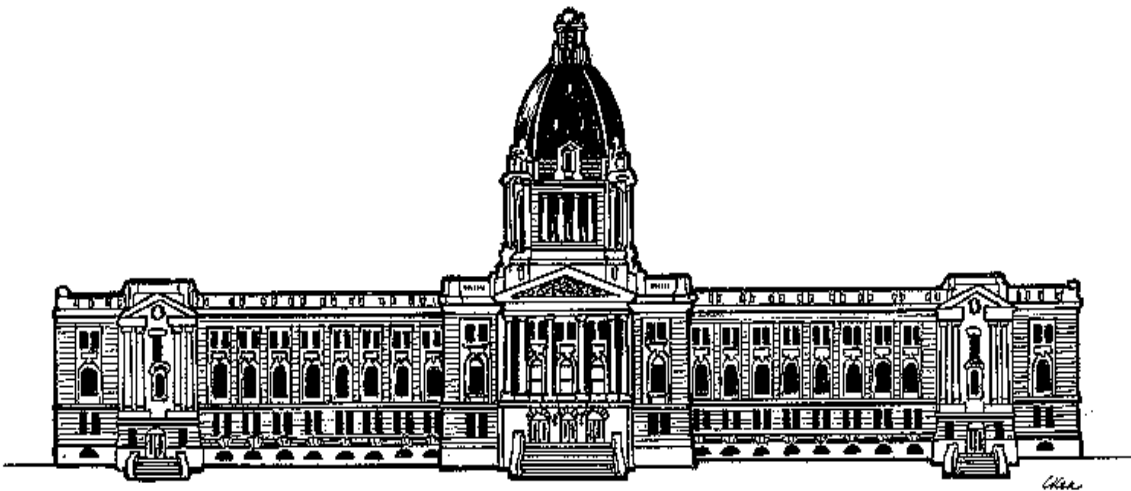




STANDING COMMITTEE ON THE ECONOMY

Hansard Verbatim Report

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Legislative Assembly of Saskatchewan

Twenty-fifth Legislature

**STANDING COMMITTEE ON THE ECONOMY
2004**

Mr. Eldon Lautermilch, Chair
Prince Albert Northcote

Mr. Lyle Stewart, Deputy Chair
Thunder Creek

Mr. Michael Chisholm
Cut Knife-Turtleford

Ms. Doreen Hamilton
Regina Wascana Plains

Hon. Deb Higgins
Moose Jaw Wakamow

Mr. D.F. (Yogi) Huyghebaert
Wood River

Mr. Kevin Yates
Regina Dewdney

The committee met at 15:00.

**General Revenue Fund
Labour
Vote 20**

Subvote (LA01)

The Chair: — Good afternoon, everyone. If we could call the committee to order. The first item of business this afternoon for the Committee on the Economy is the Department of Labour estimates. And they're found on page 104 of your Estimates book.

If I could ask the minister to introduce her officials and we'll proceed.

Hon. Ms. Higgins: — Thank you very much, Mr. Chair. To my right is Bill Craik, deputy minister of Labour. To my left is Jim Nicol, assistant deputy minister. Sitting behind us is Corrine Bokitch, executive director of the Status of Women office; Eric Greene, executive director of labour standards; Marg Halifax, director of the Office of the Worker's Advocate; Glennis Bihun, manager of OH&S (occupational health and safety) partnerships; and Kevin Kuntz, manager of budget and operations.

And from the Workers' Compensation Board, we have Peter Federko, chief executive officer, and Gail Kruger, vice-president of prevention, finance and information technology.

The Chair: — Okay, thank you, Madam Minister. The vote before us is (LA01). Is that agreed?

Mr. Hart.

Mr. Hart: — Thank you, Mr. Chair. We're not quite ready to agree at this point; we have a few more questions we'd like to ask before we go to the vote on this . . . on these estimates.

Madam Minister, last time we met we, near the end of our two hours, we got into the Workers' Compensation Board and their annual report. And I have a few, well actually quite a number of questions dealing with the Workers' Compensation Board. There's a number that arise from the annual report.

And I guess perhaps I was interested in the Chair's message in that the Chair, Mr. Solomon, referred to 2003 as the year of the perfect storm, where there were a number of things impacted on the board and as a result we did see the increase of 12 per cent in premiums to the WCB (Workers' Compensation Board).

One of the areas raised by the Chair's report was the merit surcharge program. And I wonder if you could perhaps just explain the particulars of that program as to how it pertains to employers?

Hon. Ms. Higgins: — What would probably be the most appropriate, Mr. Chair, I will turn this over to Peter Federko from Workers' Compensation Board to give an explanation.

Mr. Federko: — The merit surcharge program, also referred to sometimes as the experience rating program, is a program designed to recognize that certain employers within a particular industry . . . and industry, by the way, is the basis on which Workers' Compensation Board sets its rates, so all employers within a particular industry will pay the same rate. The merit surcharge or experience rating program however, is designed to recognize employers within that industry whose claims performance, claims cost experience is better or worse than the average for the industry.

So as it exists today, an employer whose claims performance is better than the average for the industry can receive a discount or a merit of up to 25 per cent of the premium that they've paid. On the other hand, an employer, whose claims experience is worse than the average of the industry of which they are a part, can receive a surcharge, an additional premium of up to 40 per cent of the original premium paid.

Mr. Hart: — Thank you, Mr. Federko. How long has that merit surcharge program been in effect? And how long have the rates, or the discounts and the surcharges been at the levels you indicated?

Mr. Federko: — I'm not sure that I know for certain, but the surcharge program has been in place since the late '80s and the merit program the early '90s, and they were married at that particular point in time. The levels of discount and surcharge have been the same since inception of the program.

Mr. Hart: — Is the board looking at changing those rates, either the discount rate or the surcharge rate, in view of the injury record, you know, of this past year?

Mr. Federko: — Yes, actually about a year ago we distributed a discussion paper to almost 100 interested stakeholder groups and asked for their input into revisions to the merit surcharge program. We received some responses; about 20 per cent of those that we sent out responded to it.

We took that information and, at the board's request, formed a stakeholder committee made up of three representatives from the employer community and three representatives from the labour community and an independent Chair that we borrowed from the Manitoba Worker's Compensation Board who had been through a similar process.

They reviewed both the discussion paper, the responses that the respondents had provided, as well as other information, and made recommendations for amendments to that program. And the board has accepted and endorsed those recommendations. Effective January 1, 2005, the maximum discount will go from 25 per cent to 30 per cent and the maximum surcharge or penalty will go from 40 per cent to 200 per cent.

Mr. Hart: — That's . . . 200 per cent is pretty significant increase in the surcharge. I wonder, can you explain how an employer would get to a 200 per cent surcharge? I would presume there would be a number of steps, a number of injuries that would have to take place at the place of employment before an employer would get to that 200 per cent surcharge.

Mr. Federko: — It's actually . . . It's a fairly complicated mathematical calculation. It's a sliding scale. So first of all, the smaller the employer, there are different criteria that will be applied to it, the theory being that the small employers have less individual ability to impact their own experience and the experience of the industry. So I'd be happy to provide you with a detailed formula if you are interested.

But a large employer who has had three years of consistently bad claims experience, primarily being their costs being in excess of the premiums paid, could be subject to the 200 per cent additional surcharge.

Mr. Hart: — Now how does an employer have that surcharge reduced? I'm guessing that by not being in the claim position, but will that employer that is at a 200 per cent surcharge remain at that level for a period of time? And then what type of process is in place for that employer to see his WCB premiums get back to, you know, at least a zero surcharge?

Mr. Federko: — The surcharge for a large employer is driven by costs. We look at a three-year period. We look at the costs over a three-year period, giving the most weight to the most recent year. So the way an employer affects the degree to which they are surcharged is by reducing their claims costs by: (a) either reducing the number of injuries that they have; or (b) by having effective return to work programs and taking workers back to work as quickly as possible.

So by reducing those costs . . . If in the year following the application of the maximum surcharge they were able to significantly lower their costs, because of the waiting that would be applied on that year, they would see something less than the 200 per cent assuming that their costs came down.

Mr. Hart: — You mentioned an effective back to work program. My experience with people who either have . . . injured workers who have a claim with WCB, of injured workers, or they seem to think that the board — at least not all of them I shouldn't say — but some of the people that I hear from seem to think that they're being forced back to work prematurely. And then of course on the other side of the coin is employers feel that perhaps some workers aren't going back to work as readily as they could.

Now how does . . . when you mention an effective back to work program, what type of guidelines would the board have to evaluate an effective back to work program? And then I probably have some follow-up questions after I ask that question.

Mr. Federko: — The Workers' Compensation Board has a prevention, safety Return-to-Work unit. And within that unit we have developed a Return to Work program that is contained in a manual that actually has been replicated in many of the other jurisdictions and is viewed as best in class.

So to those employers for example on the surcharge list, we would pay particular attention to them and encourage them to partake of one of our free seminars that we put on, on how to establish effective return to work programs, and actually provide them with copies of our binder that has forms and information in it in terms of how they can establish an effective

return to work program.

Mr. Hart: — Thank you. I probably will pursue this whole return to work a little later today. But I think probably for now I will go through the annual report and the questions that I have that are rising out of the annual report. And then we'll get into probably more specifics as far as the operation of the board.

In the annual report, in the Chair's message, Mr. Solomon mentioned three actions to mitigate the perfect storm effect for 2004. And one of them of course was make injury prevention top priority, and put a check on administrative costs. And I attended the annual meeting and I listened to all the things that the board has put in place to maintain control of administrative costs.

The one that . . . the third step is adopt a more effective case management system. Now that is a fairly broad statement and I would . . . I wonder if you would care to expand on that. What is the Chair saying — that the case management system in the past wasn't as efficient and as effective as possible and so therefore you're instituting some new measures? And if so, what are they? I was just . . . wonder if you'd care to expand on that.

Hon. Ms. Higgins: — If the member is aware, a couple years ago there was a number of changes and recommendations that were put forward through a number of reviews that were done of WCB. During that time there was changes made for team-based case management, and it was a new system that was initiated through . . . or by the WCB throughout Saskatchewan where there is teams of CSRs (customer service representative) with leaders of the teams.

The leaders are traditionally . . . are workers, employees of the board that have experience and have been at the board for, many cases, a number of years. But they are the more experienced and they are the team leaders.

These team-based case management work in geographical areas of the province. Part of the advantage of this is that you do not have clients who are changing their caseworkers. They will have consistent, a more consistent access to the board through the team that they are dealing with in their area.

Also it gives employers a chance to know the team leader in that area and have an access person. So it's a little more continuity within the geographical areas for clients and for employers, and it has been implemented beginning two years ago, three years ago . . . two?

A Member: — Two.

Hon. Ms. Higgins: — Two years ago. And I mean continuing to work on that, it was a number of changes that were being put in place over the last couple of years and has proved to be quite successful from all of the reports that I have heard.

So it's just, I believe, that the Chair . . . I mean, I can't speak on behalf of the chairperson, but what I would take from that is that it's a ongoing process of refining a new system that's being used at the board. And being you are dealing with human beings, human situations, a system that is forever changing, we

will always work to improve the systems that are in place and the service that we provide to both employers and clients of WCB.

Mr. Hart: — Does WCB use people from outside their own board to manage certain cases? Someone has mentioned to me that in certain instances they believe that WCB brings in outside personnel to manage certain cases. I thought I would raise that with you today to see what the actual situation is in this area.

Hon. Ms. Higgins: — The only time there would be anyone brought in to handle a case is if the client lives out of province, so the WCB in that province would be the one that would look after that client. But there's none that are handled outside of WCB within Saskatchewan.

Mr. Hart: — So all other cases are handled by WCB personnel then. Okay.

Just further to the annual report, there's a couple of things that caught my attention, and one being, if I can find it, in one of those confusing notes that we talked about last time. But this one is in note 4 . . . and there's accounts receivable. And one that I was particularly curious about was the Regina Qu'Appelle Health Region of almost \$9 million, and that seems to be a carry-over from the previous year. I wonder, could you explain what that accounts receivable of \$9 million is all about?

Mr. Federko: — Many years ago, when the Wascana Rehabilitation Centre was being expanded, the Workers' Compensation Board made a contribution to assist in the expansion of that facility, and in exchange for which received access to what was called the injured worker program, included a work-hardening area, physiotherapy area. There was a hostel, so on and so forth.

With health care reform, the Wascana Rehab Centre transferred to the Regina Health Region and through refinement of our own processes, Wascana Rehab Centre no longer became the only tertiary rehabilitation centre in Saskatchewan. So we also make use and access to those.

Within the agreement that was established many, many years ago to provide the funding was a provision that either party could terminate the agreement with a certain amount of notice. And two years ago the WCB exercised that right. What the agreement provided for was repayment of the undepreciated capital amount to the WCB in the event of the termination of the agreement.

So we filed that notice two years ago. So this has been on the books for a couple of years — you're correct in that — and we are currently in discussions with the Regina Qu'Appelle Health Region in terms of how that amount will be repaid.

Mr. Hart: — Of the almost \$10 million of premiums that are shown as receivable, first two questions, I guess. Are some of those premiums that are receivable are owed by the various health authorities, and if so, how many dollars would that constitute?

Mr. Federko: — I wouldn't know specifically what's made up of that. It would be several employers that would make up that

\$10 million, but we could certainly provide the breakdown if you're interested.

Mr. Hart: — If you could, I'd appreciate receiving that information.

What I'd like to do is . . . Well I suppose what we should perhaps discuss, I have a few questions surrounding the WorkSafe program that has just been put in place. I understand it's funded jointly by WCB and Department of Labour. I guess simple question is: what type of funding arrangements have you agreed to? What percentage is paid? First of all, what's the total cost? What's the projected total cost of the program? What percentage is paid by each body?

Hon. Ms. Higgins: — The program is — you're right — jointly sponsored by WCB and the Department of Labour, with total costs of \$413,000. By the Act, the WCB funds the industrial safety programs, so the funding comes totally from WCB but is coordinated through the WCB and the Department of Labour. And that's really so that there is coordination between what we are doing in the areas of safety and focusing on accident prevention and safety.

And there's a number of things that are ongoing currently at this time that have been initiated over the last couple of years. It's been just about two years since WorkSafe was first initiated.

Part of the program also is there's a number of safety associations throughout the province in a variety of industries, and WorkSafe has really compiled a lot of the safety information that's available to make it accessible from one place. So we're making sure and providing . . . well I guess making sure that we aren't overlapping the information, the information that's out there.

But with Saskatchewan being such a large geographical area, quite often when WCB or safety organizations will put on a conference, some small employers may not have the resources or the opportunity to send someone there. So to have this information compiled on the WorkSafe Web site so it's accessible to anyone that has a connection on Internet . . . But it's also available on a CD (compact disk) so that if you have a computer you can access the disk with the safety information on it. So it's part of a total program that covers a number of areas that's coordinated between WCB and the Department of Labour.

Mr. Hart: — That \$413,000, is that the total cost of the program, or is that the cost of the program for this current fiscal year?

Hon. Ms. Higgins: — That's for '04. It's the cost for '04.

Mr. Hart: — How long do you envision this program running, and what would the total cost of the program . . . over its entire life, what type of costs are we looking at?

Hon. Ms. Higgins: — We're actually anticipating that the budget would remain about the same into the future. One of the things that will never change is the emphasis that needs to be put on safety, and we need to make sure that that is the part of, I mean, it's just a part of the attitude of work — whether

employee/employer — that safety is a benefit to everyone involved.

When you look at the accident rates that we have here, the injury rates here in Saskatchewan, they are much too high. So there is a number of projects ongoing, and this is part of it. It's a big part of it — the coordination of programs and information that is out there.

When you talked about the merit surcharge, I mean that's another part of how we're looking at how do you hit home with the information and the idea that safety pays. And we all need to look at it more seriously and take the issue more seriously, and think safety and work safety no matter . . . or safely no matter where we are or where or when we're working. So it's all part of the larger program.

Mr. Hart: — Minister, you mentioned that the WorkSafe program provides information to employers, and there's an advertising component, the billboards. And as a matter of fact, I happened to find a marker with WorkSafe on it and that sort of thing.

I wonder, could you give me an indication as to the breakdown of that \$413,000? How much is spent in advertising and promotional items and those sorts of things? And how much is spent in providing safety information to employers to ensure that the workplace becomes safer?

Hon. Ms. Higgins: — I can give you a rough breakdown. Out of the 400,000, probably three-quarters of that will be spent on the awareness campaign which is the TV, radio, newspaper ads, the billboard ads that you've seen, plus some of the promotional items that are there.

And the other quarter will be spent . . . There is programming and research. There is some research that is going on on back injuries so that's part of that \$400,000 cost.

Mr. Hart: — Minister, you mentioned that this is the second year for the WorkSafe program, or at least we're into our second year. If my recollection is correct, it seems to me that the injury rate actually rose in 2003.

You know, my question is . . . I don't expect that we will see a dramatic effect of the program over a one-year period, but I guess I have some questions around what type of an evaluation process have you got to evaluate the effectiveness of this program.

I mean it's one thing to run the ads and make . . . and hopefully people see the ads and think, you know, that they should be working in a more safe way and that sort of thing. But has the department or WCB looked at, at all of trying to evaluate the effectiveness of this program?

I mean certainly the obvious answer would be a lower injury rate, but that may happen, you know, not because of the WorkSafe. I think we need to be a little more proactive and actually determine, you know, how many people are actually seeing the ads and how many workers and employers are conscious of WorkSafe.

Hon. Ms. Higgins: — Your comment that in 2003 the injury rate had gone up, when in fact, 2003, the injury rate actually dropped slightly from 4.95 the year before to 4.8, so it's come down slightly in that year.

You're right on when you talk about the WorkSafe program and the awareness, and that really is a major component of the program. What's going on is, with the billboards and the advertising and the commercials that you have seen on TV, WCB is doing some polling to see what message people have taken from the advertisements that they have seen. And it is an awareness campaign to make sure that people think of safety when they are working.

Of the other components on the WorkSafe program, they will change as the needs change. The research being done on back injuries will be measured. I mean, each of the components will be measured to see how successful they are, whether it's in a specific industry or generally. Probably more specific to an industry I would think would be the most appropriate way, but they will be measured. Depending on the program and the component, there will be measurement tools in place.

Mr. Hart: — Has WCB just recently undertaken polling to try and determine the effectiveness of the advertising, and will they be making that . . . or if the polling results . . . Well I guess first of all, have you received the polling results?

Hon. Ms. Higgins: — The polling, the program is still running this year and will run until June. So there won't be any polling done until into July. But last year, if you will remember, there was also a billboard campaign and advertising campaign similar to the one this year that was done with some different newspaper ads that were there. But the polling that was done after it showed that there was a 35 per cent penetration and recognition of the issues that were put forward in the ad campaign.

Mr. Hart: — Well there was polling done last year and that sort of thing?

Hon. Ms. Higgins: — Yes.

Mr. Hart: — Okay. I guess the follow-up question to that is: the polling that was done, was it employees that were aware of the WorkSafe initiative, or was it a mix? What type of a mix did you have between employers and employees because I think it's important that we have both employers and employees aware of a safe workplace.

Hon. Ms. Higgins: — Being this was a public advertising campaign, it was random polling throughout the general public.

Mr. Hart: — What I'd like to do is there's a number of . . . at least a few questions that I have as a result of attending the annual meeting. And I'll just centre on a few, a couple of issues I guess, and that has to do with health care. At the annual meeting, the WCB indicated that they had spent \$44 million in 2003 and made mention that drug expenses were up, and there were some reduced costs in some other areas.

I guess probably just for information purposes, when a worker becomes injured and is ultimately covered by WCB, what

health costs are paid by the WCB? Like, are all the health care costs or does our health care system pick up the standard costs? Or is WCB billed for all health care costs associated with an injured worker?

Hon. Ms. Higgins: — Everything is covered by WCB.

Mr. Hart: — So if an injured worker goes to see his physician and that is . . . those costs are charged back to WCB. Sort of the standard things that are covered through the health care authorities are also charged back to WCB is what you're saying?

Hon. Ms. Higgins: — If it's a work-related injury, it will all be billed back to the WCB.

Mr. Hart: — Okay. That leads me to some questions. As far as . . . How many dollars does WCB spend accessing health care costs outside of the province in the last fiscal year?

Hon. Ms. Higgins: — I don't have those specific totals here with us today, but we can get them for you.

Mr. Hart: — I'd appreciate that. And also I would like to know how many injured workers were sent out of province to receive health services.

I understand that WCB has an arrangement with some of the regional health authorities to have things like MRI (magnetic resonance imaging) and other medical imaging procedures done after hours, for lack of a better term, and it's paying extra costs over and above the normal costs of those procedures. I wonder if you could provide some information as to what type of costs WCB is incurring in that area within the province.

Hon. Ms. Higgins: — The WCB has agreements in place with the province's two largest health authorities, Saskatoon and Regina Qu'Appelle, for off-hour access to MRI diagnostic tests for injured workers. Between, let's see, November '03 and March of '04 there has been about 85 MRIs that have been done between the two facilities.

Mr. Hart: — What type, or how much additional cost is the WCB incurring? I'm presuming that these MRIs are done after normal working hours as such and is probably paying the technicians over and above what they normally would be paid by the health authorities. What type of financial arrangement have you got with the regional health authorities as far as costs for these services outside the normal working hours?

Hon. Ms. Higgins: — Under the agreement that WCB has with the two health authorities, they're paying \$1,170 for each of the MRI scans. And that is about equivalent to what it would cost to send a patient out of province.

Mr. Hart: — It's a flat rate.

Hon. Ms. Higgins: — Yes.

Mr. Hart: — And the health authorities then look after their employees. This is paid directly to the health authorities and so on which I would . . . rather than paying an employee and paying the health authority so much . . . or a technician, I should

say, and then the health authority so much for the use of the equipment.

Hon. Ms. Higgins: — No, it's . . . (inaudible) . . . basis.

Mr. Hart: — On a flat fee, per occasion.

Hon. Ms. Higgins: — Yes.

Mr. Hart: — The area of rehabilitation, and that was an area at the annual meeting . . . 2003, the costs were \$6.8 million. That's an area that I have, since becoming Labour critic have — and even prior I guess probably going back since I was first elected — where I've had injured workers raise their cases where there was problems with the rehabilitation process.

I guess first of all I would like a general overview of that whole rehabilitation area. I understand that WCB uses a number of private clinics for rehabilitation. I wonder if you could give me an estimate of the number of private clinics that are used for rehabilitation. I'm thinking of things like stiffness centres and back clinics and those sorts of things. How widespread is the use of private clinics?

Hon. Ms. Higgins: — The total rehabilitation costs for 2003 were \$6.8 million, and it works out to be about 3 per cent of the total budget of WCB. And that would include everything — retraining; retrofitting workplaces for accommodation for a worker with a disability, a permanent disability or a temporary disability; could be retrofitting a home to accommodate a disability; that would take in physiotherapy. I mean all of the things that we normally associate with rehabilitation.

When you look at the facilities and the institutes that are used for rehabilitation, it can range anywhere from university to the SIAST (Saskatchewan Institute of Applied Science and Technology) to community colleges. I can't really give you a list of how many private institutions may be used because it would fluctuate somewhat and depend on where the injured worker resides and what is close to them. So that has some bearing on it also.

Mr. Hart: — From the injured worker's standpoint, and some of the cases that I've dealt with, it seems to me that there may be a problem and perhaps we should go through the process of rehabilitation and return to work. If a worker is injured and perhaps has had to have surgery, and then I understand rehabilitation is the next step in getting the injured worker back to work, it seems to me there may be some problems as far as the decision-making process along those steps.

I can think of a case that I dealt with, oh, two, three years ago where a worker was injured, received surgery, was sent for rehabilitation, and in fact was later found that the rehabilitation actually aggravated the injury. And in fact, that worker probably isn't back to full duties to this day because of the injuries sustained during the rehabilitation process.

Who makes the decision? What role does the case manager of WCB play in the rehabilitation process? Are the decisions made by the physicians or are decisions made by the case workers or a combination thereof? I wonder if you could explain that whole process.

Hon. Ms. Higgins: — There's a number of factors that are taken into consideration when any decisions are made dealing with an injured worker and the rehabilitation and what's needed. But there is input from a number of areas.

Of course you would have your doctors' reports. You would also have any physio reports that may be there or maybe rehabilitation specialists. Whatever information is needed is acquired from the appropriate people, and it is the case manager that will make the decision, quite often in conjunction with their team leader, and then we get back to this team-based case management system that's in place.

Mr. Hart: — If a worker, injured worker, feels that the rehabilitation procedure that they've been asked to undergo is in fact more harmful and in fact aggravating and causing re-injury, what recourse have they got?

And the reason I asked the question is because of one or two of the cases that I've dealt with in the past and where workers have told me that they told their case manager, look, this therapy that I'm undergoing is doing more harm than good. And yet they were told that if they didn't undergo the therapy they would be cut off of their benefits. And they said they really didn't know who to go to to resolve this.

And as I'd indicated, there was this one particular case that I'm familiar with where the therapy actually was proven to be very detrimental to the injured worker. And so what recourse and what appeal process would a injured worker have if they feel that the therapy has a negative effect?

Hon. Ms. Higgins: — In any of these cases, the case manager really relies on the information that is received from the professionals that are involved in the case. So you would get back to information from the doctors, the physiotherapists, from rehabilitation professionals. So that's what the case manager uses and bases their decision on.

If a person felt that it was harmful, I guess the first suggestion would be go back to the doctor that has been . . . you've been under their care. And I would, I would assume that then that doctor would, if they felt it was legitimate and if it was causing more problems, they would send a report into the case manager.

If for some reason that doesn't . . . if the doctor feels that it isn't hurting but the client still feels it is, there's always the opportunity to speak to the team manager for that area. And otherwise, if they felt seriously enough that there was serious damage being done and that it wasn't appropriate at all, despite what the specialist or the doctor or the therapist were saying, they could stop treatment and could appeal through the normal process that's there.

Mr. Hart: — Thank you. Just as far as appeals, in the last fiscal year — and perhaps it isn't in the report; I didn't see it — how many appeals did WCB deal with?

Hon. Ms. Higgins: — At the appeals committee in 2003 there was 1,081 appeals received, and there was 840 that decisions were rendered on. And at the board appeal level there was 240 appeals that were received in 2003, and there were decisions on 294.

I don't know whether you have a copy of this book. It's a report to stakeholders. It was . . .

Mr. Hart: — Yes I did, but perhaps I didn't . . . I must admit I didn't read it cover to cover. So when a worker is injured, could you just go through the process as far as what happens? Because I've had complaints from injured workers that, you know, they did file for coverage and said that they had to apply at another office and those sorts of things.

And I thought for clarification, if you could perhaps just go through the process, there's an injury in the workplace, and just cover what happens after the injury takes place, I mean, other than of course the injured worker is taken to a health care facility to receive medical treatment, but from the board's standpoint, and when benefits are available to the injured worker and that sort of thing. If you could just briefly outline that procedure.

Hon. Ms. Higgins: — First off, to anyone that is injured at work, they should, depending on the seriousness of the information . . . When you stated that, you know, they would be off to a medical clinic, some injuries may not be that severe, and people may feel that there is no sense in reporting them. So to anyone that has an accident at work, they should first and foremost report it to a supervisor, or whatever the process is in their workplace.

But if it is a serious injury and if the worker is off work, there is a number of ways that they can file that report to WCB, either Telefile or fax; they can e-mail it through the Web site, or through the regular mail. And there will need . . . WCB will need ideally three reports: one from the worker, injured worker, a medical report, and also an employer's report. But they can proceed with the claim having at least two of the three reports; but at least two of the three are needed.

They will review the information that is on the reports and make a determination if the injury is, in fact, work related. If the decision is made — it's determined that it is a work related injury — they will need more information, payroll information, what the losses are for the employee, before they will be able to issue a cheque. But when we look at the record, 75 per cent of injured workers receive the cheque within 14 days of the injury . . . Oh, date of notification of the injury being reported, or notification of . . . No, that's right, within 14 days of WCB being notified of the injury.

But now of course if you look at cases that may be more complicated, there may be more information that's needed and it may not work that simply. But in a majority of cases, that's how it works.

Mr. Hart: — When a notification is given of a workplace injury, and you'd indicated that within, on the average, 14 days the individual does receive some compensation, are there situations where an individual, a worker receives compensation but the injury wasn't a workplace injury and didn't qualify for compensation? I would imagine those cases have arisen. Would you care to comment on those situations?

Hon. Ms. Higgins: — I'll let Mr. Federko handle this one.

Mr. Federko: — From time to time original decisions to accept a claim will later be found out, as a result of receipt of additional information, to have been incorrect. In the meantime some benefits could have been paid. In those cases the benefits are terminated and an overpayment is established for the amount of compensation that was incorrectly paid and then actions are taken to try and recover that overpayment.

Mr. Hart: — In the cases of overpayment, what has been your track record as far as collecting those overpayments?

Mr. Federko: — Not stellar. We don't have great ability within our legislation to obtain security, for example, to secure the overpayment if there are still additional benefits being paid. So in other words, if the original calculation was correct in terms of work-relatedness but the amount was incorrect, we can seek to recover those from subsequent payments. And of course, in those cases, recovery is very good.

Mr. Hart: — What instruments does the WCB have to collect an overpayment or a payment that wasn't . . . shouldn't have been made to an individual? Our financial institutions, and there are a number that have, certainly have recourse, you know, to . . . if people don't make their loan payments and that sort of thing. But I'm just wondering what type of instruments has the WCB got at its disposal to collect those type of overpayments?

Mr. Federko: — It's quite limited. We can in fact obtain an order from the courts, an enforcement order, and seek to register that against an individual's personal property. But of course we have no, we would take no priority over a bank mortgage or a car loan or anything like that. So we do have the ability through a court order to place a charge against personal assets.

With respect to employers who don't pay their assessments, we do have additional ability to attach ourselves to the corporate assets of the organization that happens to owe us that money. But those are pretty much the only vehicles that we have within our legislation.

Mr. Hart: — What type of dollars are we talking about in the situation where an individual received a payment from WCB and subsequently it was deemed not eligible to receive that claim?

Hon. Ms. Higgins: — The total dollar value for overpayments in the year is around \$1.2 million but we don't have a number of accounts that would be . . . to give you a better idea of what the average would be.

Mr. Hart: — You haven't got a breakdown . . .

Hon. Ms. Higgins: — No, we just have a total.

Mr. Hart: — . . . of that number as far as overpayments made to people who perhaps who were qualified for payments or for a claim but were overpaid, versus those people who haven't qualified and still received payment? Do you have a breakdown?

Hon. Ms. Higgins: — We can get the information for you to give you a better idea of what the average cost per claim would be. But there won't be a distinction between someone that was

overpaid or someone that was inaccurately paid, or incorrectly paid is probably a better word.

Mr. Hart: — Also provide with that information the amount of overpayments that were collected.

Hon. Ms. Higgins: — Yes.

Mr. Hart: — I was . . . raise a case that I was made aware of by an employer, and there are some issues around this particular case — and I'm not going to mention any names of employers or employees — but I was made aware of by an employer that this employer has a number of employees and the employees were on their lunch break and this particular employee walked across the shop floor.

Now the information I was given is that there was nothing on the shop floor that would cause an individual to slip and fall or whatever, but basically I understand the employee tripped over his own feet as such and I think sprained an ankle or whatever and ended up at one of the hospital emergency wards in Regina here. And the employee corroborated this, you know, this sequence of events. But when he was being treated, I guess apparently the employee was asked whether . . . where the accident happened, and he mentioned it happened at his place of work. And subsequently there was a file claimed with the . . . or a claim filed I should say with WCB.

The employer couldn't understand why that would be a workplace injury. The employee was on his lunch break, there was no unsafe conditions, the employee agreed that there was no unsafe conditions. The employee himself felt that this wasn't a workplace injury as such, but yet once WCB was notified, the process kicked in and the employer now has this injury on his record.

I wonder if you could explain the rationale behind that whole incident.

Hon. Ms. Higgins: — Any injuries that occur out of or in the course of work are covered by WCB. And being rest breaks are required in a workplace, and where the employer provides facilities for that, if an injury occurs during a rest break, it's still considered a workplace injury and covered by WCB.

Now there is a section on the Web site dealing with injuries such as this that occur during rest breaks, coffee periods, lunch breaks on the Web site, so that might be a little more information for you to have a look at if it's . . . or for this employer if you wish to pass it along to him.

Mr. Hart: — Well, I guess this employer, he had indicated that he provides a microwave so that the employees can, you know, heat their lunch and that sort of stuff. And his question to me was, so if an employee brings a bowl of soup to work for his lunch, and heats the bowl of soup up in the microwave that is provided and happens to spill this in his lap, is the employer responsible? And if so, why would the employer be responsible for that particular type of injury? It had nothing to do with the duties of the employee, and the employer would like to know the rationale behind his obligation to be responsible for that type of an injury.

Hon. Ms. Higgins: — Really it's the same answer that was given before. If it happened in the workplace, whether during work or on a rest break, it is still considered a workplace injury and would be covered by WCB. Now that is a policy of the board.

And you really should check the Web site. The employer should check the Web site. There is like more information there and it would be a little more detailed of an explanation there. But it is considered covered by WCB.

If the employer felt that it truly wasn't a workplace injury, then that should be appealed to the board.

Mr. Hart: — Well I guess the employer is aware that it's a WCB policy. And the question is, you know, why is it a policy? And the question I would have is, is this policy consistent with other WCBs across this country?

Hon. Ms. Higgins: — Yes, it would be. Yes it is.

Mr. Hart: — In all provinces we're consistent with this policy?

Hon. Ms. Higgins: — Yes. Yes, we are.

Mr. Hart: — This leads to . . . this discussion leads to another question of another incident that I've been made aware of, of an employee that was injured in the workplace. But the injury took place because the employee broke occupational health and safety rules. The employee was made aware of the occupational health and safety rules and was told to use a particular piece of protective equipment, ignored those instructions, was injured in the workplace.

That claim was covered by WCB. It's an ongoing case which is on the record of the employer. There are some fairly significant dollars involved in this claim, and the employer really feels that he has nowhere to turn.

What do employers do and what is the board's policy when workers ignore safety instructions and take shortcuts and are injured as a result of that? How does the board deal with a situation like this?

Hon. Ms. Higgins: — You're kind of crossing over into two different areas here but WCB is no-fault. It's a no-fault system. So if an injury occurred in the workplace, it is considered to be a workplace injury and would be covered by WCB unless there was malicious intent. I mean, that's getting off onto a whole other topic but . . . so it is. WCB is no-fault so it would be considered a workplace injury and be covered by WCB.

Mr. Hart: — Well what recourse does an employer have if the employer has gone to every extent possible to ensure that the workplace is safe, made the employee aware of the dangers, instructed the employee to use certain procedures so that employee wouldn't be injured, and the employee ignores all of that? What recourse has an employer got outside of WCB?

Hon. Ms. Higgins: — Well it's not up to me to give advice to an employer on how he manages his employees or his workplace. I mean there's all kinds of processes that could be in place or . . . I mean, whether it be employment contracts, I don't

know the work site, I'm not aware of how large it is, how small it is, what type of a work site it is, how many employees there are. So it's, I mean, that's inappropriate. I can't be second-guessing something that I'm not aware of very many details of, so I mean it's . . .

Mr. Hart: — The employer finds himself in a difficult and no win situation. And I mean, I don't . . . I'm sure perhaps there's other situations that happen in the workplace where employers make any effort to ensure that they have a safe workplace, provide the correct environment, provide the protective equipment that is needed to ensure that their employees are safe, and the employee chooses to ignore and not use the protective equipment and is subsequently injured. The employer finds himself, because as you've said, Minister, that WCB is a no-fault program, but the employer finds himself in the situation where his premiums will probably go up.

We talked about, you know, surcharges and so on earlier. And some of these employers are saying, what more can we do. We've done everything that are required to do. In fact we've gone over and above the requirements to ensure that we have a safe workplace, yet if you have an employee that totally ignores everything, goes ahead and does something and becomes injured, we end up paying the bill. What's your response to these employers? What recourse have they got?

Hon. Ms. Higgins: — Well what I would say to you is that WCB is a no-fault system. So if there is an injury on the workplace it is . . . I mean there is a high possibility it would be covered by WCB as a workplace injury.

Employers have a legal obligation to enforce occupational health and safety in the work site. I mean I can't give advice on how you deal with employees. I'm not aware of the number of employees. I mean you're asking for information that I don't have the ability to give you.

Mr. Hart: — Well basically what I'm doing is I'm bringing forward the frustration that some of the employers are feeling. In this particular case it is small work site with, you know, I think maybe 15 workers or whatever, you know, in that area; it's not a large industrial site or whatever and, you know, this employer — and I'm sure there are other employers out there — feel very frustrated. They feel they've done everything they possibly can to ensure that workers don't get injured but their rules have been ignored and they end up being . . . paying the bill at the end of the day.

Another question I'd have, does WCB make lump sum payments to employees . . . injured workers in order for an injured worker — this would be part of the retraining, I guess, program — in order for this . . . so that this injured worker can purchase a business? Is that a practice of WCB?

Hon. Ms. Higgins: — That is something that WCB will look into and they will do an evaluation on re-employment grants that can be offered to clients. But it's something that is evaluated on a case-by-case basis.

Mr. Hart: — When re-employment payments are made to clients, are there terms of final settlement or does the client have a right to come back to the board later on for continued

coverage as an injured worker?

Mr. Federko: — Unlike some private insurance policies, the WCB legislation does not provide for a final payout. So a claim technically is never closed. The worker always has the ability to approach the board even after they've returned to work in normal course and ask for further assistance.

In the case of self-employment ventures, the situation's no different which is why additional care and diligence must be provided in evaluating the particular proposal that's before us before such a self-employment grant is provided. And, you know, as we indicated at our annual meeting, we've really tightened up the criteria around which we evaluate those self-employment ventures that workers may approach us with.

But to directly answer your question, the worker in all situations always has the ability to come back to the board and ask for further assistance.

Mr. Hart: — Does this policy of the Saskatchewan Workers' Compensation Board, is that consistent with policy across this country or . . .

Mr. Federko: — Yes.

Mr. Hart: — All WCB have that policy in Canada, that an injured worker's claim is . . . there's no final settlement on it? An injured worker can always come back for continued coverage?

Mr. Federko: — Yes.

Mr. Hart: — You've indicated that you've tightened up the criteria for making these grants. In a situation where a fairly large grant has been given to an injured worker and this injured worker, the injured worker put the . . . or the client put the proposal forward that he needed X number of dollars, several tens of thousands of dollars to purchase a business. And if that business fails, then what you're telling me is that the worker can come back, or the client can come back to WCB for continued benefits and that all those payments are on the record of the employer. Is that correct?

Mr. Federko: — Yes and . . .

Mr. Hart: — And so that would then enter into the employer's . . . possibly you could put that employer into a fairly high surcharge and those sorts of things.

I guess from an employer's standpoint, I think the employers are quite concerned about the due diligence that is . . . centres around these larger grants because it has some very negative effects on their premium rates. And I wonder, could you just expand on the tightening? You mentioned you're tightening up in that area. Could you perhaps explain some of the measures you've put in place to tighten up.

Mr. Federko: — Fundamentally, first of all, a self-employment venture is no different than any other Return to Work or rehabilitation venture. So whether we're trying to or have retrained somebody, invested in a different trade for them, and put them into a place of business, if that Return to Work

happens to fail, it is no different than if the self-employment venture happened to fail.

Essentially the criteria used today are the same criteria as a bank would use to lend the individual the money. If a bank would not consider the venture to be solid enough to have cash flow to repay a bank loan, then for all intents and purposes WCB would not be providing a self-employment grant. We've always had a similar evaluation process. We've just adopted, more closely, criteria that financial institutions might use in loaning people money.

Mr. Hart: — Okay, thank you for that information. At the annual meeting there was mention made that a fair practices office has been established by the WCB, and Mr. Murray Knoll has been appointed as fair practices officer. I wonder if you could briefly explain the role that the fair practices officer has?

Hon. Ms. Higgins: — The fair practices officer is really exactly what the title states. What he will do, he receives and investigates issues and concerns where injured workers or . . . and employers believe that a WCB policy or a practice or a procedure that's in place has not been applied fairly.

Mr. Hart: — Basically the fair practices officer is an ombudsman as such.

Hon. Ms. Higgins: — Really yes, that's probably the best explanation — a neutral ombudsman.

Mr. Hart: — Okay. The board . . . or the Department of Labour has a Worker's Advocate position, and that position's been established for a number of years, I believe. How many people does that office have working for it?

Hon. Ms. Higgins: — There's nine in the Worker's Advocate's office.

Mr. Hart: — And, Minister, you mentioned the last time we were discussing the estimates of your department that the Worker's Advocate office has, I guess, reduced the backlog of files substantially. I believe you mentioned as of April 1 of this year you're down to 92 files versus 647 a year ago. Have more staff been devoted to that office, or how did that cleanup of those backlog of files, how was it accomplished? It seems like a fairly significant reduction, and I'm just wondering, you know, how that was accomplished. Were files simply filed in the traditional filing place, or were they actually dealt with?

Hon. Ms. Higgins: — In February '03 we hired a new director in the Office of the Worker's Advocate, and Ms. Halifax brought with her a great deal of case management experience in this area. And she put a number of processes in place — prioritizing the files, working through the files, people being assigned to a certain number of files, working through them.

As you know we had an atrocious backlog of people that had contacted the office looking for assistance with an appeal to WCB. Many of those were requests for how to file an appeal letter. Some was information. Some were more involved cases. Some were lengthier, but there has been a very systematic approach to work through the files and the backlog of files that were there, to expedite some of them that were requests for

information and updates.

There are still long-term cases that are being worked on, but it has improved the process considerably and helped reduce the backlog drastically.

Mr. Hart: — Of those almost 550 files that were cleared, how many of those have been settled and completely dealt with? And how many of those 550 are still in the appeal process or are still active in some manner?

Hon. Ms. Higgins: — I don't have the detailed information for you, but just to let you know, currently there is 343 cases — 251 are current; 92 are still outstanding — from the backlog of files that are still being processed. We don't have the breakdown of which cases went where and what numbers belong in what category, but we can get that for you and pass it along to you.

Mr. Hart: — I just wanted to get some sort of sense as to how the, you know, 550 files were moved along and that sort of thing.

Hon. Ms. Higgins: — Well the number that were quite simple requests for, like as I said, help with how do you file an appeal letter . . . one of the things that the Worker's Advocate office endeavoured to do right as soon as Ms. Halifax joined us was to contact people that had files in the backlog to see if they still needed help. Some didn't need help. Some had moved on to other things. Some still were waiting for help, so then the prioritization kind of begun, and it was dealt with that way. But we can get you more detailed numbers.

Mr. Hart: — I would just for a moment like to return back to the WCB, and these are questions, Madam Minister, that would be directed to yourself. The board is made up of three individuals — the Chair, an employer rep, and an employee rep. What are the term . . . How long a term are each one of these individuals appointed for, and when were they last appointed?

Hon. Ms. Higgins: — The chairperson is a five-year term, and the board members are a four-year renewable term.

Mr. Hart: — Are these terms . . . You mentioned the board members are a four-year renewable. Are they renewed indefinitely, or is there some provision that serves so many terms and then new people are appointed? Or is there no provision like that?

Hon. Ms. Higgins: — Traditionally what we do is an informal consultation with the groups that they represent to see if there is still a desire to have that person sitting on the board representing their community so to speak. That's the way it's been handled previously. Informally, phone calls are made and is this still an appropriate representative from your area? That's the way it's done.

Mr. Hart: — Who would you refer to as far as each of the employer/employee representatives? Could you give me some sort of sense as to what groups or organizations you would consult with when the board members are being . . . prior to being reappointed?

Hon. Ms. Higgins: — With the labour representatives, it would normally be the Saskatchewan Federation of Labour, and then we would make a request to them if this was an appropriate name to represent their organization. Then they would go through the process of discussing with their members. That's my understanding how it's dealt with there.

And it would be the same for the business representative . . . would be through the chamber of commerce. And that process is normally carried on, is my understanding that the people we contact then will do a bit of discussions through their organization.

Mr. Hart: — Minister, have you given any thought to perhaps limiting the number of terms that a board member can be reappointed?

And the reason why I ask the question . . . I recall a conversation I had with an individual who headed up a grain company in Western Canada. And this individual . . . It was a farmer member organization. And this individual made the statement at a meeting that . . . and this, I think this conversation took place probably 15 years or 20 years ago, so things have speeded up since then. But anyway, the gist of what this individual said is that five years after this person left the farm, he had a pretty good idea as to what was happening in the farming industry. Ten years after, he said he's lost all contact . . . or not contact, but all concepts of the reality out in the agricultural industry and on the family farm. You know, he was referring to, you know, being isolated in this position and that sort of thing, even though he headed up a company that dealt with the farming industry.

And I'm just wondering if . . . You know, it seems to me there was a lot of good common sense in those comments. And I'm just wondering if you've given any thought as perhaps as to limiting terms to bring new faces who have recent, you know, experiences, both in the employee side and in the employer side. I would like your comments with regards to that statement.

Hon. Ms. Higgins: — There hasn't been any discussions during my term as Minister of Labour on whether we should limit the number of terms that a board member can serve. Now whether it's been done before or not, I'm not aware of that, but it hasn't during my time here.

When we're looking for board members, you really want someone that has experience and has a well-rounded knowledge of a variety of areas and issues that the board needs to deal with — not only health and safety issues, but policy and policy setting within the board. They also have to have a good understanding of the finances and the financial situation of the board. Yes, there's always experts around to give you advice, but it's always good to have a working knowledge of that personally.

The groups that we will consult as to their representatives on the board, I believe that it would be a signal from them as to whether they felt this person was appropriate and representing them to the best of their ability or up to the standards with whatever that organization expects from their representatives on the board. So I would rely more on that than I would setting a cut and dried number of terms that someone could serve.

Mr. Hart: — So to this point in time you haven't received any representations from either the employee side or the employers as far as limiting the terms and those sorts of things, the terms of office?

Hon. Ms. Higgins: — No, this actually is the first time that I have ever heard that discussed or have been ever asked the question. So, yes.

Mr. Hart: — No, and I mean I'm certainly not advocating, you know, the employer or employee representatives be changed. It's just, you know, when you explained the number of terms, and I understand that, you know, one of the board members has been on the board for a number of years, it just . . . remembered that conversation that I had some years ago and . . .

Hon. Ms. Higgins: — Just a question to you: do you feel that should apply to MLAs also?

Mr. Hart: — Well we'll let the voters make that decision. And we'll see where we go from there.

I understand that you've received a couple of reports as far as the WCB appeals process, one from a Nexus report, and a report from the Saskatchewan Chamber of Commerce about the appeals process of the WCB. What is the status of those reports, or have you reviewed them? Are you contemplating any changes as a result of those reports?

Hon. Ms. Higgins: — Going back to 2000, there was a Dorsey report that did a review of the administrative aspect of the board. And there was a number of recommendations that came out of that report, many which were received.

But there was one recommendation, and from the Dorsey report came forward a recommendation to establish an independent appeals tribunal. Shortly after that the committee of review was struck by the legislation. It is done on a regular basis. Every four years the committee of review is struck and reviews the WCB.

There was a number of recommendations that come from the core review, and one of those was different than the recommendation that came forward from the Dorsey report. And what it did was recommend that an appeal commissioner be put in place to help with the appeal process.

So there we were with the two recommendations that were somewhat different. And there has been a number of concerns with the appeal process, the length of time it takes, and the number of appeals. So what we did . . . You can look across Canada and WCBs have different processes in place for that appeal, the final appeal. And there's a number of different options and ways that we could go, so we had in mind either the appeal commissioner or the independent appeal tribunal or the status quo — stay as we are and work with the process that we have now.

So what we did, we commissioned the Nexus report to do a analysis of the options that were available to us; did some consultations on that again to see if we could get just a better feel and understanding for what people expected and wanted from the appeal process on the WCB.

The final decision was that we would stay with the system that we have. Many people felt that the independent appeal tribunal was just that, that it was independent and that they felt they would get a fair, more unbiased, maybe, decision. Some felt it would be quicker. I mean there was a variety of expectations that were out there. So we went through all the pros and cons and had the analysis done through the Nexus report.

But in all of the discussions and the consultations that were done, people would begin talking about the appeal process but it may switch to other areas that may be a bit of an annoyance or a frustration when dealing with a claim at the board or through WCB. So in the end when you look at it, for me, and all the information that was there, to put another layer of appeal or another process at the top to deal with appeals . . . and some of them, by the time they hit that stage of appeal, they're quite complicated and quite difficult appeals that take time.

The big question that was left for me is, how are we ending up with that many appeals at that point and is there things that we could do more efficiently or in a more appropriate manner to solve some of those issues throughout.

From the committee of review there was quite a substantial number of recommendations that — both from the committee of review and the Dorsey report, the administrative review — that have been implemented over the last couple of years. I think we are beginning to see the results of that with the team-based case management and that running smoother. There's just . . . I mean the administrative costs have dropped.

We're looking at a series of things where we are seeing improvements in. I know in my constituency office — and that's sometimes the best gauge that we have of these things, the number of calls, the number of letters you're getting — the processes seem to be working more smoothly than they were. So out of this, the appeal process, the decision was made to leave the appeal process as is and that we would continue to work on some of the issues still within the processes that they are at the board.

Mr. Hart: — Minister, are you aware of any other provinces that have an external, an independent appeal tribunal or . . . You would have more information than I would in that area. And, if so, what provinces are you aware of that have this independent tribunal?

Hon. Ms. Higgins: — One off the top of my head. BC does for sure, and it can have up to a two-year wait time to get to the board and have your appeal heard. Sorry, I can't think of others off the top of my head right now sitting here.

Mr. Hart: — There are others?

Hon. Ms. Higgins: — There are others. Yes, there's independent appeals across the country in different provinces.

Mr. Hart: — So we have a mix?

Hon. Ms. Higgins: — Yes, there is a mix.

Mr. Hart: — When was the decision made to maintain the status quo? When did you make that decision? Was that

recently or . . .

Hon. Ms. Higgins: — No, it was just recently made. When the Nexus report came back, there was discussions around what was contained in the report and there was some consultations that were done with some of our major stakeholders — the chamber of commerce, the SFL (Saskatchewan Federation of Labour), some of the larger groups. And then the decision was made from the feedback that we got back from this process and that's when we made the decision to stay with what we have and continue working on areas within.

Mr. Hart: — The major stakeholders that you consulted with, was there a divergence of opinion as far as the decision, or was there some agreement that the status quo should be maintained? I want to get a sense of what the stakeholders were . . . Since I certainly wasn't part of those, that process, I'd like to get a sense of what kind of feedback you were getting.

Hon. Ms. Higgins: — Well it's surprising. But I mean as we quite often fall back into the stance that we have taken previously and it often strays off into other areas that we also feel are a concern. So while I'm . . . you know, we may come to you to talk about the appeal process; we may stray off into other areas that are an annoyance to you.

So we got, you know, some comments back on the appeal process. Many people felt it wasn't an issue; some felt it was; some strongly felt the independent appeal; some still felt that we should have went with the committee of review recommendation that was the appeals commissioner. But it was quite scattered. A diverse amount of opinions.

Mr. Hart: — So you exercised your ministerial prerogative and made the decision, did you?

Hon. Ms. Higgins: — Yes, I'm afraid so.

Mr. Hart: — How often do you . . . does your department review, conduct a review such as you have just conducted in as far as the appeal process and so on?

Hon. Ms. Higgins: — By legislation, the committee of review is struck every four years to review the Workers' Compensation Board and policies and they will do . . . we are due for another committee of review to be struck at the end of this year to begin in 2005 — hearings and input from stakeholders. But it's laid out in the legislation.

Mr. Hart: — Okay. So for my information, could you describe the composition of the committee of review? Who are the people or the representatives on that committee of review?

Hon. Ms. Higgins: — The previous review, we had a number of representatives from either, you know, kind of employee representatives, employer representatives, and an independent Chair, or a more neutral Chair I guess is probably the better way to put it. I mean, that's the structure that it's followed.

Mr. Hart: — The structure isn't laid out in legislation though, is it?

Hon. Ms. Higgins: — I don't believe the structure is, but that's

traditionally . . . Within the Department of Labour you will know that many of the things that we do are contentious in many areas. So we always try and have . . . strive to maintain that balance of having equal representation and having the stakeholder groups have opportunity for input into whatever we're doing. I mean, that's just the way we have always endeavoured to do the things that we do within the department. And this is no different, the committee of review.

Mr. Hart: — The Nexus report was actually a report that stemmed from the last committee of review. Is that correct? That's my understanding so that . . .

Hon. Ms. Higgins: — Yes. It was a report that was commissioned to do an assessment of the appeal processes that are in place and what the benefits — I guess pros and cons — were of an appeal commissioner and an independent appeal tribunal.

Mr. Hart: — That recommendation came out of the previous committee of review, is that . . . to have that review of the appeal process done. Is that the timeline as such?

Hon. Ms. Higgins: — The one recommendation came from the Dorsey review which was done in 2000, which was a review of the administrative processes within WCB. And the second recommendation of the appeal commissioner came from the committee of review that was struck in 2001.

Mr. Hart: — Good. Thank you for clarifying that for me. Mr. Chair, I see the hour is near 5 o'clock and I've pretty well covered the area that I intended to cover today, and I don't know whether it would be much to gain to move on to a new area. But if other committee members have questions, I would yield to them, certainly.

The Chair: — Thank you, Mr. Hart. Mr. Merriman, I think you have . . . did you have a question?

Mr. Merriman: — Yes. Thank you very much, Mr. Chairman. Just one short question. I know these committees are new to us all and the structure and process is new. And I had asked some questions of the minister that I was anticipating getting written responses; I believe those are now in process. I guess my question is, how soon could we expect those answers? And on an ongoing basis it would be nice to have had those questions prior to today's meeting so I could have continued on, on that channel. And I'll have to save it for another day. But we just want to ask the minister, you know, what time frames we could anticipate these written responses.

Hon. Ms. Higgins: — Well thank you very much for the question. You're right; this is new — the committee system that we're working through. And traditionally, in the old system we would have just done up the answers and sent them over to your office. But with the new committee system, we are informed that what we need to do is provide 15 copies of the written responses to the chairperson of the committee. So that's what we did today. I put them on the chairperson's desk in a brown envelope.

The Chair: — They're in the hands of the Clerk.

Hon. Ms. Higgins: — Oh good. But it is a little different and, you know, we'll have to work through some of these things. There's also, when you get the copy, I'm not sure . . . I assumed they would be handed out at the beginning of the committee, but obviously I wasn't accurate in that.

There's also clarification of a couple other comments that I made, just to give you a little added information on them. And one of your colleagues also had asked a question and it's contained on the same document. We've just got them all on the same paper. Thank you very much.

Mr. Merriman: — Thank you. I appreciate the response. I guess I understand it takes time to get these. It would be nice if we could have them prior to the next session so we could continue on . . . (inaudible interjection) . . . Oh good, now that I can continue on. Thank you for your response.

The Chair: — Thank you, Mr. Merriman. That would appear to be some very quick action on behalf of the Clerk of the committee. And hopefully as we go through these processes and learn them better than we know them now, we'll be able to get all this clarified.

Madam Minister, if you'd like to thank your officials. I'd like to thank your officials on behalf of the committee for their attendance today. The Chair would then entertain a motion to adjourn.

Hon. Ms. Higgins: — Thank you very much, Mr. Chair. I would like to thank my officials for being here today and all the work they do to get ready and provide all the information that's needed by the committee. It's a great deal of time and effort that's put into these and all of the compiling of the information. It's a good exercise for all of us to go through, though.

So I would like to thank them for all of their work and thank you to the committee.

The Chair: — Mr. Stewart.

Mr. Stewart: — On behalf of my colleagues in opposition, I'd like to thank the officials for their efforts this afternoon. They've been very helpful and the minister as well. Thank you very much.

The Chair: — Could we have a motion to adjourn. It's been moved by Mr. Yates that this committee adjourn. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — This committee stands adjourned.

The committee adjourned at 16:53.

