

Summary of Policy and Procedure Revisions – February 2022 Updates -- Bulletin-29

This Bulletin provides a summary of recent policy and procedure revisions.

Entitlement

Policy EN-17 Interruptions and Delays in Work Injury Recovery

Effective December 15, 2021, the Board of Directors approved the following revisions:

- Completed edits for clear language and the use of active voice;
- Reorganized policy content and clarified section headings;
- Changed the requirement from 'shall' to 'may' for a decision maker to consult with WorkplaceNL's Medical Consultant and the worker's health care provider(s) for decisions related to a non-work injury factor as the dominant cause of disability;
- Revised the pregnancy section to ensure a consistent and fair approach to benefit entitlement for all non-work-related disability factors;
- Added a reference to Policy EN-22 Merits and Justice; and
- Updated the policy reference section to add Policy EN-22 Merits and Justice as well as removed redundant policies RH-01 Eligibility for Services and Programs and RH-02 Rehabilitation Program Financing.

Employer Services

Policy ES-11 Second Injury Relief

Effective September 27, 2021, the Board of Directors approved September 2026 as the new review date for the policy following an evaluation of the 2016 policy revision. The evaluation determined that the intended 2016 policy change to provide cost relief to employers for subsequent injuries stemming from medical treatment is correctly being applied.

Procedure 103.00 Optional Personal Coverage and Householder Coverage

Effective January 11, 2022, Management Committee approved the following revisions:

- Updated the Terms of Coverage section to include deferred payment arrangements for optional personal coverage under Policy ES-04 Deferred Payment of Assessments;

- Updated the reference to maximum compensable earnings to include “and assessable” for consistency with section 21 of the Workplace Health, Safety and Compensation Regulations (the Regulations) for maximum compensable and assessable earnings;
- Added a new section outlining that optional coverage is also available for commercial fishers involved in off-season pursuits as this was not included in the current draft, but explained as available under Policy ES-01 and Procedure 404.00 The Fishing Industry;
- Updated the reference section to add references to Policy CO-01 Coverage for Commercial Fishers, Policy ES-04 Deferred Payment of Assessment and Procedure 404.00 The Fishing Industry, to ensure the procedure guidelines are supported with the correct policies and procedure; and
- Updated the procedure wording using clear language.

General

Policy GP-01 Information Protection, Access and Disclosure

Effective December 15, 2021, the Board of Directors approved the following revisions:

- Elaborated on WorkplaceNL’s privacy management practices, detailing how WorkplaceNL demonstrates accountability as an organization through multifaceted privacy initiatives.
- Included the Employer Registration Application as an additional example of consent.
- Added a section under disclosure of claim file information regarding the release of all claim file information to the Workplace Health, Safety and Compensation Review Division (WHSCRD) when a review is requested.
- Added an additional scenario to the section that contains the disclosure of an employer’s account status. When clearance is not obtained, WorkplaceNL discloses to the principal contractor the amount a subcontractor owes WorkplaceNL related to the contract with the principal contractor.
- Included a section under disclosure of employer information concerning the release of information to licensed insolvency trustees. This is for the purpose of collecting a debt and enforcing a legal right of WorkplaceNL against the employer or director. This disclosure is permitted under the ATIPPA and will align practice in the Assessment Services Department with policy.
- Included information regarding the protection of information, such as safeguards in place for the use of secure websites and third-party cloud providers. The current policy only focuses on security for Connect.
- Incorporated additional examples regarding consent for Digital Terms of Use for secure websites, as the current policy also only references Connect.
- Reorganized policy content and section headings:
 - Shortened the preamble;

- Restructured the first five pages by streamlining definitions and moving to relevant sections of the new policy; and
- Incorporated Canadian Standards Association privacy principles throughout the policy, not just as a list at the beginning.
- Completed edits for clear language and the use of active voice.
- Added a reference to Policy EN-22 Merits and Justice.
- Updated the policy reference section to add Policy EN-22 Merits and Justice.

New Procedure 71.00 Annotation of Personal Health Information

Effective January 11, 2022, Management Committee approved this new procedure. It was created to:

- Inform WorkplaceNL employees, injured workers and other external parties of the process involved when a correction request for personal health information is refused.
- Clearly outline WorkplaceNL's responsibilities under section 63(2)(a) of PHIA which imposes two duties upon a custodian when it refuses to grant the requested correction. This involves the custodian:
 - Making an annotation on the record of the correction request that was refused; and
 - Determining if the record has been accessed by any external parties within the previous 12 months and, where practicable, notify the individual(s) who accessed it.

Health Care

Policy HC-02 Chiropractic Care

Effective December 15, 2021, the Board of Directors approved the following revisions:

- Added the reference to the Memorandum of Agreement between WorkplaceNL and the Newfoundland and Labrador Chiropractic Association for fees payable for chiropractic services;
- Completed edits for clear language and the use of active voice to improve understanding of the policy; and
- Added a reference to Policy EN-22 Merits and Justice.

Policy HC-11 Drug Formulary

Effective December 15, 2021, the Board of Directors approved the following revisions:

- Completed edits for clear language and the use of active voice;
- Reorganized policy content;
- Modernized the administrative process for review of drug formulary exceptions;

- Changed the requirement from 'will' to 'may' for a decision maker to consult with WorkplaceNL's Medical Consultant;
- Renamed the Pharmaceutical Association Act to Pharmaceutical Services Act; and
- Added a reference to Policy EN-22 Merits and Justice and also included it in the reference section.