

Occupational Health, Safety and Wellness



SUMMARY OF THE WORKER'S COMPENSATION BOARD WCB NOVA SCOTIA FLOURISH ITULUA-ABUMERE

Overview

This paper is designed to capture reflective learning of what the Workers Compensation Board offer to employees in Nova Scotia, Canada. As aspiring human resource professionals, it is vital to understand the Nova Scotia Workplace Safety System, the role of the Workers Compensations Board of Nova Scotia, the functions, legislation changes in work systems, and obligations of the Occupational Health and Safety Division of Nova Scotia. This information is needed to bounce into the HR workforce confidently.

Learning Summary of the function of WCB

How do occupational health and safety fit into Human Resources?

What is the role of Human Resource Professionals in return-to-work and post-injury?

How have systems been changing?

For the most part, human resources' role in occupational health and safety involves supporting line management and the organization to ensure a safe workplace. This includes developing and overseeing policy and procedure manuals and program implementation, dealing with regulatory compliance and reporting requirements, mentoring, coaching, and training. In Nova Scotia, a relatively new system has evolved over the last ten years through the standalone agency known as the NS Workplace Safety and Insurance System. It brings together four partners known as the Workers' Advisers Program (WAP), the Workers' Compensation Appeals Tribunal (WCAT), the Occupational Health and Safety (OHS), and the Workers' Compensation Board of Nova Scotia (WCB). These power keys are guarded by legislation and implemented from the legislation. The goal of the Workplace Safety and Insurance System is to enhance efficiency for workers, improve quality of service, ensure effective governance of the System, and maintain the System's financial stability. Its goal is to work together to ensure that people are healthy and safe at work, safeguard against loss, and assist in recuperation post-injury or accident. As the agency has acknowledged, they endeavor to be fair, open, and accountable in their activities.

Agency Partners of the Workplace Safety and Insurance System

Workers Compensation Board of Nova Scotia: The Workers' Compensation Board, also known as WCB, was created to administer the Workers' Compensation Act. The Act was enacted to safeguard employees and employers from occupational injuries. They eventually began providing preventative education and currently focus on establishing a workplace safety culture. The WCB is a no-fault organization, which means it covers injuries regardless of who caused them. They cover employees and employers. Workers may request and obtain financial, medical, and rehabilitation help when wounded on the job. The Workers' Compensation Act protects employers from the full cost of workplace injuries and lawsuits. Impressively, WCB covers 335,000 people and offers insurance to around 19,500 enterprises.

Workers' Advisers Program: The Workers' Advisers Program is a legislated provincial government service. They are entirely separate from the Workers' Compensation Board and provide legal assistance to people who have filed claims under the Workers' Compensation Act (WCA). The Workers' Compensation Advisory Program (WAP) is responsible for developing, administering, and maintaining programs that provide advice, assistance, and representation to qualifying injured workers who have been refused compensation under the Workers' Compensation Act.

Occupational Health and Safety (OHS) Department of Labour, Skills & Immigration: The Occupational Health and Safety Division functions within the Department of Labour and Workforce Development. The mission is to reduce occupational injury and illness by establishing, promoting, and enforcing clear standards. Through research and enforcement of legislation, the OHS Division works with partners to reduce the incidence of employee injury and illness, improve the understanding of occupational health and safety standards, and improve health and safety conditions in the workplace.

Workers' Compensation Appeals Tribunal:

As a separate and independent body from the Workers' Compensation Board, WCAT, or the Tribunal, it considers appeals from workers who have been denied benefits. Workers' Compensation Board hearing officers appeal their decisions to the Tribunal, which hears and renders a decision. Claims-related or employer assessment issues may

be the subject of appeals by workers. WCAT also has sole authority to decide whether the Act precludes a right of action against an employer.

Take Away Key Points

- The Workers' Compensation Act requires employers with 20 or more workers to:
 - Rehire a worker who has been out of work because of workplace injury and been employed for 12 continuous months before a job injury.
 - Provide accommodation by modifying the job or workplace to fit the requirements of a worker who has sustained a permanent disability due to workplace injury. This is to the point of undue hardship; not all workers will require accommodation.
 - Talk to your WCB caseworker about re-employment, accommodation, and vocational rehabilitation.
- Injured workers have legal obligations under Section 84 to participate in post-injury care actively and cooperate with their employer and the WCB - "Duty to mitigate and cooperate." Under section 113, where the Board offers rehabilitation, employees should cooperate in developing and implementing rehabilitation programs.
- In the event of an injury, the employer's involvement has been established. An investigation should occur as quickly as feasible when a person is injured, and modifications enacted. The good news is that if the damage is minor, there is no need for medical assistance or WCB paperwork. Only an onsite incident report and first aid are required. If an employee has a sprain or strain, the employer should encourage the injured to get treatment as soon as possible. A few documents must be completed, and progress must be monitored and managed. However, the WCB report form must be filed within five days when serious injuries are inflicted. The OHS division must be alerted, then planning and transferring activities should follow, and the employer has a duty to keep in touch with the employee.
- When a person gets injured on the job, it affects their lives and the lives of their loved ones. Any company's productivity may suffer from a workplace accident. When a strategy is in place to keep employees safe

and assist them in returning to work safely and timely after an accident, the effect is decreased, known as return-to-work (RTW) program.

- The employer's representative must provide strong leadership and direction for a return-to-work program to be effective. The success of a return-to-work program requires significant teamwork between the injured worker and all partners returning to work. For these reasons, the Workers' Compensation Board of Nova Scotia has created a set of tools to aid in creating, evaluating, and improving a successful return-to-work program. The **eight P's** of establishing a successful return-to-work program are the building blocks.
- The **eight P's** of building a successful return-to-work program includes: Prevent Injury, Partners and Responsibilities, Point Person, Policy, Procedures, Plan Transitional Duties, Promote your Return-to-Work Program, and Past-Present Injury Claim Information (Work Safe for Life, 2022)
- The OHS Act serves as the legal basis for all of the mandates. The OHS Regulations clarify the Act's implementation. According to the Act, the Codes of Practice for OHS may be established by the Division as they see necessary. The OHS Division may assist the industry in setting OHS Guidelines, which are designed to assist that industry in implementing safety standards.
- Workers have the right to participate in workplace safety measures, have the right to know about hazards and how to stay safe, and have the right to refuse unsafe work.
- The responsibilities of employees are just as critical as rights. The worker is responsible for working safely and not endangering themselves or others, implementing safety training, adhering to workplace safety rules, adequately using equipment and PPE, reporting hazards, incidents, and injuries, and cooperating with the JOHSC or Safety Representatives.
- Musculoskeletal injuries, including sprains and strains and other soft-tissue injuries, continue to account for the majority of time-loss injuries. They will account for 63 percent of all time-loss injuries by 2020. The back, which continues to be the most commonly injured part of the body, accounted for 27% of all time-loss injuries.

- As an employer, meeting your obligations under the OHS Act by having policies and programs should be a priority. These policies and programs should show that you are encouraging hazard reporting, setting up control measures, investigating any accidents, and having safety training in place.
- Claims involving fatalities, severe bodily or mental injury or loss of hearing, or environmental exposure are the most difficult to litigate. These claims have a slightly different process.
- If there is a possibility of permanent loss of function due to a workplace injury, a Permanent Medical Impairment (PMI) Assessment can be conducted at any time. If this is the case, a benefit will be paid in proportion to the loss, and it will be paid for the rest of their life, regardless of earnings loss.
- If a person is permanently disabled and suffers a long-term loss of income, Extended Earnings Replacement Benefit (EERB) may be available to them. These can be repaid up to the age of 65. When an EERB is received, the return-to-work process is over.
- Tracey Leary recommends that businesses could refer to the "**Small Business Safety Toolkit**" designed by WCB for small-medium business for safety advice. The Small Business Safety Toolkit can be utilized by business with less than 20 employees that want to learn about the Nova Scotia Occupational Health and Safety Act and Regulations and how health and safety affect the day-to-day operations of your business. It also helps organizations with 20 or more employees meet extra obligations under the Nova Scotia Occupational Health and Safety Act.
- People, equipment, materials, environment, and process are five critical aspects that might contribute to creating hazards. Workplace hazards can be created by action or inaction; tools and machines can be dangerous, and some materials, such as toxic chemicals, can be hazardous in and of themselves. It is important to remember that hazards are produced by the work environment, which includes the design, organization, pace, and type of work.
- Workplaces with 5 to 19 employees in Nova Scotia must appoint a health and safety representative. This person cannot be a manager or a supervisor. The health and safety representative represents all workers'

concerns to managers and employers and collaborates with all workplace parties to identify health and safety problems and develop effective mechanisms to address them.

- Hazards can be reduced through elimination, substitution, engineering controls, administrative controls, and personal protective equipment (PPE), which is the least dependable form of protection and should only be used as a last resort after all other options have been exhausted.
- Some workplaces in Nova Scotia are federally controlled and must adhere to the workplace safety rules specified in Part II of the Canada Labour Code. This is crucial to keep in mind.

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