

ANNUAL REPORT
OFFICE OF THE EMPLOYER ADVISOR

for the period of
January 1, 2021 – December 31, 2021

Submitted By:
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This Annual Report highlights the activities of the Office of the Employer Advisor for the period of January 1, 2021 – December 31, 2021, inclusive.

About the Office of the Employer Advisor

The legislative authority for the creation of 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 for the 2021 calendar year was 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.

In 2021 there were thirty (30) new files opened, dealing with diverse matters such as: claim procedure and acceptance; questions regarding Worker entitlement; new evidence issues; return-to-work and accommodation; re-employment obligations; appeal procedures; cost relief for employers regarding claim costs; pre-existing conditions; assessment rate questions and experience rating inquiries. The Employer Advisor participated in three (3) WCAT appeals throughout the year as a responding party.

Also during the 2021 calendar year the Employer Advisor filed written submissions and made appearances before the PEI Court of Appeal as a respondent in the matter of a statutory appeal filed by a Worker from a WCAT decision. The judgment of the Court in that matter was issued in May 2021.

Additionally, numerous telephone and e-mail inquiries from individual employers and employer associations were answered, relating to various aspects of the Employer Advisor mandate, involving 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 numerous WCB Draft Policies that were open for public consultation during the calendar year 2021. Specifically, the Employer Advisor reviewed proposed draft policies and provided feedback in regard to the following policies: POL-03, POL-19, POL-22, POL-65, POL-66, POL-69, POL-82, and POL-161.

Also the Employer Advisor provided feedback on the topic of proposed changes to the Benefit Indexation provisions of the legislation (subsequently enacted). That feedback related to changes to the adjustment provisions set out at sections 48.1, 48.3, 49.1 and 50 of the *Workers Compensation Act* and section 8 of the General Regulations.

In 2021 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 held via videoconference owing to the COVID-19 pandemic restrictions.

Professional Development

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

The Employer Advisor remotely attended numerous continuing education and training sessions in 2021 via videoconference or teleconference.

- January 2021 – “Psychologically Safe Workplaces” webinar (Law Society of PEI)
- February 2021 – COVID-19 and Mandatory Vaccination in Workplace (Stewart McKelvey Stirling Scales, Rick Dunlop presenter)
- June 2021 – Annual General Meeting, PEI WCB
- August 2021 – Unconscious Bias in the Workplace webinar (presented in conjunction with PEI Public Service Commission)
- September 2021 – Occupational Health & Safety: Back to Basics (Miller Thomson, Tari Hiebert, presenter)
- October 2021 – The OHS & HR Implications in a Post-COVID Canada (Fasken Law, Norm Keith, presenter)
- December 2021 – From Pain Management to Recovery (PEI WCB, Dr. Henrik Visser, presenter, with Dr. Howard Schubiner)

Communications and Client Relations

During the calendar year twelve issues of the Employer Advisor's 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 monthly e-mail distribution list presently includes over 300 hundred PEI employers, and continues to expand.

Respectfully submitted,

A handwritten signature in blue ink that reads "Erinn G. Moore".

Erinn G. Moore
Employer Advisor