

**ANNUAL REPORT**  
**OFFICE OF THE EMPLOYER ADVISOR**

**for the period of**  
**January 1, 2020 – December 31, 2020**

**Submitted By:**  
**Erinn G. Moore, Employer Advisor**

3 Brighton Road, P.O. Box 2000, Charlottetown, PE, C1A 7N8

Phone: 902-368-6132 Email: [egmoore@gov.pe.ca](mailto:egmoore@gov.pe.ca)

This Annual Report highlights the activities of the Office of the Employer Advisor for the period of January 1, 2020 – December 31, 2020, inclusive.

### **About the Office of the Employer Advisor**

The legislative authority for the Office of the Employer Advisor is provided at Section 85(1)(b) of the *Workers Compensation Act*. The Office became operational on February 16, 2004. The mandate of the Office is to assist PEI employers and employer associations with the statutory interpretation and application of both the *Workers Compensation Act* and the *Occupational Health and Safety Act*, as well as policies, procedures and practices of the Workers Compensation Board of PEI, which are derived from those primary authorities.

The Employer Advisor provides independent advice and assistance in the areas of claims management, classifications and assessments, workplace health and safety and appeals. Services available from the Office of the Employer Advisor include education and training, assistance and representation during the appeal process, research and analysis, along with information sharing. Operational funding is provided to the Department of Economic Growth, Tourism & Culture by the Workers Compensation Board of PEI through employer assessments levied by the Board. There are no fees charged for our services and the Office operates independently from the Workers Compensation Board.

### **WCB Related Activity**

The Office of the Employer Advisor represented a number of Island employers in the preparation and presentation of their appeals, or responses to Worker appeals, to both the Internal Reconsideration Officer and the Workers Compensation Appeal Tribunal.

During the year 2020 eighteen (18) new files were opened, dealing with diverse matters such as: claim procedure and acceptance, claim costs, new evidence issues, return-to-work and accommodation, re-employment obligations, appeal procedures, cost relief, pre-existing conditions, rate questions and experience rating. Five (5) of these matters were subsequently heard at the Workers Compensation Appeal Tribunal (WCAT).

Also during the 2020 calendar year the Office prepared written submissions on a file which was heard as a statutory appeal in early 2021, and which is presently awaiting judgment before the PEI Court of Appeal.

Additionally, numerous telephone and e-mail inquiries from individual employers and employer associations were answered, relating to various aspects of both the *Workers Compensation Act* and the *Occupational Health and Safety Act*, and the attendant OHS *Regulations*, as well as various queries regarding Board policies, procedures and practices.

The Employer Advisor also submitted feedback on WCB Draft Policies that were open for public consultation during the calendar year 2020, including feedback for proposed legislative changes to the new Occupational Health and Safety law governing workplace bullying, introduced on July 1<sup>st</sup>, 2020.

The Office also participated in feedback for proposed amendments to Section 39 of the *OHS Act* regarding confidentiality and limited disclosure of information and to the *OHS Act General Regulations* and *OHS Act Fall Protection Regulations*. The purpose of those amendments is to harmonize regulatory requirements across jurisdictions, update references to standards, and provide consistent terminology.

In 2020 the Employer Advisor continued its participation in the regular monthly Appeal Working Group (AWG) meetings with the Workers Compensation Board (Service Quality Coordinator and Internal Reconsideration Officer), along with the Worker Advisor and the WCAT Coordinator. These meetings were halted in March 2020 owing to the Covid 19 pandemic, however they are expected to resume shortly.

### **Professional Development**

The Office of the Employer Advisor participated in teleconference calls with the five other members of the Canadian Association of Employer Advisors/Advocates throughout the year. These teleconferences are usually held on a quarterly basis, and provide an excellent opportunity for information sharing for Employer Advisors/Advocates regarding their programs, and developments in workers' compensation in their respective jurisdictions.

The Employer Advisor remotely attended numerous continuing education and training sessions in 2020 via videoconference or teleconference, including the following events:

- Justice Adapting: The Atlantic Canada Courts - Law Society of PEI (01 May 2020)
- Top 10 COVID-19 Return to Work Issues – Stewart McKelvey (29 May 2020)
- Understanding New Workplace Regulations – Charlottetow Chamber of Commerce (15 June 2020)
- WCB – Annual General Meeting 2020 – Workers Compensation Board of PEI (29 July 2020)
- Workplace Investigations: Focusing on Fundamentals – Filion Wakely Thorup Angeletti Law Firm (09 September 2020)
- Cannabis in the Workplace: 2 Years Later - Filion Wakely Thorup Angeletti Law Firm (21 October 2020)
- Harassment in the Workplace: Identification, Resolution and Prevention – Cox and Palmer (10 November 2020)
- Overlapping Jurisdictions of LIR/HRC - Human Rights Commission (23 November 2020)
- Insights Workshop – Public Service Commission (September – December 2020)

## **Communications and Client Relations**

The Employer Advisor Office attended and had an information booth at the Construction Association's Annual "Expo" Trade Show on February 28th, 2020, held at the Rodd Charlottetown. The Employer Advisor Office also had a booth at the TIAPEI Job Fair on March 7th, 2020, held at the Delta Charlottetown.

During the fiscal year twelve issues of *The Employer Advisor* electronic newsletter were produced and circulated via e-mail to employers and their management staff, employer associations, public sector managers, and other interested parties. The Office continues to offer copies of our newsletter on its section of the website. The Office sent out email invitations to numerous employers promoting our monthly newsletter. There were over 40 new subscribers over the last six months of the 2020 reporting period, and this number continues to increase.

Respectfully submitted,



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Erinn G. Moore  
Employer Advisor