WorkplaceNL

Health | Safety | Compensation

Policy Framework

A framework for policy development, renewal and maintenance

Policy Office, WorkplaceNL

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Introduction

WorkplaceNL is the adjudicative body responsible for administering *the Workplace Health, Safety and Compensation Act* (the *Act*), and as such, renders decisions in a broad range of client and business areas. Policy is the vehicle through which the authority of the *Act* and *the Workplace Health, Safety and Compensation Regulations (*the regulations) is applied. To assist WorkplaceNL in its responsibility, a policy framework has been developed to address policy identification, prioritization, stakeholder engagement guidelines, approval processes, and communication protocols.

Policy Framework

WorkplaceNL is committed to ensuring policies are clear, consistent and up to date, and to providing appropriate guidance as to how policies are developed, renewed, and maintained. This policy framework confirms the legal foundation and purpose of WorkplaceNL's policies and outlines its approach to policy development, including the stakeholder engagement process.

What is Policy?

A policy is a board-approved statement that clarifies the meaning of provisions of the *Act* and the regulations, and how WorkplaceNL applies those provisions. Policies must comply with legislation and regulations, and guide how decisions are made to ensure uniformity, fairness and consistency. Policies are part of the legal framework and are applied by those who have decision-making authority under the *Act*. In the event of a conflict with a policy, the legislation and regulations prevail. Board-approved policies are binding on the Workplace Health, Safety and Compensation Review Division (WHSCRD) by virtue of section 26.1 of the *Act*.

WorkplaceNL is governed by a Board of Directors with equal representation from employers, workers, and the general public, including a member representing the interests of injured workers, and an independent Chairperson. Policies must be approved by the Board of Directors in accordance with the authority defined in section 5 of the *Act*. Board members make policy decisions in the best interest of WorkplaceNL as part of their governance of the organization. Board members' knowledge and experience as stakeholders provides a valuable source of information and perspective to ensure that stakeholder implications of policy decisions are identified and considered.
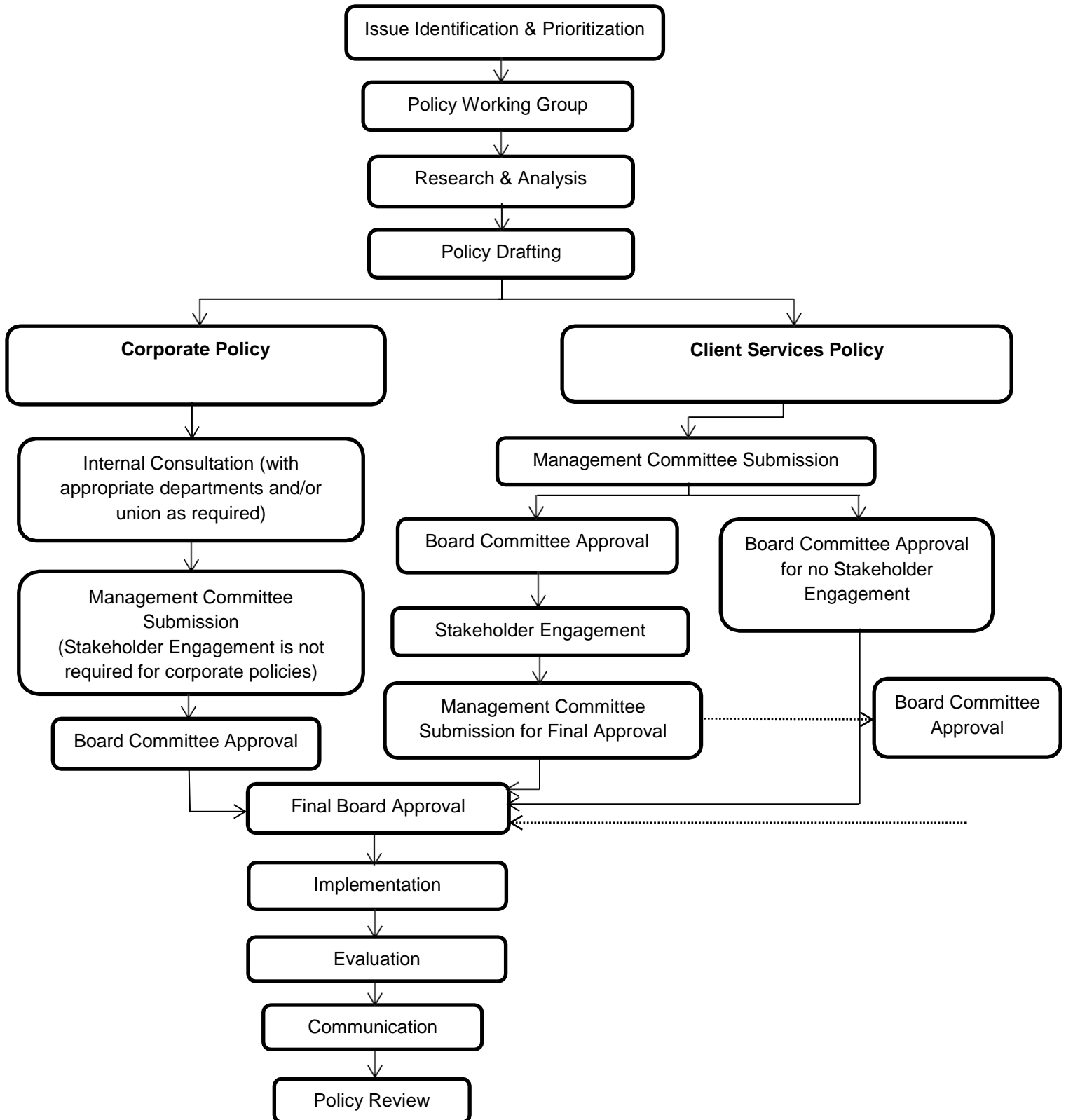
What is a Procedure?

A procedure describes the specific methods to use in order to put each policy into action in day-to-day operations at WorkplaceNL. Procedures provide a set of guiding principles to help with decision making. Policies and procedures complement each other and ensure that WorkplaceNL's decisions and actions are compatible with legislation. In the event of a conflict with a procedure, the legislation, regulation or policy prevails.

Policy Development Process

WorkplaceNL uses a formalized process to develop or substantially revise policies, including:
1. Issue Identification and Prioritization
2. Policy Working Group
3. Research and Analysis
4. Policy Drafting
5. Management Committee Submission
6. Board Committee Approval
7. Stakeholder Engagement
8. Management Committee Submission for Final Approval
9. Final Board Approval
10. Implementation
11. Evaluation
12. Communication
13. Policy Review

The following **Policy Development Flowchart** illustrates the steps to be performed for a policy to be developed:

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Issue Identification & Prioritization
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   Policy Working Group
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    Research & Analysis
          ↓
     Policy Drafting
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Corporate Policy   **Client Services Policy**

Internal Consultation (with appropriate departments and/or union as required)

Management Committee Submission

Management Committee Submission (Stakeholder Engagement is not required for corporate policies)

Board Committee Approval

Board Committee Approval for no Stakeholder Engagement

Stakeholder Engagement

Board Committee Approval

Management Committee Submission for Final Approval

Board Committee Approval

Final Board Approval

Implementation

Evaluation

Communication

Policy Review

Note: Housekeeping amendments for client service policies do not require stakeholder engagement and may proceed to the Board for final approval once approved by Management Committee. Procedures are developed in conjunction with or subsequent to policy development by the responsible department(s), and only require Management Committee approval. Corporate policies do not require stakeholder engagement. Therefore, corporate policies can proceed to the Board Committee and Board for final approval once approved by Management Committee.

1. Issue Identification and Prioritization

WorkplaceNL establishes a Policy Plan annually, to identify policy work ongoing or expected for the calendar year. Departments are responsible for identifying policy issues and assist in assigning priority to policy work. The Policy Plan defines the operating plan for the Policy Office, and is refreshed as necessary in response to new external or internal issues or changing priorities.

Policy Plan items are identified from various sources including:

- government priorities and legislative/regulatory amendments;
- WorkplaceNL's strategic plan;
- business requirements identified by the responsible departments;
- significant developments on specific issues (WHSCRD decisions, judicial reviews, emerging trends);
- stakeholder input and feedback; and
- policy issues identified through ongoing evaluation and review where policy is a factor.

The draft Policy Plan is shared with departments in the first quarter of the year to confirm and prioritize the items as follows:

High
- Judicial ruling
- Legislative or regulatory change
- Statutory review recommendation
- Corporate goal/strategic plan
- Major service delivery issues

Medium
- Impact on daily business operations
- Importance to internal decision makers
- Importance to and impact on external stakeholders
- Appeal trends related to unclear or inconsistent policy interpretation

Low
- Emerging trends identified from environmental and jurisdictional scans
- Housekeeping changes
- Length of time since last revision
- Scientific or medical advances (low or medium depending on the issue)

The policy priorities will lead the Policy Plan for the Policy Office and should be included in the operating plan for the affected service or business departments. The Board of Directors is provided with an annual update on current policy priorities, including stakeholder engagement and the progress of policy development.

2. Policy Working Group

Policy development may involve creating a new policy, amending an existing policy, a change for clarification or a housekeeping update. The initial step of policy development is creating a draft policy. A working group may be formed when required, consisting of representatives from the department(s) affected by the policy issue. The Senior Policy and Research Advisor will coordinate the working group which may include other staff such as Legal Counsel, Project Manager, IT representative, Business Analyst or Communications representative.

The Working Group will begin to draft the policy by identifying and clarifying their issues/concerns related to the policy under review. This will determine the scope of the policy draft.

Timing: Depending on the specific policy, the working group may continue for as long as needed to conclude the policy development process.

3.   Research and Analysis

The extent of research and analysis to be conducted is determined by the complexity of the policy issue. This may include, but is not limited to, the following:

- jurisdictional reviews (a summary of the research and analysis is collected by the Policy Office and distributed to the Working Group as a reference while drafting the policy);
- legal implications;
- impact on stakeholders;
- pertinent scientific knowledge and academic literature reviews as appropriate;
- business and system impacts;
- implementation issues;
- direct and indirect costs and savings;
- statistical review;
- communications considerations;
- risk assessment; or
- regulatory reform considerations.

Timing: Conducting the research and analysis generally requires four to six weeks.

4. Policy Drafting

The role of the Policy Office is to draft client service policy proposals in collaboration with operating departments. The Policy Office also provides support and advice to departments on corporate policies.

The working group will use the research results to determine the appropriate action to address the issue and draft a new and/or revised policy. The Policy Office will circulate the draft to all departments for feedback and revise as needed. To ensure policies are consistent with legislation and regulations, consultation with Legal Counsel is required.

Timing: Drafting a policy generally requires four to six weeks.

5. Management Committee Submission

With support from the Policy Office, the responsible service or business department(s) completes a Management Committee Submission and provides a final copy of the submission to the Policy Office to maintain for reference. The submission recommends the type of stakeholder activity to use, and seeks Management Committee's approval to move to the stakeholder engagement phase.

Stakeholder engagement is not required for corporate policies or housekeeping items; it is only required for substantive client service policy amendments. In the case of a submission on housekeeping amendments, Management Committee is asked to approve moving the draft policy forward for approval by the Board of Directors. The responsible service or business department(s) will notify the Policy Office of Management Committee's decision to allow the Policy Office to proceed with the next step of the policy framework.

Timing: Developing the Management Committee submission and receiving a decision from Management Committee generally requires two to four weeks.

6. **Board Committee Approval**

If the policy requires stakeholder activity consisting of collecting information or feedback, the responsible service or business department(s) in consultation with the Policy Office will complete a submission to the appropriate Board Committee seeking approval to engage WorkplaceNL's primary stakeholders. The responsible department(s) will notify the Policy Office of the Board Committee's decision and the date it will proceed to the Board.

Timing: Depending on the Board Committee meeting schedule and priorities, it may take four weeks or more to obtain Board Committee approval after Management Committee has approved.

7. **Stakeholder Engagement**

WorkplaceNL is committed to maintaining and strengthening its partnership with stakeholders. To support this goal, WorkplaceNL has established a process for consulting with its primary stakeholders in areas where WorkplaceNL requires stakeholder input to improve service delivery and develop policies. WorkplaceNL's primary stakeholders are the Newfoundland & Labrador Federation of Labour and the Newfoundland & Labrador Employers' Council.

Stakeholder engagement ensures that these stakeholders are involved appropriately and primarily consists of either joint sessions to collect information from stakeholders or information sessions by WorkplaceNL to disseminate information and answer stakeholder questions. Joint sessions with the primary stakeholders brings labour and employer groups together at the same time, providing an opportunity for the primary stakeholders to share their perspectives, exchange ideas and learn from each other.

The following serves as a guide to help determine the appropriate stakeholder engagement method to use:

Engagement Method	Considerations
Obtains input on proposed policies being considered to enhance quality of outcomes May include: joint sessions, information sessions or request for written reply	• Substantial changes to existing or new client services policies where opportunity exists to influence the outcome before it is finalized • Listen and gather information • Assist in policy refinement and/or formulation • Test ideas/concepts with stakeholders • Clarify issues or concerns with a policy • Goal is to improve decision making
Provides balanced and objective information to raise the level of understanding	• Housekeeping change (i.e. corrections to grammatical errors, title references, etc.) • A decision has already been made • No change in policy intent • No financial impact on the system • No impact on benefit or rate levels • No impact on entitlement • No opportunity for stakeholders to influence final outcome • Goal is to create awareness

The Policy Office plays a key role in the organization's stakeholder engagement initiatives. This includes working with departments, Management Committee and stakeholder representatives, and by providing support in preparation, delivery and follow up activities related to stakeholder engagement sessions.

The Policy Office coordinates all policy stakeholder engagement activities involving its primary stakeholders including:

1. determining the appropriate method of engagement which may include joint sessions or mail out for written feedback – in certain cases, an alternate method or approach may be required;
2. providing sufficient advance notice to book joint sessions, review materials and provide feedback;
3. contacting the primary stakeholders and arranging joint sessions; and
4. coordinating and responding to all stakeholder information requests.

In conjunction with representatives from the service or business department(s), the Senior Policy and Research Adviser will facilitate the joint sessions with the primary stakeholders. Upon request, written submissions will be accepted from other groups.

Stakeholder feedback is important to help ensure policies are fair and relevant. It allows opportunity for stakeholders to provide input on policies before they are finalized. Stakeholder feedback is analyzed and included in the final policy submission to the Board.

Timing: Stakeholder engagement generally requires two to four months to complete.

8. Management Committee Submission for Final Approval

Depending on the feedback received, the working group may need to revise the draft policy before a submission is made to Management Committee. Management Committee will consider whether the submission can proceed to the Board for final approval or be returned to the Board Committee for further review. The responsible department(s) will notify the Policy Office of Management Committee's decision and the date it will proceed to the Board, this allows the Policy Office to monitor progress and provide support as required.

Timing: Developing the Management Committee submission and receiving a decision from Management Committee generally requires two to four weeks.

9. Final Board Approval

Once the Board of Directors has given final policy approval, the Board Recording Secretary will send a copy of the Board minute to the Policy Office for reference and filing. The responsible department or the Board Recording Secretary will submit the final policy to the Policy Office to prepare and format the final policy. The final, formatted policy will be reviewed by:

1. Senior Policy and Research Advisor
2. Director of Policy, Research and Internal Review
3. General Counsel & Corporate Secretary
4. Chief Executive Officer for signature

The Policy Office has discretion to make grammar and/or format changes to ensure consistency and to make reference updates as a result of legislation, regulation or policy being revised or rescinded, so long as the changes do not alter the meaning or intent. The signed original policy is returned to the Policy Office to be kept on file as the master copy. All policies will reference the original effective date and the last three revisions dates by the Board. The policy takes effect on

Timing: Depending on the Board meeting schedule and priorities, it may take four weeks or more to obtain final Board approval.

10. Implementation

Following final approval by the Board, the responsible department can proceed to implement the policy with support from the Policy Office as required. This may include staff training, internal communication, technical support and other implementation activities necessary to allow the policy to take effect.

Timing: Varies depending on implementation plan for a specific policy.

11. Evaluation

The department area(s) responsible for the Policy will establish the evaluation criteria in conjunction with the Quality Assurance Team and advise the Policy Office of the evaluation time frame.

12. Communication

Client Services Policy: The Policy Office ensures that WorkplaceNL's online policy manual is updated on WorkplaceNL's website as soon as possible after the final approval and sign off. However, the timing of the posting may be impacted by specific implementation issues or activities. A policy bulletin is prepared by the Policy Office and reviewed by the responsible department and the Communications Department prior to being issued. The communication considerations and/or communication plan outlined in the Board submission will be followed.

Corporate Policy: The Policy Office will ensure that the online Corporate Policy Manual on WorkplaceNL's intranet is updated as soon as possible after the final approval and sign off. An email will be sent to staff by the responsible department(s) to inform them of the policy change.

Timing: Communication will generally require one to two weeks.

13. Policy Review

A policy review schedule is included in new policies and added to existing policies which are opened for review. The review schedule identifies the date of the next review, which will generally be set for five years. If the policy is new or requires substantial policy revisions, the next review date will be set for one to three years as required. The scheduled review is conducted by the operating department in consultation with the Policy Office to ensure that the policy is meeting its intended goal and purpose.

When a policy is reviewed, any proposed policy revisions will follow the policy development and approval process. If there are no policy revisions required following the review, the responsible department, in consultation with the Policy Office, will complete a memo to Management Committee reporting no changes. At this point, a new policy review date will be specified.

Policy Archives

The Policy Office maintains WorkplaceNL's historical and current policy documents dating back to the 1980's, including all policy revisions and edits. Questions regarding historical policies or revisions can be directed to the Policy Office at 709-778- 1328 for further information. Copies of archived policies are available upon request.

Amendment History
Original Effective Date   2016 11 22
Revision #1   2018 12 13