

Summary of Policy and Procedure Revisions – September 2022 Updates -- Bulletin-30

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

General updates to these policies and procedures include: edits for clear language and use of the active voice, revisions to structure and section headings (where relevant); and a modified description of Merits and Justice.

Additional edits for each policy and procedure are outlined below.

General

Procedure 70.00 Access to File Information

Effective July 5, 2022, Management Committee approved the following revisions:

- Updated the reference section to include the Personal Health Information Act (PHIA), as WorkplaceNL is a custodian under PHIA and holds a large amount of personal and personal health information in the files of injured workers.

Health Care

HC-13 Health Care Entitlement

Effective, June 30, 2022, the Board of Directors approved the following revisions:

- Clarified policy wording to allow health care workers outside the province of Newfoundland and Labrador to provide health care services to injured workers when they are actively licensed and registered with their respective regulatory body.

Effective July 1, 2022, Management Committee approved the following revisions:

Procedure 60.00 Health Care Fees and Expenses

- Changed the mileage rate to 45.09 ¢/km to reflect the new travel rate for injured workers in accordance with the government's automobile reimbursement rates for using private vehicles at work.
- Updated the numbering system format for the procedure headings.

Internal Review

Effective, June 30, 2022, the Board of Directors approved the following revisions:

AP-01 Internal Review of WorkplaceNL Decisions

- Clarified the policy name and chapter to improve a user's understanding of policy information.
- Completed clear language edits and the use of active voice.
- Reorganized the policy content to increase understanding.
- Updated wording to promote a flexible and responsive review process, with the ability to clarify existing information to all workplace parties, that includes the involvement of internal review clerks.
- Added references to an independent, internal review to ensure decisions are made in accordance with the spirit and intent of the Workplace Health, Safety and Compensation Act (the Act), regulations and WorkplaceNL policies.
- Added the new Procedure 67.00 Independence – Internal Review Process to the reference section.

Procedure 67.00 Independence – Internal Review Process

- Effective June 2, 2022, Management Committee approved this new procedure to support independence in the internal review process. This new procedure serves as a reference to Policy AP-01 Internal Review. It outlines how decisions are made to ensure that decisions are fair, reasonable and consistent without influence from other WorkplaceNL departments.

PRIME

Procedure 505.00 PRIME Calculations

Effective June 9, 2022, Management Committee approved the following revisions:

- Updated the dates and claim cost factors in the sample calculation tables.

Return to Work and Rehabilitation

Effective June 30, 2022, the Board of Directors approved the following policy revisions:

Policy RE-05 Re-employment Obligation:

- Clarified that the duty to accommodate to the point of undue hardship applies to all employers (as opposed to only to those who have a re-employment obligation) to support compliance with the Supreme Court of Canada decision.

Policy RE-07 – Undue Hardship

- Clarified that the duty to accommodate to the point of undue hardship applies to all employers (as opposed to only to those who have a re-employment obligation) to support compliance with the Supreme Court of Canada decision.
- Removed the reference to employee morale as this is not generally a reason for undue hardship under human rights law.
- A significant impact to the rights of other employees by the accommodation for the injured worker, was added as a factor to consider in determining undue hardship

RE-17 Labour Market Re-entry (LMR) Expenses

- Increased miscellaneous allowance for school-related or personal supplies from \$25 to \$150.
- Removed examination fees from Typical Expenses paid during an LMR plan given these fees no longer exist with most institutions as they are typically included in tuition costs.
- Increased travel to include a reimbursement for the first 50 total kms travelled using private vehicle.
- Clarified that health and dental insurance coverage for injured workers is not extended to family members.
- Revised the section on computers and laptops making these units available to any worker enrolled in a formal training program.
- Added a section providing guidance on coverage for internet services during an LMR program.
- Added coverage for the purchase of comprehensive warranties for computers or laptops.

Effective June 9, 2022, Management Committee approved the following procedure revisions:

39.00 Re-employment Obligation

- Clarified that the duty to accommodate to the point of undue hardship applies to all employers (as opposed to only to those who have a re-employment obligation) to support compliance with the Supreme Court of Canada decision.
- Added references to LMR assessments, plans or other employment readiness tools being used earlier in the claim if the worker is functionally able (i.e., LMR **may** be used to facilitate...).
- Clarified the timeframe for determining the re-employment obligation for a reinstatement of an injured worker's claim.

- Clarified that an employer does not have to be incorporated for determining a re-employment obligation.

48.00 Expenses to Return to Work and Labour Market Re-entry (LMR)

- Increased tutoring assistance by removing the \$100-week maximum expense and allow four hours of tutoring services per week to reflect an increase in hourly tutoring costs.
- Increased expense levels, such as travel, parking, accommodations and meal allowance for injured workers accessing LMR services, to align with health care fees and expenses provided to injured workers for accessing health care services.
- Clarified the cost of overnight accommodations to align with government rates to not be in excess of the minimum rate in a commercial establishment for a single room with attached bathroom.
- Added a section to outline eligible child care expenses are provided by Policy HC-09 Additional Child Care Costs.

Workplace Health and Safety

Procedure 84.00 Certification Training Appeals

Effective July 5, 2022, Management Committee approved the following procedure revisions:

- Updated position title for the WorkplaceNL manager that receives the initial request for appeal.
- Updated the position titles of the WorkplaceNL parties involved in a certification training appeal.