6,518,433	<b>\$6,622,558*</b>
Provisional average assessment rate	\$2.20	<b>\$2.19</b>
Actual average assessment rate	\$2.20	<b>2.16*</b>
Market rate of return on portfolio	8.9%	<b>9.5%</b>
Average calendar days from injury to first payment issued	40	<b>37</b>
Average calendar days from registration to first payment issued (all claims)	27.5	<b>26</b>
Average composite duration of claim (days)	75	<b>75</b>
Maximum assessable earnings	\$50,000	<b>\$50,900</b>
Number of assessed employers	13,407	<b>13,530</b>
Number of New Brunswickers working	351,800**	<b>351,500**</b>
Number of workers covered by the <i>Workers' Compensation Act</i>	292,500*	<b>291,300*</b>
Number of workers covered by the <i>Occupational Health and Safety Act</i> (excludes workers covered by federal legislation)	335,600*	<b>333,300*</b>
Number of workplace health and safety inspections	5,758	<b>6,343</b>
Number of orders (violations of the <i>Occupational Health and Safety Act</i> ) written	5,018	<b>5,821</b>
Number of serious accident investigations	129	<b>126</b>
Number of health and safety awareness/training sessions	698	<b>620</b>
Appeals received	580	<b>612</b>
• initiated by workers (or their representative)	547	<b>575</b>
• initiated by employers (or their representative)	33	<b>37</b>
Appeals resolved	702	<b>590</b>

\* Projected, pending receipt of final figures for 2005.

\*\* Source: Statistics Canada

Note: certain figures may have been restated to reflect new information.



# Safety

## TARGET FOR 2005:

Reducing provincial accident frequency rates – and accident reduction for specifically targeted sectors and employers.

## 2005 Results Summary

The number of workplace accidents for insured employers continued its downward trend since 1998, with 3.63 accidents per estimated 100 full-time employees. Although this number represents a slight increase over 2004 (3.49), it remains similar to the level reported in 2003 (3.59) and almost 20% lower than in 1998 (4.46).

*Safety isn't costly – it's priceless.*

Reducing accident frequency rates means:

- Focused attention on industries and firms with high accident rates;
- Youth-targeted health and safety campaigns;
- Curriculum development in partnership with the Department of Education;
- Broad-based public awareness campaigns;
- Monitoring compliance with the *Occupational Health and Safety (OHS) Act*;
- Diligent and consistent workplace inspections and accident investigations;
- Comprehensive health and safety consulting and education services;
- An arbitration process for employees and employers; and
- Easy to read and informative communication tools.

## Highlights

- The WHSCC inspected 6,343 workplaces, and wrote 5,821 orders under the *OHS Act*.
- The WHSCC worked with the following focus industries: forestry operations, sawmills, nursing homes, and fish processing. Commission staff met with employer associations in these industries to discuss accident prevention, recommend improved practices, and encourage active promotion of health and safety. Health and safety officers increased their visits and inspections to these industries, and Commission staff were available to help develop and enhance health and safety programs.
- The WHSCC's education consultants conducted 552 workplace health and safety workshops around the province, on topics including due diligence, worker/employer responsibilities, accident investigation, developing health and safety programs, trenching, fall protection and others.
- WorkSafe Services hosted a variety of public workshops throughout the province, including the 3-day Joint Health and Safety Committee (JHSC) Core Training workshop, with 861 participants. The division also held workshops addressing changes to the new First Aid Regulation (New Brunswick regulation 2004-130) for 718 registrants.
- Other 2005 workshops covered topics such as WHMIS, 5\*22, and How to Assist in a Successful Return to Work.
- The WHSCC celebrated the 25th anniversary of its Annual Health and Safety Conference. The conference offered 549 registered delegates a selection of 19 different workshops and one plenary session. The accompanying trade show featured 36 health and safety exhibitor booths. Survey results for the conference overall were very positive.

*\* Our vigorous pursuit of safety will lead to a significant decline in the frequency of accidents.*

*“Safety is no accident. It’s a goal, attained only through a common purpose and desire, an earnest effort and commitment. That’s a message we strive to deliver each and every day.”*

David Greason, Vice-President, WorkSafe Services Division

- WorkSafe Services launched TALK, KNOWLEDGE, CONTROL, a multimedia health and safety awareness campaign for small business. The campaign had three components: television commercials, radio spots, and direct mail of *The Small Business Guide to Health and Safety*, an interactive easy-to-use CD that walks users through the basic steps of building a health and safety program.
- The WHSCC continued to actively promote safety to young workers. Close to 40,000 students were educated in health and safety in the 2004-2005 school year. Significant WHSCC health and safety activities in the 2004-2005 school

year include the introduction of the Stella the Safety Skunk program to all Anglophone elementary schools, distribution of the SAFET-e-Card, free access to the Passport to Safety Program for high schools, and the launch of the first annual Student Safety Video Contest.

- On January 1, 2005 the new First Aid Regulation (2004-130) was enacted. The new regulation updates standards set in 1991, and adds a requirement for employers to have emergency communication and transportation plans for remote workplaces. It also legislates that first aid providers must log any services provided, and must have a minimum of six hours combination of service or training per year to maintain certification.
- In December, Bill 13, *An Act to Amend the Occupational Health and Safety Act*, reached second reading. The bill recommends changes to Joint Health and Safety Legislation.



**Robert Landry**

Education Consultant  
WHSCC

As an Education Consultant with the WHSCC, Robert Landry’s job is to help targeted employers improve their health and safety practices and assist in their accommodation of injured workers.

Trying to implement a safety culture within these workplaces can be a daunting challenge, Landry says, noting that many employers wrongly believe that health and safety is expensive. “On top of that, many employers and employees view accidents as inevitable – just part of doing the job,” he says.

“Our job is to encourage them to embrace a health and safety culture and prove to them that accidents are preventable and are not an acceptable risk of employment.”

“Education is a key component,” he says. “We provide customized workshops for individual workplaces and work closely with the Joint Health and Safety Committees to

help them identify goals and develop a plan to achieve them.”

But it’s not enough to educate, Landry says. “It’s important to follow up, and make sure their objectives remain on track.”

Landry is rewarded when a company and its employees become sincerely engaged, citing Lounsbury Automotive (see story on page 10) as an example. “Lounsbury’s JHSC really took the ball and ran with it. And they had the support of management, which is critical. Both the employees and employer now see that safety saves, by increasing productivity and therefore the bottom line, and by increasing company morale.”

## Prosecutions *Occupational Health and Safety Act*

Number of :	2004	2005
Charges	19	<b>42</b>
Employers charged	17	<b>18*</b>
Owners charged	–	<b>2</b>
Workers charged	2	–
Convictions	5	<b>13**</b>
Charges dismissed	2	–
Charges withdrawn	10	<b>17</b>
Charges outstanding	15	<b>28</b>
Value of fines	\$30,225	<b>\$35,715</b>

\* Includes two supervisors charged.

\*\* This number is not the number of individual counts that a defendant was found guilty of. An employer convicted of three counts shows up here as one conviction.

Note: The statistics in these tables represent a snapshot of activity only from January 1, 2005 to December 31, 2005.

## Complaints *Occupational Health and Safety Act*

Number of complaints:	2004	2005
Filed	71	<b>12</b>
Allowed	1	<b>2</b>
Dismissed	7	<b>68*</b>
Resolved	17	<b>1</b>
Withdrawn	3	<b>3</b>
Outstanding	65	<b>4</b>

\* 65 complaints were individual complaints against the same employer based on the same facts.



When senior management at the Lounsbury Group of Companies wanted something done about compensation costs and workplace

safety, they appointed their controller, Stacy Cassidy, CA, as safety co-ordinator.

"I had very limited experience with workplace health and safety, but I took the role on willingly," Cassidy says. "I like a challenge."

Garages in New Brunswick were designated as a focus industry by WHSCC because of high accident frequency. Cassidy's challenge was enhancing the safety culture for the Lounsbury Automotive and Heavy-Duty Truck garage operations.

To prepare for her new role as safety co-ordinator, Cassidy attended the WHSCC's three-day Joint Health and Safety Committee (JHSC) Core Training Program, along with all other members of Lounsbury's JHSC. "Management was very supportive and generous in providing us with the time

## Stacy Cassidy

Safety Co-ordinator  
Lounsbury Group of Companies

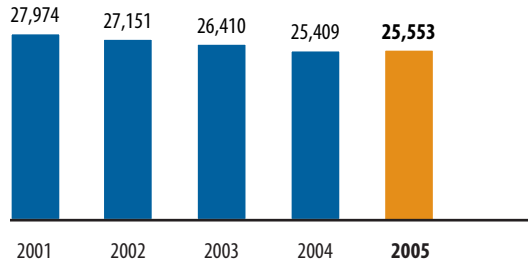
to get the necessary training," Cassidy says. "On their part, all managers and supervisors attended sessions on due diligence," she says.

With training complete, the next step was developing a standard safety policy and rules for service departments and body shops. In addition to health and safety basics, Lounsbury had the WHSCC conduct ergonomic and noise assessments, resulting in the adoption of safer lifting practices and machinery use and the purchase of new hearing protection equipment.

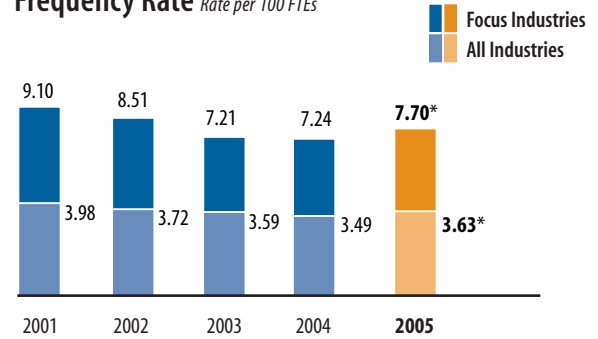
This new attitude toward health and safety has made a significant difference. "Our lost-time days decreased by 87% from 2004 to 2005. That's a big reduction."

Cassidy attributes this success to buy-in from all levels of the organization, from technicians to managers. "You have to develop and nurture a strong safety culture. You do this by taking the time to work safely, and making safety a daily priority."

## WHSCC Reported Accidents *Number of claims reported*



## WHSCC Focus Industries Accident Frequency Rate *Rate per 100 FTEs*



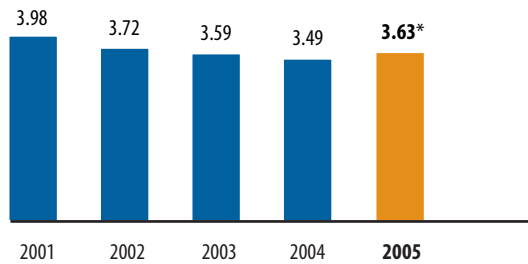
*Note: Prior years' frequencies have been restated as a result of the addition of fish processing as a Focus Industry in 2005.*

*\* Projected*

## Provincial Accident Frequency Rate *Rate per 100 FTEs*

The accident frequency rate is calculated by dividing the number of claims by the number of full-time employees in a given year.

A full-time employee or full-time equivalent (FTE) is defined as an employee who works the equivalent of 35 hours per week for 50 weeks of the year.



*Note: Certain figures have been restated to reflect more up-to-date information.*

*\* Projected*

# Service\*

## TARGET FOR 2005:

Our annual survey of public opinion will produce consistently high results. At a minimum, we will maintain a satisfaction score of 86% for injured workers and 86% for assessed employers.

## 2005 Results Summary

Injured workers indicated they were an average of 82% satisfied with the Commission's performance in the 12 categories surveyed – a decrease of 4% from 2004.

Employer satisfaction remained relatively stable, with 84% of employers indicating they were satisfied with the Commission's performance in the nine categories surveyed.

*The Client Satisfaction Surveys, conducted by an independent polling agency, are the tools that measure the Commission's performance and whether it is meeting its service goal. They represent our clients' voice, and we listen very carefully to what they're saying.*

Achieving a high level of customer service and client satisfaction for injured workers means:

- Fair claims adjudication;
- Timely delivery of benefits;
- Hands-on case management and return-to-work services;
- An arbitration process; and
- Easy to read and informative communication tools.

Achieving a high level of customer service and client satisfaction for employers means:

- Convenient payment options;
- Creative premium reduction options;
- An arbitration process;
- Comprehensive consulting services and training courses;
- Easy to read and informative communication tools; and
- Employer/Commission interaction.

*"We are dedicated to not only meeting, but exceeding, our clients' expectations every day in everything we do."*

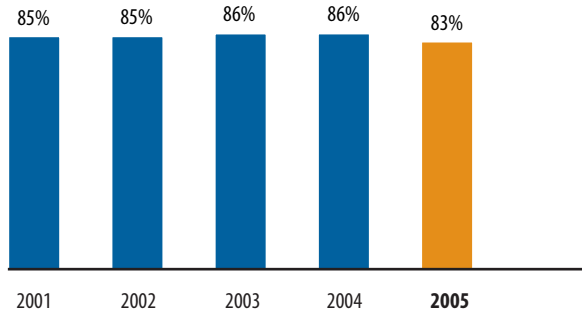
Douglas C. Stanley, President and CEO

## Highlights:

- The Commission continued to maintain a network of six family physicians (one in Edmundston, two in Moncton, one in Saint John, and two in Fredericton) to provide continuity of care for claimants without family physicians, and assist other family physicians and the Commission to develop care plans. The Commission provides training to these physicians on employment-related health issues that most other family physicians may lack.
- 25,553 claims were filed with the WHSCC.
- The WHSCC decreased the time between injury and first payment of benefits by 9% (20.5 days in 2005 – 22.5 in 2004) for manageable claims. (The WHSCC is not notified of an accident and does not have sufficient information to adjudicate a claim until an average of 10-15 days after the date of injury.)
- By year-end, 59% of assessed revenue was attributable to the Monthly Assessment on Actual Payroll (MAAP) Program. In 2005, 100 new businesses joined the program.
- The Assessment Services Department hosted 20 information sessions with employers, employer associations and groups.

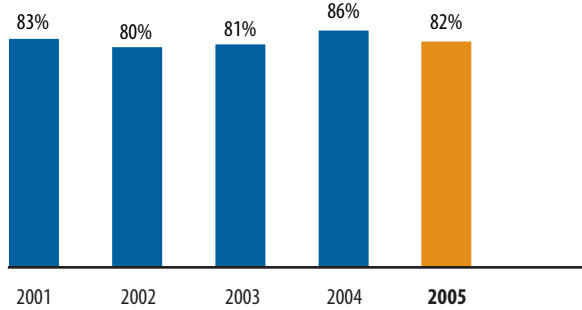
*\*We will provide prompt, effective, efficient, just, fair and caring services to each of our clients.*

## Employers' Satisfaction Index



Note: In general, the slight decline in the Employers' Satisfaction Index for 2005 resulted from fewer employers being completely satisfied with the Commission "keeping them informed and up-to-date" and "willingness to listen".

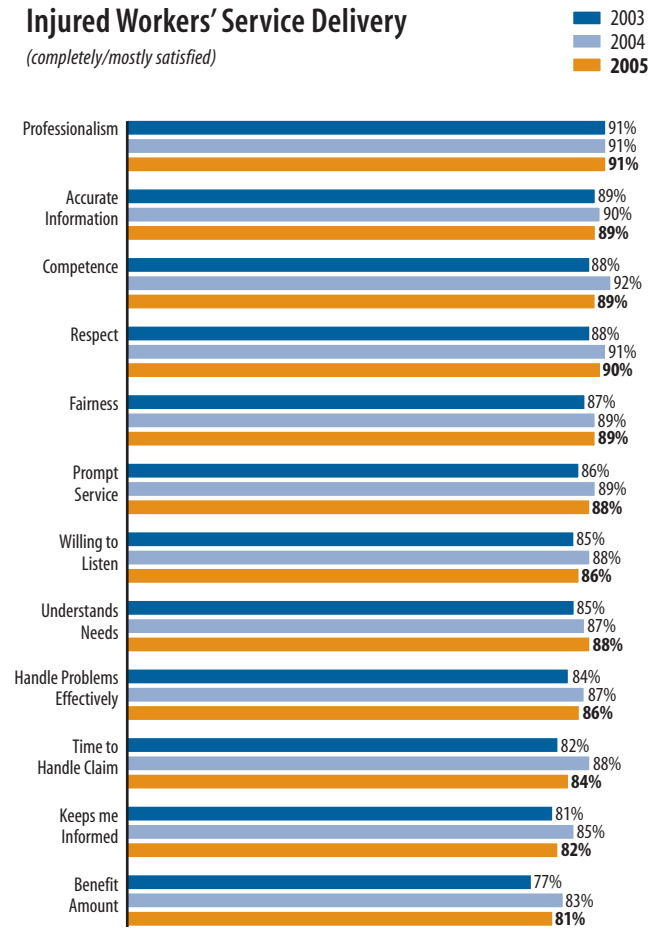
## Injured Workers' Satisfaction Index



Note: In general, the decline in the Injured Workers' Satisfaction Index for 2005 was a result of fewer injured workers being completely satisfied with the "amount of benefits" and "keeping them informed and up-to-date".

## Injured Workers' Service Delivery

(completely/mostly satisfied)



A 14-foot fall from a roof in May 2004 broke Wilbert Smith's back, but not his spirit.

While waiting for the ambulance to arrive after the fall, which left him with a spinal cord injury, Smith swore that he wasn't going to let this accident keep him down. He says his determination was fuelled, in part, by the knowledge that the accident was in no way his fault.

And his determination has remained steadfast. Smith has kept his promise to himself, with help from the WHSCC.

"From the day of my accident, it was only three days until my first cheque," Smith says. "Kevin (Silliker), my case manager, visited me two to three times a week while I was in the hospital and kept me posted on my claim. They were very good at getting whatever I needed."

This includes a van modified to enable Smith to drive,

### Wilbert Smith

Injured worker

and retraining as an executive assistant. Smith is currently job hunting, and hopes to find work with the government.

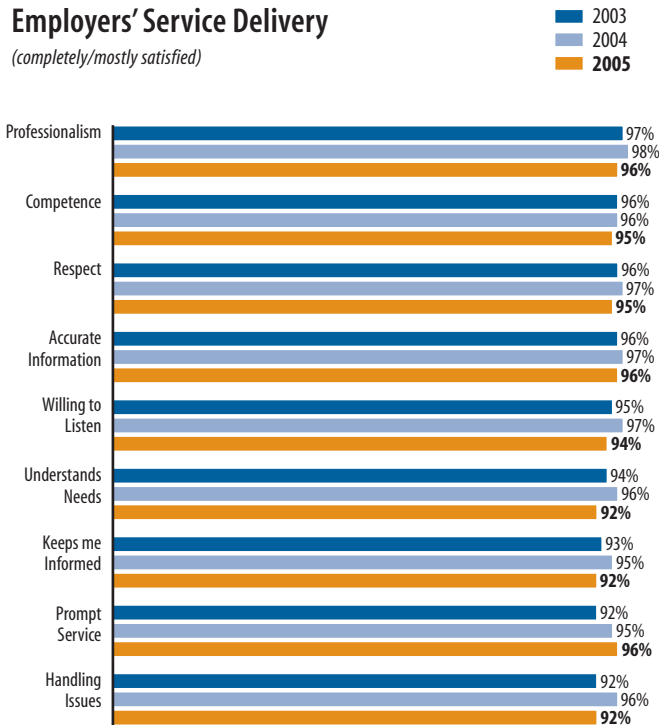
Smith also needed a new house. Only four months before the accident, Smith and his wife, Johanne Lemay, had completed \$25,000 worth of renovations on their home in Dieppe, a home Smith could no longer live in. The couple was moved to a barrier-free apartment in Moncton while a new accessible home is being built in Scoudouc. The couple hopes to be moved in by December 2006.

Although Smith still suffers a lot of pain and has faced some disappointments in his job hunt, he remains remarkably strong, according to Silliker.

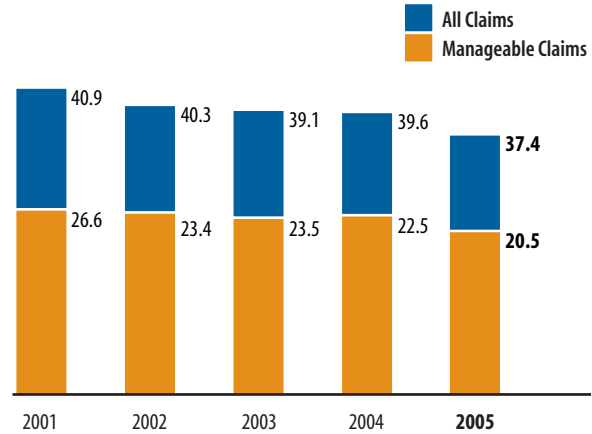
Part of this can be attributed to the support he's received from WHSCC. "If I need something, they're there for me." But most of the credit is owing to the love and support of his wife Johanne, and their son, Bruno.

## Employers' Service Delivery

(completely/mostly satisfied)



## Average Number of Days from Accident to First Cheque



**Kevin Silliker**

Case Manager  
WHSCC

As a case manager with the WHSCC, Kevin Silliker's job is to enable a smooth transition for return to work for both injured workers and employers.

"My primary role is to remove barriers to help the worker and employer return to the daily workplace routine and move on from the injury," Silliker says.

Silliker likens his job to that of a hockey referee's. "You have to monitor the flow of the game and keep both teams in check. Decisions have to be made on both sides, including the tough call. Ultimately though, you want the play to resume as quickly as possible," he says.

"You must be able to make sound decisions, manage your time and communicate effectively and be adept at multitasking. You also have to be good at getting to the root of the matter and addressing core issues quickly."

Silliker says his workload can often be heavy. "It can seem like you have only a shovel to move a mountain. The

unexpected issues that arise during a claim – human resources issues, legal matters, personality conflicts or compounding medical issues – pose additional challenges."

Though challenging, Silliker wouldn't trade his job for any other. "I enjoy helping to empower others - it can be an employer taking ownership of their disability management or return-to-work process, or it could be an injured worker engaged and planning for a return to work."

And meeting people like Wilbert Smith, makes it all that more enriching. (See Wilbert's story on page 13). Silliker recounts that after being paralyzed, Smith said "I'm not going to let this beat me."

"And he hasn't. Wilbert is always looking to the future and not focusing on his loss. He's incredibly strong, and serves as a daily inspiration to me."

EMPLOYEE PROFILE

# Return to Work\*

## TARGET FOR 2005:

To return at least 60% of lost-time claimants to work within 20 days of claim acceptance, and at least 93% within 260 days.

## 2005 Results Summary

Results show that, over time, 97% of injured workers return to work or are fit to work at time of claim closure; 3% are unable to. Half of that number (1.5%) withdraw from the workplace, die or leave the workforce for personal reasons other than the injury. This number remains largely unchanged over the past five years, but there is improvement (to 3.0% from 3.8%) in the latest period for which complete data is available (2003 accidents).

*Remaining sensitive to an injured worker's physical, emotional and financial needs while advancing the positive benefits of return to work for both the worker and employer is the philosophy behind the Commission's return to work goal.*

Achieving a high level of return-to-work numbers means:

- Appropriate and timely medical treatment;
- Relevant research initiatives;
- Hands-on case management services;
- Comprehensive occupational rehabilitation services;
- Creative and flexible vocational rehabilitation services;
- Productive employer and health care provider relations; and
- Effective communications with injured workers.

## Highlights:

- To ensure that workers receive the right treatment at the right time, the WHSCC established the Rehabilitation Program Development and Evaluation (RPDE) Department at the WRC. The department assesses rehabilitation services provided or purchased by the Commission.
  - The WRC implemented a new multidisciplinary service for clients who initially fail their return-to-work (RTW) program. Medical, physical, functional and psychosocial barriers to progress are evaluated to determine effective return-to-work strategies. Preliminary results show that 50% of clients who receive the stalled RTW service achieved a full return to work.
  - The WRC completed a review of best practice for assessing and treating clients with mild traumatic brain injury (MTBI). An MTBI protocol is being developed and will be finalized early in 2006. Criteria to identify MTBI are the key to ensuring that injured workers receive appropriate treatment to promote recovery.
  - The WRC introduced a pilot multidisciplinary Augmented Work Conditioning team to increase return-to-work rates and decrease claim duration and costs. The team uses a cognitive behavioural approach with individualized treatment to address psychosocial barriers. The pilot will run for about one year.
- \* We will decrease the time by which injured workers return to pre-accident, modified or alternate employment.*



- The Commission's contracted orthopaedic surgeon provided 15 education sessions to physicians across the province and two sessions for the WHSCC's cadre physicians. He developed an online course based on his popular Third-Party Medicine session, which is highly attended because the content covers a gap in medical school training. The Internet course is available free of charge to all New Brunswick physicians, physiotherapists, chiropractors and employers.
- The Commission continued to develop and promote its disability management initiative called the Workplace Accommodation (WA) Process, to help workplaces develop a return-to-work process following a workplace injury or illness. A simplified version of the former Disability Management Program, the WA Process was promoted at the Annual Health and Safety Conference.

*"Injured workers want and deserve to get their lives back on track as quickly and safely as possible. We help them do that with comprehensive and caring rehabilitation services offered through our first-class Workers' Rehabilitation Centre."*

David Greason, Vice-President, WorkSafe Services Division



In November 2002, Len Horsman began experiencing a lot of pain in his shoulder and arms. But Horsman, a labourer at Hub Meat Packers, worked through the pain, regarding it as "just part of the job."

An MRI confirmed the severity of the damage, and four surgeries later the WHSCC determined that Horsman was unable to return to work as a labourer. With a wife and two young children at home, Horsman was devastated.

"It was rough. I probably aged 10 years from the stress. I couldn't handle not working," he says.

Because of his age and the nature of his injuries, the WHSCC began early intervention to increase his chances for a successful return to work. This included career exploration, interest testing and retraining, while trying to incorporate Horsman's transferrable skills and interest in agriculture.

### Len Horsman

Labourer  
Hub Meat Packers

A career as a veterinary assistant was explored, but deemed not viable. But a second option – a career in sales – was.

Why sales? "I enjoy it," Horsman says. "And I was born with the gift of gab."

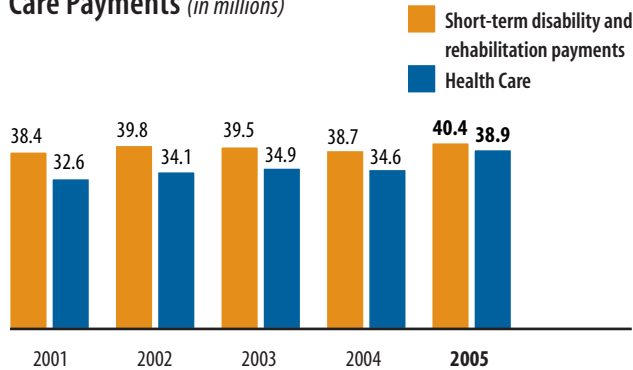
But the sales profession is a difficult one. And even more difficult is finding a sales job in agriculture. "I grew up on a farm, and my father still runs a farm," he says. "It's what I know. But I knew those jobs were one in a million."

Luck was on his side. Just such a job was advertised in Farm Focus, a weekly agriculture publication. Based on his extensive background, Horsman applied for the job, and, two interviews later, was offered the position as Farm Consultant with Clarence Farm Services Ltd. (Purina). "I love my job. I am able to support my family again, and there's lots of room for advancement. Everything worked out for the better."

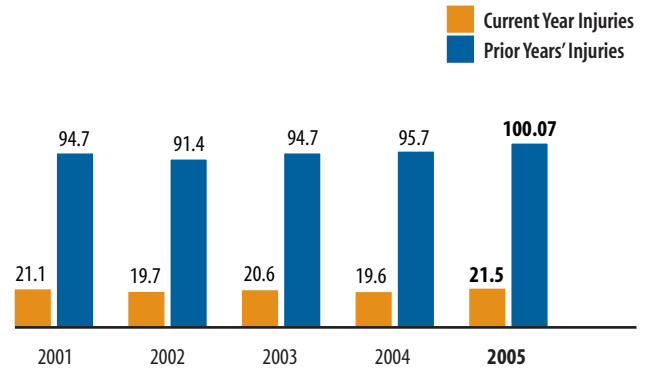
## Summary of Injured Worker Benefits for 2005:

When claiming:	Maximum Annual Earnings	Maximum Weekly Earnings	Percentage Rate for Determining Benefits	Maximum Weekly Benefits	Effective Date
No Dependants	\$50,900	\$978.85	85% of net	\$590.07	01-Jan-05
Dependent Spouse or Equivalent	\$50,900	\$978.85	85% of net	\$618.76	01-Jan-05

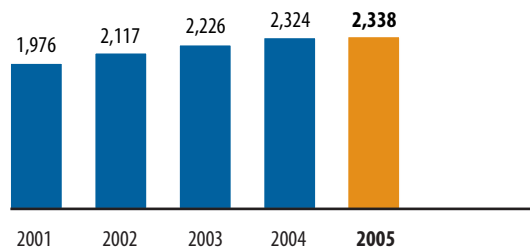
## Short-term Disability and Rehabilitation, and Health Care Payments (in millions)



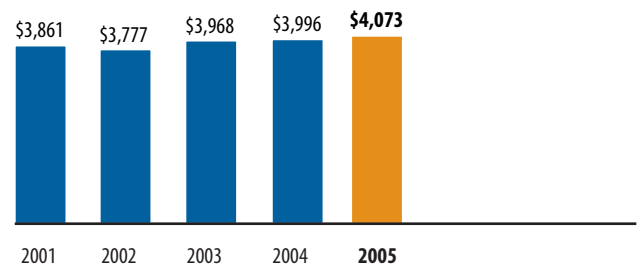
## Benefits Payments (in millions)



## Number of Injured Workers Receiving Long-term Disability Benefits at December 31

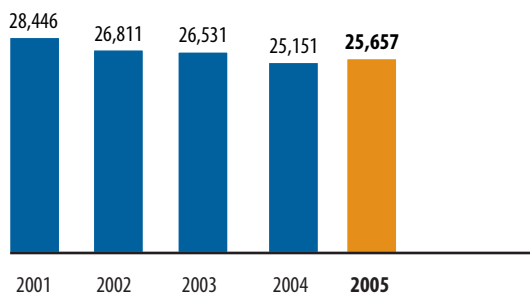


## Average Payment per Claim

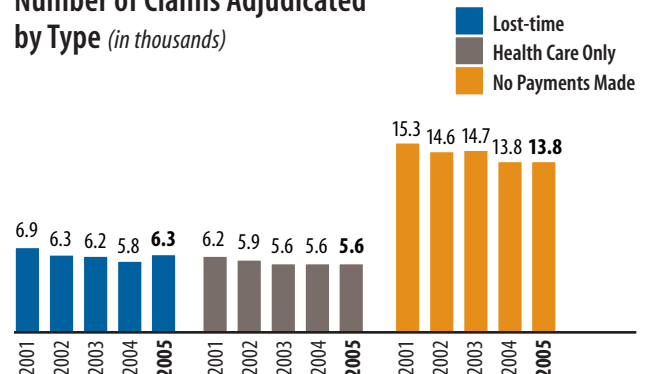


Note: Certain figures have been restated from previous publications to reflect new information.

## Number of Claims Adjudicated



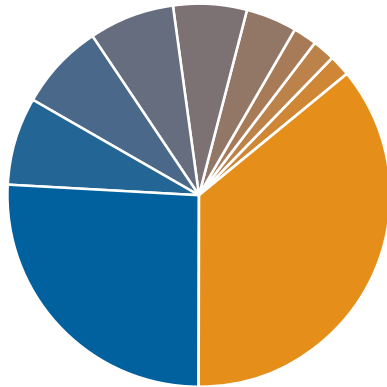
## Number of Claims Adjudicated by Type (in thousands)



## Injured Workers with Lost-time Claims

	2001	2002	2003	2004	2005
% returning or fit to return to work within:					
20 days	59.9%	61.7%	59.8%	59.4%	<b>56.4%*</b>
80 days	79.9%	80.8%	79.4%	79.7%	<b>74.4%*</b>
130 days	86.6%	87.7%	88.6%	88.0%	<b>79.6%*</b>
260 days	93.4%	94.1%	94.7%	N/A	<b>N/A</b>
520 days	96.2%	96.5%	N/A	N/A	<b>N/A</b>
% not fit to return after more than:					
520 days	3.8%	3.5%	N/A	N/A	N/A

\* Some claims are still in treatment and rehabilitation as of December 31, 2005.  
Note: N/A indicates that sufficient time has not elapsed for claims to mature for the specified time frame.  
Note: Certain figures have been restated to reflect more up-to-date information.



## Nature of Injury

- 35.9%** Sprains, strains, tears, unspecified
- 25.8%** Other
- 7.4%** Fractures
- 7.3%** Traumatic injuries to muscles, tendons, ligaments, joints etc., unspecified
- 7.2%** Bruises, contusions
- 6.2%** Cuts, lacerations
- 4.3%** Back pain, hurt back
- 2.0%** Tendonitis
- 1.9%** Crushing injuries
- 1.8%** Traumatic tendonitis



**Darlene Doiron** Rehabilitation Specialist  
WHSCC

As a WHSCC rehabilitation specialist, Darlene Doiron helps workers whose injuries prevent them from returning to their pre-injury

job find alternate employment. It's a role that calls for creativity, innovation, flexibility, insight and empathy, not to mention a comprehensive knowledge of current labour markets and trends.

A member of the case management team, the rehab specialist works closely with a case manager, occupational therapist, and medical advisor to help an injured worker explore and establish career options.

"It's challenging, as there are limitations," Doiron says. "First, testing determines interest and aptitude. Then we look at their transferrable skills, to ensure they will be relevant to the new career. We also have to consider

eligibility, based on their pre-injury salary."

Psychological barriers also present difficulties, Doiron says. "Understandably, many of our clients experience difficulty coping with the injury, possible depression and a sense of overwhelming loss and uncertainty. We counsel them on dealing with their lifestyle transition, and with disability management. We can also provide help through external resources."

Despite the challenges, Doiron, who's been with the WHSCC for 10 years, says she loves her job. "It's multi-dimensional. Each case is different – different people, different issues, and different situations. And I've been deeply moved and inspired by the courage and determination of many of our successes."

# Efficiency

## TARGET FOR 2005:

At a minimum, we will maintain a fully-funded liability.

## 2005 Results Summary

The provisional 2005 assessment rate of \$2.19 represents a decrease of \$0.01 from 2004. This decrease is a result of relatively stable claims and administrative costs and reduced accident frequency. In 2005, New Brunswick's rates continued to remain the lowest in Atlantic Canada.

The WHSCC investment portfolio produced an annual rate of 9.5% exceeding the long-term expected return of 7.12%. Investments held to meet future obligations for past injuries reached \$762 million at the end of 2005, representing a 102.3% funded liability.

*By maintaining a fully-funded liability, the WHSCC ensures stability of rates for its employers and security of benefits for its injured workers.*

Achieving a high level of efficiency means:

- Best possible forecasted information for rate setting;
- Disciplined investment strategies;
- Proactive policy development;
- Effective and efficient collection of assessed premiums;
- Productive employer relations; and
- Accurate, timely corporate reporting processes.

## Highlights:

- The Assessment Services Department hosted 20 information sessions with employers, employer associations and groups.
- The Planning and Policy Department continued to produce quarterly Corporate Reports, which are available to the general public through the WHSCC website.
- Consistent with the Board of Directors' responsibilities for interpreting legislation, the Planning and Policy Department worked with the Board to complete its review of the deeming/rehabilitation project. Key policies approved include: rehabilitation, vocational rehabilitation, and return-to-work incentives. In addition, the Board continued to focus on occupational health and safety, improving conditions for entitlement and employer services policies.

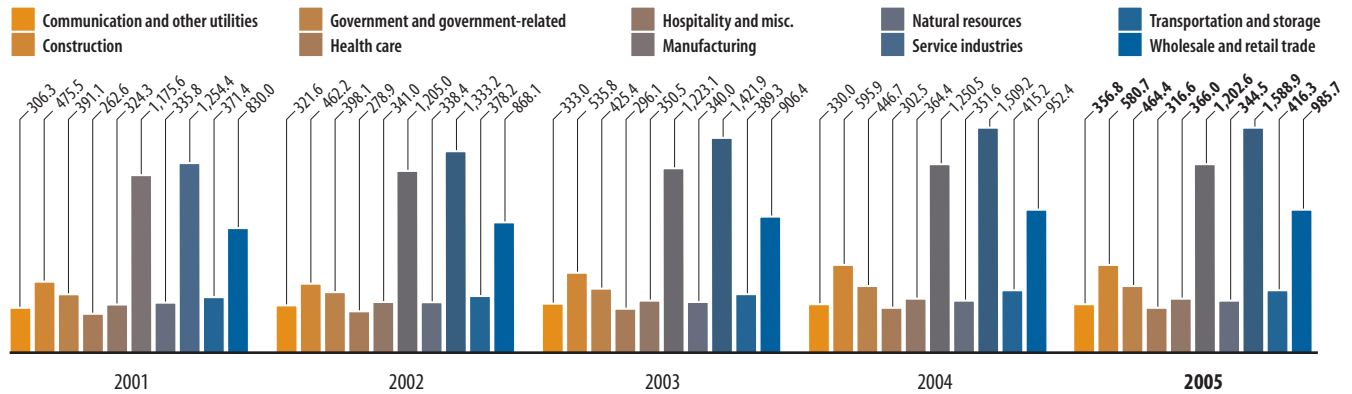
*"Sound financial management, including strategic investments, rate setting and fraud control, is the key to efficiency."*

Peter Murphy, Vice-President, Corporate Services Division

- 318 fraud and abuse investigations resulted in present and future claim cost savings of over \$1 million.
- A person having committed a fraud exceeding \$50,000 against the WHSCC entered a plea of guilty and will be sentenced in 2006.
- In a case involving fraud exceeding \$23,000 against the WHSCC, the accused entered a plea of guilty and will also be sentenced in 2006.
- In a case where evidence supported a charge of uttering a forged document, various extenuating circumstances and consultation with the WHSCC resulted in the Crown opting to proceed by way of the Diversion Program. A condition of this program is that suspects must acknowledge they have committed a criminal offence; the accused did acknowledge the crime.
- Third-party action recoveries provided cost relief to employers of approximately \$2.2 million, with injured workers receiving \$579,862 in addition to compensation benefits. The cost relief provided is equivalent to the revenue generated by \$0.03 on the average assessment rate.
- The Commission laid 42 charges against employers and supervisors. Courts imposed a total of \$35,715 in fines. More than half of the charges laid in 2005 were unresolved as of December 31, 2005.
- A person charged with uttering threats against WHSCC employees pleaded guilty and was sentenced to a one-year peace bond.

*\* We will hold the assessment rates to employers at the lowest level possible, consistent with the best possible benefits to clients.*

## Payrolls by Sector (in millions of dollars)



Note: Certain figures may have been restated to reflect new information.

## Investment Returns by Asset Class

For the Year Ended December 31, 2005

	WHSCC	Benchmark index return	Benchmark index
Canadian Bonds	6.4%	6.5%	SCM Universe Bond
Canadian Equities	22.1%	24.1%	S&P TSX Composite
U.S. Equities	2.3%	2.3%	S&P 500 (C\$)
EAFE* Equities	9.8%	10.7%	MSCI EAFE* (C\$)
Emerging Market Equities	29.4%	31.2%	MSCI EM (C\$)

\* Europe, Australia and the Far East



### Stéphane Robichaud

Vice-President  
Canadian Federation of Independent Business

The Canadian Federation of Independent Business (CFIB) lobbies all levels of government on issues affecting the small business owner,

such as taxes, labour laws, unfair competition, and public sector spending.

As vice-president of CFIB, Atlantic, Stéphane Robichaud represents approximately 4,500 small- and medium-sized business owners in New Brunswick. Robichaud says the WHSCC's full-funding status is "very significant" to these members.

"From our members' perspective, full funding is a much healthier environment to be in," Robichaud says. "It represents rate stability. And with the small business owner faced with so many unstable costs – fuel and commercial insurance, from both a cost and accessibility perspective, for example – it's reassuring to know they won't be surprised with additional premiums on top of

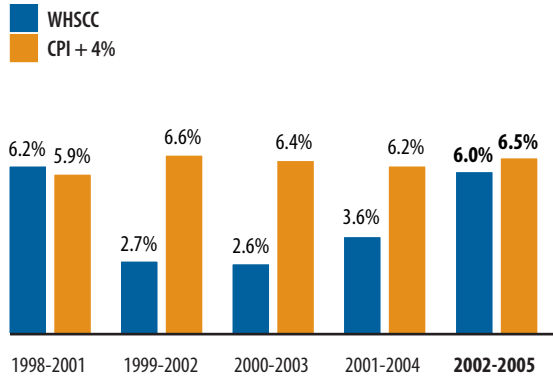
assessment rates," he says. "These premiums might be required if the Commission was not fully funded."

Robichaud recalls in the early 2000s, mostly due to a downturn in investment markets, the Commission's rates had been increased. "The ROI (return on investment) affected everybody – noticeably. Our members were very concerned. Small business is the cornerstone of economic development, and an unfunded liability would have meant higher rates. Extra costs to employers are never constructive."

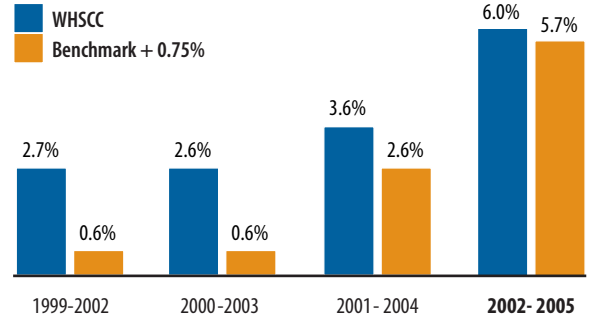
Robichaud notes that the WHSCC counterparts in Nova Scotia and PEI are unfunded. "It's a big issue for our members there," he says. "They're incurring extra premiums."

"Full funding speaks highly of your board's financial management. It's a positive contribution to New Brunswick's economic environment."

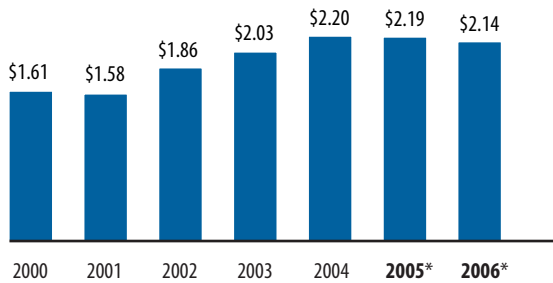
**Performance Objective 1:** The investment portfolio's rate of return is to exceed the increase in the Consumer Price Index (CPI)+ 4% on a four year moving average basis.



**Performance Objective 2:** The investment portfolio's rate of return is to exceed the return generated by the investment policy defined benchmark portfolio by 0.75%, on a four year moving average basis. Objective 2, Benchmark Portfolio plus 0.75% has only been established since the beginning of 1999. Therefore, only seven years of data is available.

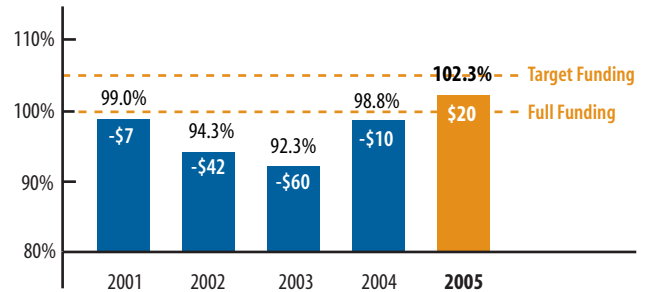


## New Brunswick Actual Average Assessment Rates



\* Provisional average assessment rate

## Funding History *Percent funded and dollar amounts (in millions)*



## Third Party Actions *For the year ended December 31, 2005\**

Cases under management	Cases finalized	Legal fees on finalized cases**	Worker benefits paid	WHSCC recovery	Excess paid to workers	Employer cost relief
75 - 90***	48	\$ 482,486	\$ 1,804,494	\$ 2,268,748	\$ 579,862	\$ 2,268,748

\* Statistics represent actions that were settled during the period January 1, 2005 to December 31, 2005.

\*\* Legal fees for settled actions were paid over the life of the action and not solely in 2005.

\*\*\* The Office of the General Counsel manages 75/90 Third Party Actions annually.

During the period for which the statistics are provided, the total recovered was \$2,268,748. Legal fees paid to recover this amount were \$482,486. In addition to compensation benefits, injured workers received \$579,862 from the monies recovered by the Commission from the at-fault party. **The cost relief provided to employers is equivalent to the revenue generated by \$0.03 on the average assessment rate.**

To put the legal fees in perspective using the legal professional standard contingency fee of 30%, legal fees for private actions involving similar amounts would have attracted a fee of \$680,062. The Commission paid \$197,576 less than would have been paid by the private sector, which saving was passed on to injured workers.

Since the \$2,500 general damage insurance cap was instituted on July 1, 2003, the number of settlements recovered by the Commission through in-house Counsel, without any legal fees being charged has increased. In 2005, one-third of the settlements were done in-house. The remaining settlements involved accidents that occurred before the insurance cap came into effect.

## Canada Average Assessment Rates *In 2006 Ascending Order*

	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Provisional 2005	Provisional 2006
Alberta	\$ 1.31	\$ 1.64	\$ 1.94	\$ 1.96	\$ 1.83	\$ 1.57
Manitoba	1.52	1.53	1.62	1.71	1.70	1.68
Saskatchewan	1.57	1.65	1.81	2.00	1.97	1.84
Northwest Territories & Nunavut	1.18	1.28	1.45	1.82	1.87	1.87
British Columbia	1.78	1.88	1.94	1.99	1.87	1.90
New Brunswick	1.58	1.86	2.03	2.20	2.19	2.14
Yukon	1.30	1.28	1.38	1.54	1.74	2.16
Prince Edward Island	2.29	2.34	2.42	2.39	2.33	2.23
Ontario*	2.13	2.16	2.23	2.19	2.19	2.26
Quebec	1.89	1.83	1.93	2.16	2.27	2.32
Nova Scotia	2.49	2.50	2.58	2.59	2.65	2.65
Newfoundland and Labrador	3.22	3.50	3.36	3.41	3.19	2.75

\* Ontario only publishes the provisional average assessment rate.

Note: Caution should be exercised in comparing provinces' and territories' average assessment rates. Interjurisdictional differences in extent of coverage, industry mix, benefit levels and assessable maximums can affect average assessment rates. The 2005 and 2006 figures are provisional based on rate setting projections, as actuals were not all available at the time of printing.

Source: Association of Workers' Compensation Boards of Canada

Certain figures may have been restated to reflect more up-to-date information.



As a member of the WHSCC Board of Directors, John Mahar is committed to holding New Brunswick's employer assessment rates

at the lowest level possible, while providing the best possible benefits to injured workers.

As a small business owner, the WHSCC's return to full funding status is doubly significant for Mahar, owner of Topmar Building Supplies and the Lighthouse Bookstore in Fredericton. "Full funding provides the benefit of rate stability and allows the Board to better manage any necessary changes," Mahar says, using the analogy that it is easier for an employer to manage a 25% rate increase, for example, of 5% over 5 years, than 0% over four years and 25% in the fifth year.

Mahar explains that full funding was attained through a surcharge on assessment rates, improved investment returns, and a change in accounting standards for reporting. This accounting change requires that all investment income and losses be reported in the year they

**John Mahar**

Board of Directors  
WHSCC

occur and benefited the funded status on a one-time basis. Losses and gains could previously be "smoothed" over a five-year period.

The surcharge on rates was necessary because of poor returns earlier in the decade, when there was a downturn in investment income. "Rates are also driven by accidents, which have decreased in frequency in the past five years," he says.

"The new market-based rule on reporting presents the board with considerable challenges in maintaining rate stability and has forced the board to be much more diligent in its rate-setting decisions and investments," Mahar says. "Dealing with this new accounting climate, while maintaining our fully-funded status, consistent with our goals and values, is a priority of our Board."

# Staff Satisfaction\*

## TARGET FOR 2005:

Employee satisfaction will remain at a high level for the organization.

## 2005 Results Summary

The employee satisfaction survey results indicate 87% of our employees find the WHSCC a “good place to work.” The response rate was 87%.

*The WHSCC knows that its safety, service, return to work and efficiency goals can only be achieved when staff satisfaction is high. Maintaining a fair, respectful, healthy and safe workplace ensures the WHSCC attracts and retains a caring, capable and diversified workforce – one committed to delivering the best service possible.*

Achieving a high level of employee satisfaction means:

- A healthy and safe working environment;
- Internal leadership ethic;



The Human Resources Department at the WHSCC takes a holistic approach to staff satisfaction. The Commission provides

several professional development and wellness programs to keep staff motivated, happy and healthy. “Staff satisfaction means investing not just in the employee, but in the person,” says Yvon Collette, the WHSCC’s Training Consultant.

“We care about our employees as persons, and that means caring about their future,” Collette says. “We want to ensure their happiness and well-being not only while they are employees, but after they leave,” he says.

That’s why the Commission provides its employees with a Planning for Retirement program. “Our staff satisfaction rates are very high, as is the average age of our employees,

*\*Our employees will consider the Commission a good place to work.*

- Employee attendance;
- Open and transparent communication;
- Competitive salaries and benefits;
- Recruitment, retention and recognition of staff;
- Supporting professional development and training; and
- Facilitating internal promotions.

## Highlights

- Budgeted \$830,747 for educational and professional development.
- The department sponsored 44 workshops, as well as seven French language programs, with a total of 464 participants.
- Supervisors conducted performance reviews with 99% of the staff.
- Reviewed and revised 22 human resources related directives or procedures.
- Reviewed and updated 68 job descriptions, which included identifying the appropriate job hazards and their controls.

## Yvon Collette

Training Consultant  
WHSCC

at 44.8. Over the next few years it is anticipated that an average of 10 staff per year will retire, and we want to ensure they are prepared for the transition from an active work environment to retirement, which, for some, becomes a very sedentary lifestyle. It’s a big adjustment, both emotionally and financially,” he says.

The Planning for Retirement program is available to WHSCC employees planning to retire in the next five to seven years. (A Long Term Financial Planning for Retirement program is available for employees under the age of 45.)

In addition to providing sound advice on pension benefits and the various financial programs available, professional facilitators help program participants explore their expectations and fears, and prepare them to cope with the difficulties they may face upon retirement.



- Promoted 13 employees (33%) from within the organization from the 40 completed competitions for regular positions.
- Reduced staff turnover to 3.64%, compared to 5.19% and 5.95% in 2004 and 2003 respectively.
- The Wellness Program provided employees with a variety of activities in support of the four global objectives of physical, nutritional, psychological and basic health.
- The Commission's Employee Assistance Program continued to provide staff with access to a wide array of confidential support and counseling services. The service provider offered new services this year which included: Take 10; Teen/Parent HOTLINE; Family Connexions and LawLine.
- Absenteeism from work was 6.52 days, the lowest since the Commission started keeping these statistics in the early 1990s and the third straight year of decline.
- Honoured 51 (12%) employees for their perfect work attendance in 2004.
- The Disability Management Program helped 11 employees. Six employees returned to work during the year with the assistance of a Gradual Return to Work program, and five employees remained thanks to workplace adjustments through the Disability Management program.



"The Commission has been good to me, but after working 30 years in a building, I'm looking forward to retirement," says Michael

Steeves, manager of Assistive Devices at the Workers' Rehabilitation Centre in Grand Bay-Westfield.

Steeves joined the WHSCC in April 1978. He plans to retire in the next two to three years so he enrolled in the Commission's Planning for Retirement Program.

"The program was great," Steeves says. "The instructor was fabulous. She discussed retirement in a very interesting way, relating her own experience as a retired teacher and former president of the Canadian Teachers' Federation. She had an important job, and was surprised to find when she retired that the Federation could carry on without her.

*"We work diligently to foster a work environment that supports both personal and professional development, and a culture that recognizes the importance of a balanced lifestyle."*

Heather Cossaboom, Director of Human Resources.

- Accepted 15 accident claims, resulting in two lost-time claims for a total of 101 days lost.
- Launched the 2005 Health and Safety Plan in January. The focus was to continue to improve on all activities within the health and safety process and to make strides in developing a more efficient and meaningful program. Early in 2005, work was focused on ensuring that the Commission met all the requirements under the First Aid Regulation – *Occupational Health and Safety Act – 2004 – 130*.
- The annual staff meeting and recognition banquet was held in April, honouring 66 employees and 10 retirees.

### Michael Steeves

Manager of Assistive Devices  
Workers' Rehabilitation Centre

"We were encouraged to remain busy, but also to maintain balance. You can get too caught up in trying to keep active, for example with volunteer activities, that you're burning the candle at both ends." In addition to discussing the emotional issues of retirement, program participants were given financial planning and time management advice.

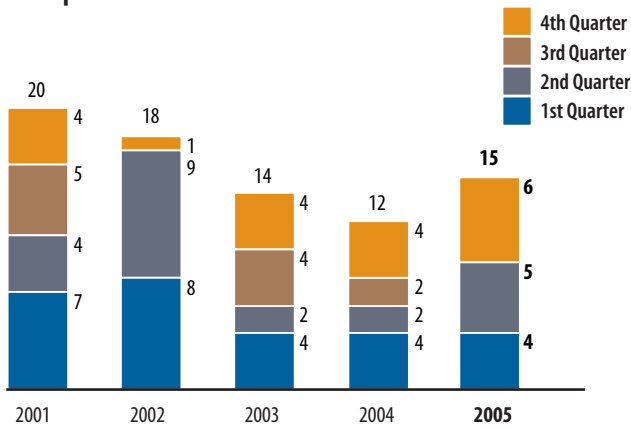
"There's more to retirement than putting your feet up and grabbing the remote. You've got to have a plan, and the retirement program helps you develop one."

So what is Steeves' plan?

"I plan on enjoying my property and spending time with my wife Jocelyn and our son Keven," he says. The family has a spectacular 65-acre hobby farm in Westfield with 400 feet of prime river frontage. They keep beef cows and Bashkir Curly horses.

# Staff Satisfaction Statistics

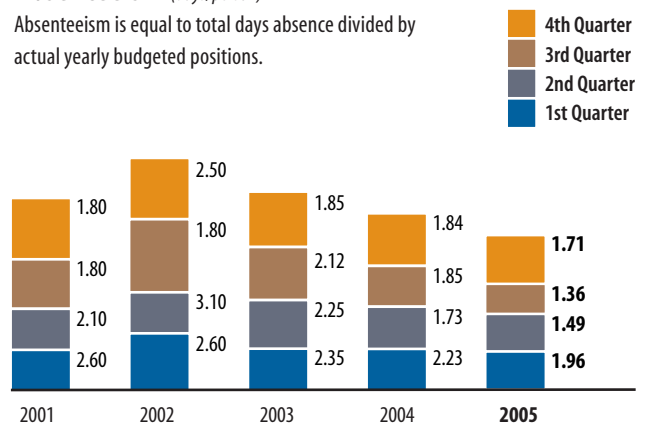
## Accepted Claims for Commission Staff



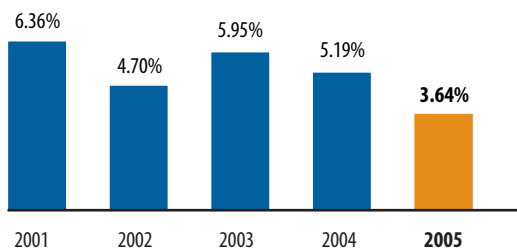
Note: The number of accepted claims reported in any quarter can change because accidents are not always adjudicated within the quarter they occur in. Any claims accepted outside the quarter they occur in, will be noted in the next quarter report.

## Absenteeism (days/person)

Absenteeism is equal to total days absence divided by actual yearly budgeted positions.

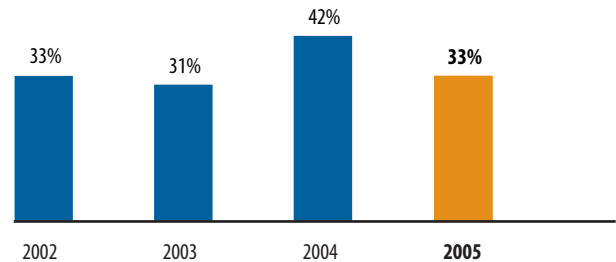


## Staff Turnover



## Internal Promotions

Percentage of internal promotions based on the annual competitions held.



## Employment Milestones and Retirements

In 2005, the WHSCC recognized 66 employees for their years of public service.

**5 Years of Government Service:** Mark Allan, John Baird, James Campbell, Josée Gautreau, Donna Keays, Cindy Losier, Mike MacFarlane, Stephanie Manzer, Kim Richard, Julie Robichaud, Carl Sawyer.

**10 Years of Government Service:** Anna-Maria Allebone, Claire Blanchard, Monique Comeau, Gilles Leblanc, Tim Petersen, Kevin Sears, Phil Traverse.

**15 Years of Government Service:** Paul Bourque, Dana Brown, Lucille Chamberland, Pierre Frenette, Gerard Gionet, Susan Hemenway, Roger LeBlanc, Dianne Losier, Frances Metcalfe, Melody Mladineo, Bill Nichol, Nancy Petersen, Andrea Ryerson, Juliette Sherriff, Sandra Soucy.

**20 Years of Government Service:** Jeanne Burns, Monique Connolly, Michel Daigle, Carmel Davis, Mariette Duguay, Michel Fournier, Gilles Moreau, Judith Randall, Rose-Marie Thibodeau, Wanda Woodcock.

**25 Years of Government Service:** Monique Albert, Etta Connell, Carol Cormier, Heather Cossaboom, Jean-Claude Frenette, Marie-Reine Godbout, Lorna Johnson, Kathy Logan, Coral Lovesey, Lynn Pinfold, Andy Rauska, Sally Secord-Frits, Dennis Sennett, Susan Shaw, Anne Thériault, Jackie Theriault, Neil Waddell.

**30 Years of Government Service:** Terry Craig, Alana Crawford, Elizabeth Ferris, Jean Hamilton, Marlene Thompson.

**35 Years of Government Service:** Kathleen Evans.

**Retired during 2005:** Benoit Bissonnette, Reginald Fredericks, Jean-Claude Frenette, Lorna Johnson, Victor Morin, Claude Pitre, Jeannita Savoie, Bill Stymiest, Anne Thériault.

Jim Garey & Rose-Marie Godin retired due to disability.

# Appeals Tribunal

## TARGET FOR 2005:

To reduce the overall average processing time for appeals.

## 2005 Results Summary

The overall average processing time for appeals was reduced by 13% from December 31, 2004.

The Appeals Tribunal, operating at arm's length from the WHSCC, offers employers and workers the opportunity to appeal Commission decisions. The Appeals Tribunal's primary responsibility is to provide fair, consistent and impartial decisions in a timely manner.

The Appeals Tribunal consists of the following:

- **Chairperson:** reports to the Board of Directors on the administrative operation of the Appeals Tribunal. He also acts as a chairperson for appeal hearings.
- **Vice-chairpersons:** at the present time, we have five part-time vice-chairpersons who chair appeal hearings.
- **Appeals Panel members:** Appeals Panel members, representatives of workers or employers throughout the province, are appointed by the Board of Directors. At present, we have 20 part-time members.
- In support of the activities of the Appeals Tribunal, 12 staff members work to schedule hearings, prepare the necessary documentation and ensure decisions are sent to all parties concerned.

Achieving fair, consistent, impartial and timely completion of appeals requires:

- well-trained vice-chairpersons, panel members and staff;
- a consistent approach to deciding appeals; and
- supportive legislation and policies.

## The Appeals Tribunal offers the following service:

Workers, dependants, and employers can appeal decisions of the Workplace Health, Safety and Compensation Commission. As an administrative tribunal, the Appeals Tribunal is a quasi-judicial body that follows the rules of Natural Justice in its decision-making.

## Appeals Panel hearings

An Appeals Panel will consider an appeal at an Appeals Panel hearing. The Appeals Tribunal holds its hearings in regions throughout the province in the official language chosen by the person submitting the appeal. Appeals Panel decisions are **final** and delivered in writing. The Appeals Panel consists of a Three-Person Panel or a Single-Person Panel.

## Three-Person Panel

A Three-Person Panel is made up of a chairperson and two panel members. The chairperson is chosen from the Appeals Tribunal's list of individuals appointed for that purpose. The two remaining panel members consist of a worker representative and an employer representative, also chosen from pre-established lists. Panel members are required to act impartially, and as such, do not represent any particular group.

*\* Deliver the highest quality services possible, and the fair and timely resolution of appeals.*

## Single-Person Panel

A Single-Person Panel is subject to the consent of all parties and consists of a chairperson acting alone.

### Highlights:

- The amount of appeals received increased by 5.5% from 2004.
- The overall average processing time for appeals was reduced by 13% from December 31, 2004. The average period of time for an appeal to be scheduled was reduced by 42% from 2004.
- We maintained our usual hearing schedule of 12 to 14 days per month during most of the year, despite changes in the Appeals Tribunal membership that would normally cause us to reduce the hearing schedule.
- We continued our “substituted appeals list” pilot project. Normally, three appeals are scheduled for one hearing day. We are also obligated to provide the parties to the appeal 30 days notice of the hearing day. Many of the appeals that are withdrawn or postponed provide less than 30 days notice before the scheduled hearing day, leaving us unable to replace the vacated spot with another appeal. In order to take advantage of full hearing days, in late 2004 we initiated a “substituted appeals list”. Before being considered as a substituted appeal, the case must meet eligibility criteria and all of the parties to the appeal must agree to be placed on the list. Once a case is on the substituted appeals list, it is tentatively scheduled on a regular hearing day. Should a cancellation of one of the three cases occur within a specified period of time before the hearing day, the substituted appeal is then slotted into the vacated spot and the parties to the appeal are notified that the case will be heard. If there are no cancellations on the day with a substituted appeal, it is moved to our regular list and scheduled the following month, provided we have hearings in that area. We continued to identify appeal applications that met the criteria. However, there were only a few cases in which all of the parties agreed to be placed on the substituted appeals list. We will continue to monitor this project to determine its effectiveness and also carry on identifying substituted appeals to have this option available when cancellations occur.
- In 2003, the Supreme Court of Canada rendered a decision involving administrative tribunals and the *Canadian*

*“The broadening of the powers of administrative tribunals, the increased number and complexity of appeals, and changes to the membership of the Appeals Tribunal have all contributed to the challenge of dealing with appeals expeditiously.”*

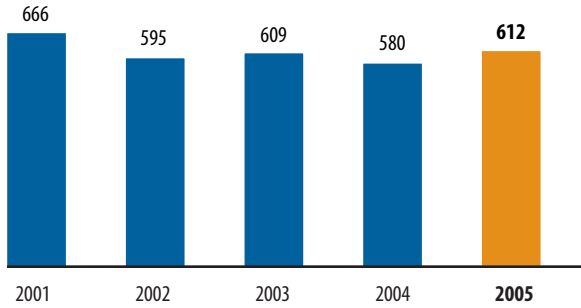
Paul M. LeBreton, Chairperson of the Appeals Tribunal

*Charter of Rights and Freedoms.* At that time, a process was established to ensure that any questions regarding Charter rights were identified and appropriately documented before proceeding to a hearing. Our process was tested during the past year with the first hearing involving a Charter issue. The process was successful as the questions were identified and all of the appropriate parties attended the hearing.

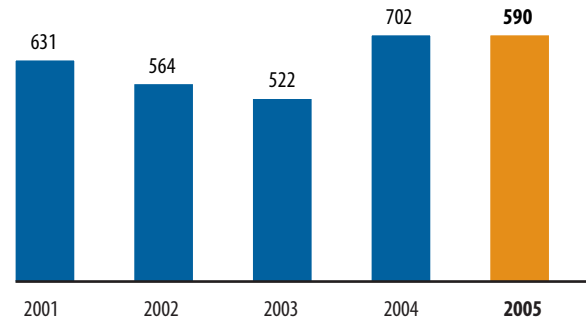
- The reconsideration process was changed. Previously, appellants could appeal an Appeals Tribunal decision to the Court of Appeal and, at the same time, request a reconsideration of the Tribunal decision by submitting new substantial information. To avoid a situation where the Court of Appeal and an Appeals Panel might be considering the same issue, the Appeals Tribunal Guidelines were modified. Currently, if an appellant is appealing a Tribunal decision on a particular issue to the Court of Appeal, the Appeals Tribunal will not entertain a reconsideration request until such time as the Court has rendered its decision or that we have confirmation that the appeal has been discontinued.
- To provide interested parties with access to decisions, and a mechanism to research certain topics, Appeals Tribunal decisions are published on the WHSCC website under the Appeals Tribunal section. We continued this project started in 2004 by completing 2004 and most of 2005. The catalogue of decisions from previous years will be added as resources permit.

# Appeals Tribunal Statistics

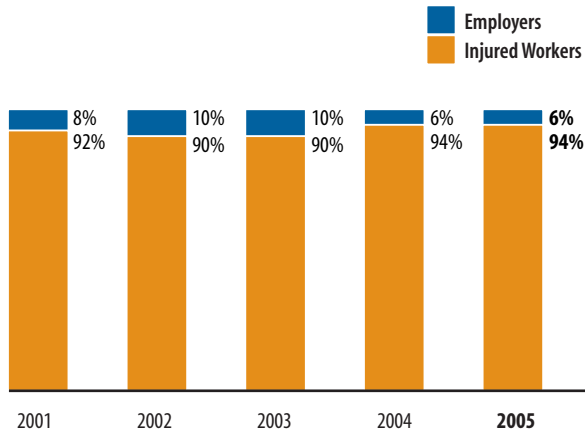
## Appeals Received



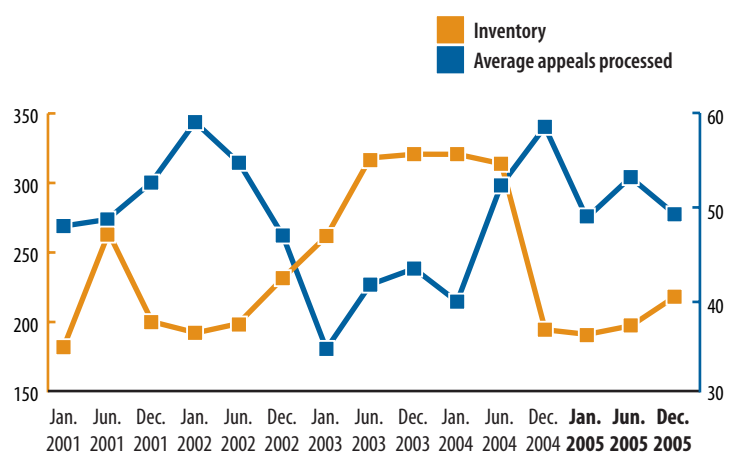
## Appeals Resolved



## Appeals Initiated



## Overview of Inventory of Appeals



## Appeals Results

	2001	2002	2003	2004	2005
Accepted	49%	58%	50%	59%	<b>62%</b>
Partial	18%	8%	13%	6%	<b>7%</b>
Denied	33%	32%	34%	33%	<b>30%</b>
Withdrawn	—	2%	3%	2%	<b>1%</b>