

CANADIAN WORKERS' COMPENSATION DIGEST

Volume 3 Issue 3



RACIALIZED, INDIGENOUS WORKERS FEEL MORE PSYCHOLOGICALLY UNSAFE AT WORK

Nearly nine in 10 working Canadians indicate they are comfortable being themselves at work. | 5

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INTRODUCTION/ABOUT TEKSMED

TeksMed Services Inc. is the leader in Canadian disability management backed by over 25 years of success. We proactively manage occupational and non-occupational injuries and illnesses with personalized recover-at-work solutions helping hundreds of employers with thousands of employees.

Inspired by a never-ending quest to be the best, TeksMed continues to set the standard and raise the bar for integrity, innovation and exceptional service.

TeksMed seeing the ability in disability.

Thousands of businesses across Canada trust us with their disability management. Call us and start saving money. Our program literally pays for itself! For more information on our services and contact information see the final section of this magazine.

ABOUT THE PUBLICATION

This is the eleventh issue of our Canadian Workers' Compensation Digest. This magazine highlights prominent Canadian Workers' Compensation updates nationally and within each province/territory.

All content within this digest is sourced from third-party websites which can be accessed by following the provided links.

NATIONAL- CANADA



1 in 5 Canadian workplaces have no safety programs for new workers, survey suggests

More than 900 workers in Canada died due to work-related causes in 2019, according to the most recent national report on workplace fatalities and injuries.

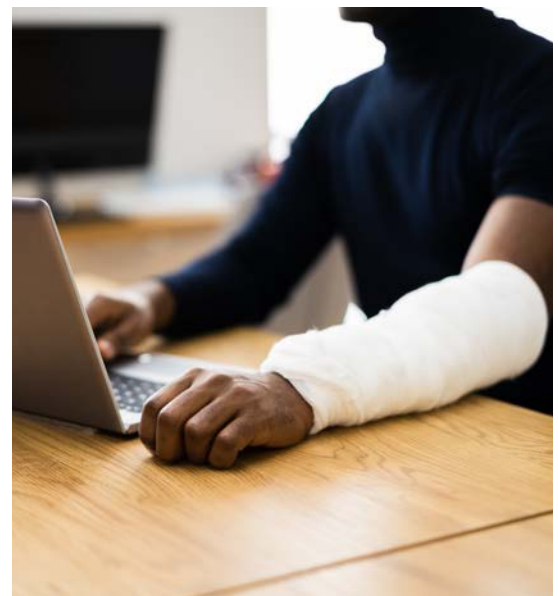
A new survey suggests almost 20 per cent of Canadian businesses do not offer safety and orientation programs that are legally required for new workers in much of the country — a finding one labour law expert calls "shocking" and evidence of "widespread lawbreaking."

<https://www.cbc.ca/news/canada/toronto/no-safety-programs-in-20-of-canadian-workplaces-1.6423333>

Worker's compensation: What are your responsibilities when an employee is injured?

While some workplaces may be lucky and never experience a workplace injury, it's certainly not uncommon. Employment and Social Development Canada reports that on average, one out of 15 workers was injured at work in 2003 (a total of one million injuries were reported that year).

<https://www.thesafetymag.com/ca/topics/legislation/workers-compensation-what-are-your-responsibilities-when-an-employee-is-injured/326499>





NATIONAL - CANADA

Racialized, Indigenous workers feel more psychologically unsafe at work

Canadian workers appear to be comfortable in the workplace.

Nearly nine in 10 working Canadians indicate they are comfortable being themselves at work, and eight in 10 feel they can bring concerns to their manager or senior leadership team, according to a report from ADP.

And 82 per cent of respondents also note their unique skills and talents are used and appreciated at work.

<https://www.thesafetymag.com/ca/topics/safety-and-ppe/racialized-indigenous-workers-feel-more-psychologically-unsafe-at-work/404326>

Mental health-related disability rises among Canadians during pandemic: Stats Can

The proportions of mental health-related disability increased 2.3 percentage points from 2019 (6.4 per cent) to 2021 (8.7 per cent), according to combined data from Statistics Canada's labour force survey and Canadian income survey.

Among those who were employed during the first four months of 2021, more than one in five (21.5 per cent) had a physical, mental health, cognitive or other disability. This was an increase of 2.7 percentage points compared with 2019 (18.8 per cent), continuing a long-term upward trend associated with population aging and other factors.

<https://www.benefitscanada.com/benefits/disability-management/mental-health-related-disability-rises-among-canadians-during-pandemic-stats-can/>

BRITISH COLUMBIA

B.C. construction injury rate higher than provincial average

WorkSafeBC has recently revealed a multi-year strategy in an effort to reduce high rates of injury in the construction sector. In B.C., the construction sector has an injury rate that is consistently higher than the provincial average, with serious injuries accounting for 19 per cent of all claims in the sector.

The organization says that the construction industry had an injury rate of 3.3 per 100 workers in 2020. In comparison, the average rate across all industries in the province is 2.14 per 100 workers.

<https://www.thesafetymag.com/ca/topics/leadership-and-culture/bc-construction-injury-rate-higher-than-provincial-average/402298>



Communicable disease prevention

As of April 8, 2022, employers are no longer required to have a COVID-19 Safety Plan and must follow communicable disease guidance instead. The following information will help you to understand communicable disease, how to prevent it in your workplace, and how to respond to periods of elevated risk.

<https://www.worksafebc.com/en/covid-19/covid-19-prevention>

BRITISH COLUMBIA



B.C. consulting on jobs that are too hazardous for young workers

British Columbia has proposed a framework that outlines the types of jobs that could be defined as hazardous and unsuitable for young workers, and the province would want to hear feedback from stakeholders.

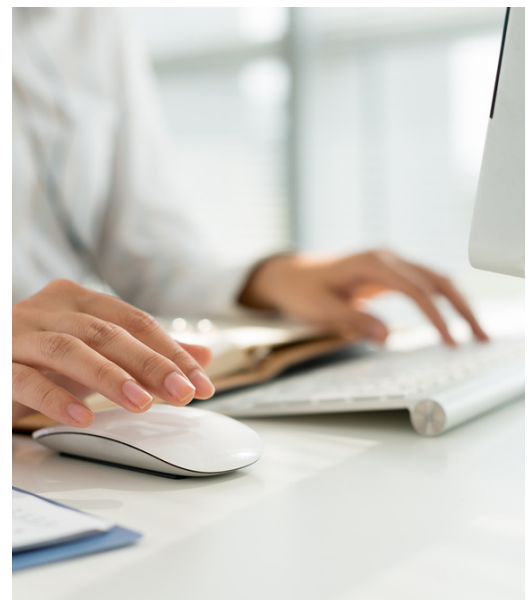
The government is consulting on what types of work are too hazardous to be done by youth under age 16, and in some cases, under 19.

<https://www.thesafetymag.com/ca/topics/leadership-and-culture/bc-consulting-on-jobs-that-are-too-hazardous-for-young-workers/403460>

Incident investigation reports can now be completed online

Employers are responsible for investigating certain incidents or near-misses that take place in the workplace and submitting an investigation report to WorkSafeBC. These investigations help employers and WorkSafeBC determine why an incident happened and what can be done to prevent similar situations in the future.

<https://www.worksafebc.com/en/about-us/news-events/announcements/2022/April/incident-investigation-reports-can-now-be-completed-online>





How WCB is helping keep workers safe

The Workers' Compensation Board of Alberta (WCB) services around 156,000 employers and 1.8 million workers throughout the province. Though the broad goal of the organization is, of course, recovery and return to work, the WCB also has some key areas that it chooses to focus on. Over the last few years, the organization has also been building partnerships with employers and industry groups, with the hopes that increased collaboration will help bring about further innovations.

<https://www.thesafetymag.com/ca/topics/leadership-and-culture/how-wcb-is-helping-keep-workers-safe/406732>

Alberta proposes changes to labour rules

Alberta is looking to provide job-protected leaves for parents who lose their child's life in pregnancy.

The government has introduced the Labour Statutes Amendment Act which would allow parents experiencing a miscarriage or stillbirth to take unpaid bereavement leave.

<https://www.hrreporter.com/focus-areas/employment-law/alberta-proposes-changes-to-labour-rules/366022>

What's new in policy?

Cost relief for reactions to compulsory COVID-19 immunizations

- WCB AB updated Policy 05-02, Part II, Application 2 and Policy 03-01, Part II, Application 3 to allow WCB to relieve the costs of claims for reactions to compulsory COVID-19 immunizations. The costs are charged to the Accident Fund.

<https://www.wcb.ab.ca/about-wcb/policy-and-legislation/whats-new-in-policy.html>

SASKATCHEWAN

Saskatchewan fatality rate down, injury rate up in 2021

For the second year in a row, 90 per cent of Saskatchewan workplaces had zero injuries and zero fatalities in 2021.

However, the province recorded 31 workplace fatalities last year, down by nine per cent from the 34 recorded in 2020, according to the Saskatchewan Workers' Compensation Board (WCB).

And these deaths occurred in a variety of Saskatchewan industries.

<https://www.thesafetymag.com/ca/topics/injuries-and-fatalities/saskatchewan-fatality-rate-down-injury-rate-up-in-2021/403164>



Saskatchewan introduces labour mobility legislation



Looking to attract more workers, Saskatchewan has introduced legislation meant to reduce barriers to working in the province.

The Labour Mobility and Fair Registration Practices Act will ensure skilled workers can have their skills and credentials recognized, while assisting employers in filling jobs across a number of key sectors, such as healthcare, construction and IT.

<https://www.hrreporter.com/news/hr-news/saskatchewan-introduces-labour-mobility-legislation/365632>

MANITOBA

WCB distributes \$95 million in surplus funds to Manitoba employers

For the fourth year in a row, the Workers Compensation Board of Manitoba (WCB) is distributing surplus funds to employers whose premiums fund the workers compensation system. The WCB is able to provide this financial relief to employers due to the successful investment made in injury prevention and return to work programs, which results in fewer injuries and injured workers having a timely and safe return to health and work.

<https://www.wcb.mb.ca/wcb-distributes-95-million-in-surplus-funds-to-manitoba-employers>



End of Manitoba's COVID-19 restrictions deepens need for paid sick leave, labour federation says



The Manitoba government is amending the Workers Compensation Act (WCA) to include coverage for five additional cancers to the list of presumptive cancers, pertaining to firefighters and at-risk personnel in the Manitoba Fire Commissioners Office, becoming a national leader in taking this step to protect Manitobans on the front lines, Premier Heather Stefanson announced.

<https://www.cbc.ca/news/canada/manitoba/manitoba-paid-sick-leave-end-restrictions-covid19-1.6384040>

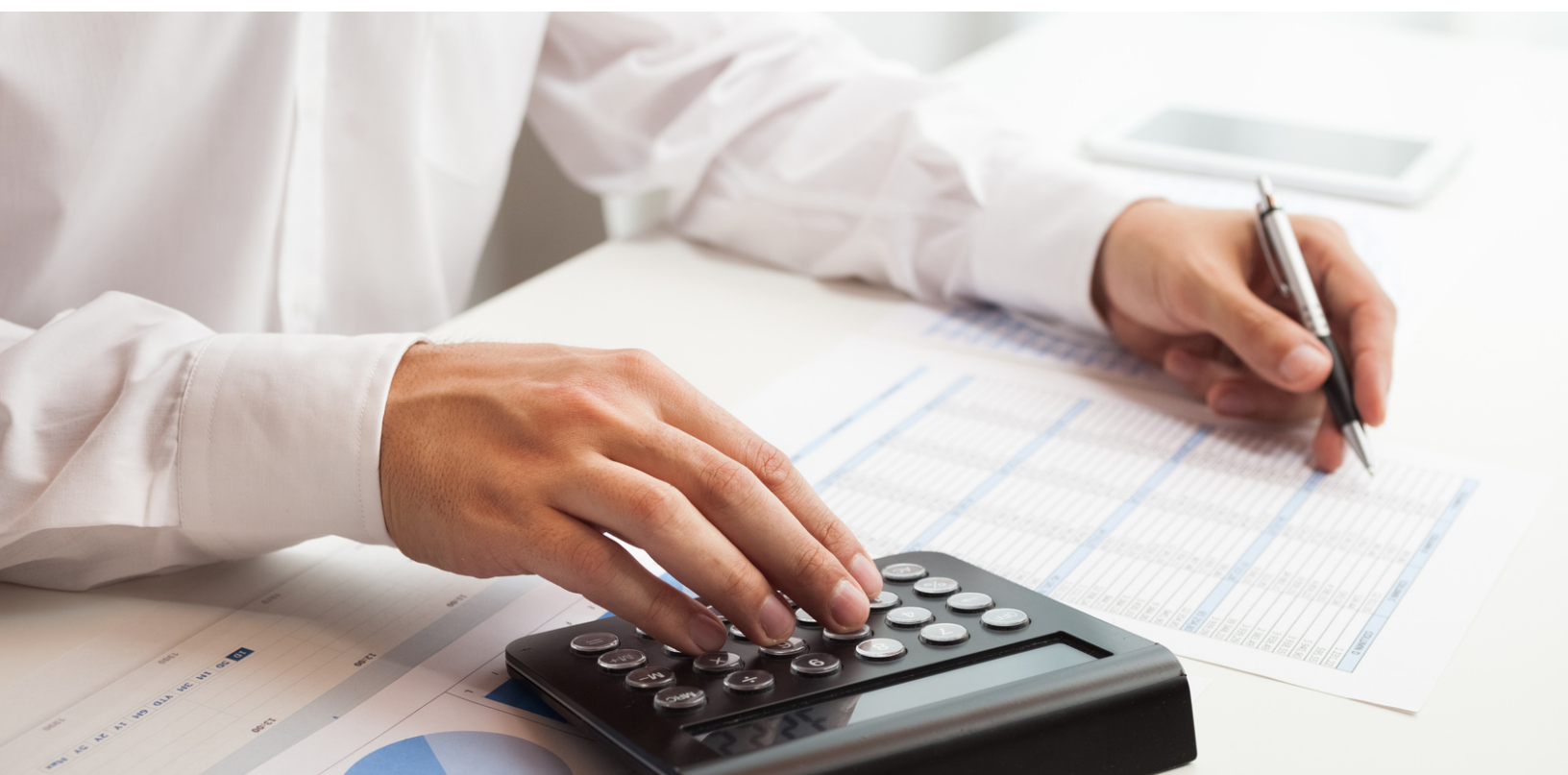


WSIB to rebate up to \$1.5 billion in surplus funds to Ontario businesses

The Workplace Safety and Insurance Board (WSIB) announced on Feb 16th, 2022 a rebate of surplus funds totaling up to \$1.5 billion to eligible safe Ontario businesses. The WSIB's strong financial and operational management, along with its positive investment returns have led to a surplus in its insurance fund beyond the needed reserve. Recent legislative amendments by the Government of Ontario have made it possible to rebate surplus funds at a time when businesses are coping with the impacts of the COVID-19 pandemic.

“Ontario businesses are paying the lowest average premium rate in more than 20 years,” said Grant Walsh, Chair of the WSIB. “With solid financial management we can give this rebate to businesses at a time when they need it most while protecting coverage for people injured at work.”

<https://www.wsib.ca/en/news-release/wsib-rebate-15-billion-surplus-funds-ontario-businesses>





Ontario looks at boosting WSIB payments

The Ontario government is exploring the idea of boosting compensation for workers who become injured or ill on the job

It has directed the Workplace Safety and Insurance Board (WSIB) to explore an increase, while minimizing the impact on the board's financial health and employers' premium rates.

<https://www.hrreporter.com/focus-areas/compensation-and-benefits/ontario-looks-at-boosting-wsib-payments/365945>

Five ways the new Working for Workers Act will impact OHS

The Ontario government has introduced new legislative changes that, if passed, could have a significant impact on how the province delivers health and safety in the workplace.

The Working for Workers Act, 2022, contains amendments to the Occupational Health and Safety Act (OHSA) that could shake up the sector. John Illingworth, Partner, Mathews Dinsdale & Clark LLP says that it could impact occupational health and safety in five important ways.

<https://www.thesafetymag.com/ca/topics/legislation/five-ways-the-new-working-for-workers-act-will-impact-ohs/400274>

Majority of Ontario workers aware of right to refuse unsafe work

Health and safety in the workplace are in the minds of workers, according to a new report.

Overall, 90 per cent of workers in Ontario said they were aware of their right to refuse unsafe work, the province's Workplace Safety & Insurance Board (WSIB) reported.

<https://www.thesafetymag.com/ca/topics/injuries-and-fatalities/majority-of-ontario-workers-aware-of-right-to-refuse-unsafe-work/404329>

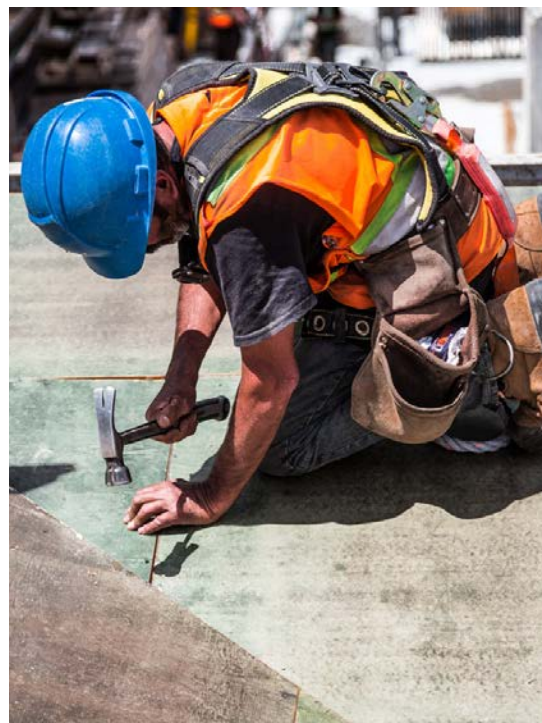


New authorization conditions for CNESTT suppliers of goods and services

The Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESTT) presented new authorization conditions for suppliers of goods and services.

Going forward, suppliers wishing to provide goods and services to the workers who use the services of the CNESTT will have to meet certain authorization conditions. The CNESTT thereby aims for cohesiveness and quality of offered services, and can refuse, suspend, or revoke authorization when a condition is violated. It is therefore important to maintain status as an authorized supplier by respecting the required conditions.

<https://www.newswire.ca/fr/news-releases/nouvelles-conditions-d-autorisation-pour-les-fournisseurs-de-biens-et-de-services-de-la-cnestt-858792267.html>



Occupational health and safety - Increased protection of workplaces: changes to permissible exposure values for asbestos in the air

The Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESTT) welcomes the government approval of its Règlement modifiant l'annexe I du Règlement sur la santé et la sécurité du travail and the Code de sécurité pour les travaux de construction (CSTC) as well as the regulation modifying the CSTC. These regulatory amendments are aimed in particular at the North American harmonization of permissible exposure values (VEA) as well as the reduction of dust levels on construction sites where work likely to generate asbestos dust takes place.

<https://www.newswire.ca/fr/news-releases/sante-et-securite-du-travail-protection-accrue-des-milieus-de-travail-modifications-des-valeurs-d-exposition-admissibles-de-l-amiante-dans-l-air-867847694.html>



CNESST launches a virtual toolkit in anticipation of the reopening of certain sectors of the Québec economy

In line with the recent announcement by the Gouvernement du Québec that certain economic sectors will reopen soon, the Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST) is launching a virtual toolkit that can help and support employers and workers in complying with the sanitary instructions issued by the public health authorities.

The toolkit was developed by the CNESST together with the public health authorities. The objective is to respond to the concerns of the different work environments about the measures to be implemented to avoid the spread of COVID-19.

<https://www.cnesst.gouv.qc.ca/en/salle-presse/communiqués/april-28-2020-quebec>



Watch out for pesticides!



With the next harvest season ahead, the Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST) would like to remind you that pesticides present health and safety risks, and can cause among other things poisoning, chemical burns, chronic diseases, or even death.

<https://www.cnesst.gouv.qc.ca/fr/salle-presse/communiqués/attention-pesticides>

NEW BRUNSWICK

New guide and template to help employers as COVID-19 restrictions ease

WorkSafeNB reminds employers that while COVID-19 restrictions loosen locally and around the globe, workplaces must remain diligent and flexible with prevention measures.

Employers and employees must continue to take steps to assess their risk in this changing environment to help prevent COVID-19, as well as other communicable diseases, like influenza and norovirus.



<https://www.worksafenb.ca/about-us/news-and-events/news/2022/new-guide-and-template-to-help-employers-as-covid-19-restrictions-ease/>

Help us build a better workers' compensation system

WorkSafeNB's board of directors wants to know what the province's workers and employers think about possible enhancements to worker benefits under the Workers' Compensation (WC) Act.

In 2021, WorkSafeNB and the Government of New Brunswick completed a comprehensive review of workers' compensation legislation which identified key issues to consider for legislative change. As a result, the board wants to consult on two key benefit improvements that would reduce the financial burden for injured workers and allow them to focus on their recovery:

1. Increasing the percentage paid for loss of earnings benefits from 85% to 90%.
2. Increasing the maximum annual earnings threshold so more workers have their full wages covered.

<https://www.worksafenb.ca/about-us/news-and-events/news/2022/worksafenb-wants-your-help-to-build-a-better-workers-compensation-system/>



NOVA SCOTIA

Nova Scotia expanding cancer coverage for firefighters

Nova Scotia is increasing presumptive coverage for firefighters in the province.

The province is adding 13 more types of cancers to the six currently covered in the Firefighters Compensation Regulations under the Workers' Compensation Act. This will be in effect starting July 1.

"Firefighters put their health at risk and their lives on the line every day," said Premier Tim Houston. "Those who protect us should, in turn, be protected by their government and have access to the workplace injury coverage they need when they need it."

<https://www.thesafetymag.com/ca/topics/occupational-hygiene/nova-scotia-expanding-cancer-coverage-for-firefighters/399789>

How WCB Nova Scotia's focus on grassroots culture paid off

For OHS professionals around Canada, prevention, awareness and worker safety are the ultimate goal. The Workers' Compensation Board of Nova Scotia (WCB Nova Scotia) is focused on achieving this mission through grassroots culture change in the province.

"We've been very dedicated working toward changing workplace safety culture in Nova Scotia. Since 2005, we've reduced workplace injury to the tune of 45 per cent. I'd not say that our work is done but we have made great progress," says Dennita Fitzpatrick, Vice President, Prevention and Return to Work, WCB Nova Scotia.

<https://www.thesafetymag.com/ca/topics/leadership-and-culture/how-wcb-nova-scotias-focus-on-grassroots-culture-paid-off/398072>

New Podcast Launches - WorkShift hosted by Stuart MacLean (May 9/22)

Connecting with safety leaders to influence best practice approaches that prevent injuries and support safe and timely return to work is the main thrust behind WCB Nova Scotia's ongoing strategic outreach activities. Up until now, most of these conversations happened one-on-one, virtually or in person. The week of May 9th, the WCB ramped up our efforts to reach more safety leaders, with the launch of our new podcast.

<https://www.wcb.ns.ca/About-Us/News-Room/News/New-Podcast-Launches-WorkShift-hosted-by-Stuart-MacLean-May-9-22.aspx>

PRINCE EDWARD ISLAND

New COVID testing approach could complicate workers' compensation claims, Opposition worries

A new approach to testing for COVID-19 announced in March by the P.E.I. Chief Public Health Office could make claims to the Workers' Compensation Board more difficult, says the Green Party.

"To have a COVID claim accepted by workers' compensation, a worker needs three things: medical confirmation that the worker has COVID; proof the worker was exposed to COVID at work; and that the exposure was confirmed to be work-related," said Green MLA Trish Altass in question period May 10th.

<https://www.cbc.ca/news/canada/prince-edward-island/pei-covid-testing-workers-compensation-1.6381479>



P.E.I. firefighters want WCB coverage for female colleagues

Firefighters in Prince Edward Island want the Workers Compensation Board of P.E.I. to expand the list of cancers under its coverage to include those that directly affect women, according to a report.

"The culture of the fire department has always been male-dominant, so I'm extremely excited to see there's coverage for female firefighters [in Nova Scotia] because females do play a huge part in the fire service," said Woodbury, according to the report.

<https://www.thesafetymag.com/ca/topics/occupational-hygiene/pei-firefighters-want-wcb-coverage-for-female-colleagues/400671>

NEWFOUNDLAND & LABRADOR

WorkplaceNL Seeking Public Input For 2023-2025 Strategic Plan

St. John's, NL – WorkplaceNL invites input from the public on important strategic issues impacting workers, injured workers, employers and the workplace compensation system as it develops its 2023-2025 strategic plan.

Strategic issues have a direct impact on how WorkplaceNL can ensure a balance between fair compensation for injured workers, the financial interest of employers who fund the system, and long-term system sustainability.

<https://workplacenl.ca/article/workplacenl-seeking-public-input-for-2023-2025-strategic-plan/>



NORTHWEST TERRITORIES

Media Release: Workers' Safety and Compensation Commission Announces New Program to Recognize and Promote Safer Workplaces

The Workers' Safety & Compensation Commission (WSCC) is pleased to announce a new program – Safe Workplace. The Safe Workplace program will recognize employers for their safety performance, while supporting others to improve how they manage and prioritize safety.

“Employers have a very important role in protecting the health and safety of workers. We have seen how many have stepped-up to help keep employees and communities safe during the COVID-19 pandemic. WSCC’s Safe Workplace program will recognize employers who show a commitment to workplace health and safety, and will encourage others to make safety a core part of how they do business,” said Hon. Adam Arreak Lightstone, Minister Responsible for the Workers' Safety & Compensation Commission in Nunavut.

<https://www.wsc.nt.ca/node/4957>

Media Release: WSCC launches online Young Worker Safety Certificate Course to celebrate Safety & Health Week 2022



The Workers' Safety & Compensation Commission (WSCC) was pleased to mark Safety and Health Week 2022 by highlighting workplace safety for new and young workers and officially launching an online Young Worker Safety Certificate Course.

Safety & Health Week is an event celebrated from May 1-7 across North America that emphasizes the importance of preventing injury and illness in the workplace and communities.

<https://www.wsc.nt.ca/node/5040>



Worker death incidents in territories the highest in a decade

The number of workers who died either at work or from a work-related condition in the Canadian territories in 2021 was the highest in a decade, according to a report.

A total of 14 deaths were recovered in the North: seven in Nunavut, four in Yukon and three in the Northwest Territories, noted CBC.

"This is absolutely a very unusual year to have this many fatalities," said Debbie Molloy, Workers' Safety and Compensation Commission (WSCC), president and CEO, according to the report.

<https://www.thesafetymag.com/ca/topics/injuries-and-fatalities/worker-death-incidents-in-territories-the-highest-in-a-decade/403997>

Yukon to introduce new safety legislation this year



This year, Yukon will be introducing a new Act which will combine the territory's previous Workers' Compensation Act and its Occupational Health and Safety Act to become the Worker Safety and Compensation Act. The new Act will be effective on July 1, 2022.

"This is something that is really exciting for us, because it modernizes our legislation and really will help as we enter the next few years to have good, comprehensive legislation that will hopefully help in our mission of preventing disability," says Kurt Dieckmann, President & CEO of the Yukon Workers' Compensation Health and Safety Board (WCB Yukon).

<https://www.thesafetymag.com/ca/topics/leadership-and-culture/yukon-to-introduce-new-safety-legislation-this-year/326094>

MORE ABOUT TEKS**MED**

Thousands of businesses across Canada trust us with their disability management. Call us and start saving money. Our program literally pays for itself! For more information on our services, contact us today:

TeksMed.com

T: 1-844-835-7253 (TEKSALE)

E: info@teksmed.com

A FEW WORDS FROM OUR HAPPY CLIENTS:

“We've successfully reduced our WorkSafeBC costs by 18.25% from last year! This represents approximately \$100,000 in direct savings for the province of BC. A big thank you to the TeksMed team for their efforts and the day-to-day guidance that has helped On Side achieve such great strides.”

- On Side Restoration | Director of Human Resources

“I am writing to express my high degree of appreciation for the service TeksMed has provided to Silver Hills Bakery in the claims management and return to work planning aspects of our business. In the 12 months of our relationship with TeksMed I have been consistently impressed with the support and flexibility they have been able to provide.”

- Silver Hills Bakery | Manager, Occupational Health and Safety

“In less than two years, TeksMed has reduced our claim costs by 67.5%. TeksMed's team of professionals has achieved its objective of reducing our claim costs and our administration. I would highly recommend TeksMed to anyone considering professional claims management services.”

- Wendy's | Safety & Security Manager

EAST OFFICE

**Suite 7 101-155 Gordon Baker Road
Toronto, ON M2H 3N5**

Toll Free: 1-844-835-7253

Toll Free Fax: 1-877-504-1777

Email: info@teksmed.com

WEST OFFICE

**Suite 101 – 8615 Young Road
Chilliwack, BC V2P 4P3**

Toll Free: 1-844-835-7253

Toll Free Fax: 1-877-504-1777

Email: info@teksmed.com