

POLICY NUMBER: POL-121

Chapter:
FINANCE AND ADMINISTRATION

Subject:
POLICY DEVELOPMENT AND MAINTENANCE

Effective Date:
November 24, 2004

Last Update:
April 26, 2016

PURPOSE STATEMENT:

The policy outlines the process used to approve, develop, and maintain the policies of the Workers Compensation Board.

REFERENCE:

Workers Compensation Act R.S.P.E.I. 1988, Cap. W-7.1, Section(s) 28(1), 29, 30.

Occupational Health and Safety Act R.S.P.E.I. 1988, Cap. O-1.01, Section 4(1).

Workers Compensation Board Policy, POL-40, Board - Chief Executive Officer Relationship Delegation to Chief Executive Officer.

Workers Compensation Board Policy, POL-106, Governance Process, Board Members' Mandate.

Workers Compensation Board Policy, POL-112, Board - Chief Executive Officer Relationship, Monitoring Chief Executive Officer Performance.

POLICY:

General

1. The Board of Directors is responsible for the establishment of policies that are consistent with the *Workers Compensation Act* and the *Occupational Health and Safety Act* for the administration of these Acts.
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2. The Workers Compensation Board will develop policies to accompany legislation to ensure consistent interpretation of the legislation and to provide guidance when the legislation allows for discretionary decision-making. In the event of a conflict, the legislation will prevail.
3. The Workers Compensation Board recognizes that policies may not address every situation that may arise in applying the provisions of the *Workers Compensation Act* and the *Occupational Health and Safety Act*. When the policies do not provide direction in a given situation or when the situation is unique or unanticipated when the policy in question was established, the Workers Compensation Board will use good judgement in its decision-making.
4. Types of Workers Compensation Board policies:
 - (a) Governance policy: Policy that directs the Board of Directors and the Chief Executive Officer with respect to the principles of Ends, Executive Limitations, the Governance Process, and the Board - Chief Executive Officer Relationship.
 - (b) Program policy: Policy that provides direction on issues directly impacting stakeholders and includes compensation for workers and dependants, employer assessments, investment of the accident fund, health care services, return to work, and workplace safety.
 - (c) Operational policy: Policy that provides direction on issues related to the internal structure and management of the Workers Compensation Board and includes information technology, human resources, and facilities and procurement.
5. The Board of Directors retains the responsibility of approving Workers Compensation Board governance and program policies.
6. The Board of Directors delegates the following responsibilities to the Chief Executive Officer:
 - approving new, amended, and rescinded operational policies;
 - identifying new program and operational policy requirements;
 - monitoring the maintenance of program and operational policy;
 - approving non-substantive changes to all policies.

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7. The Chief Executive Officer shall advise the Board of Directors of operational policies that were amended or created.

Non-substantive Policy Changes

8. The Board of Directors authorizes the Chief Executive Officer to approve the following types of non-substantive changes to all policies:
- policy number changes;
 - changes to the title page, reference, and history sections of individual policies;
 - grammatical or style changes that do not affect the meaning of the policy;
 - changes in titles of persons or things, or of wording from sources outside the control of the Workers Compensation Board where there is no change in the substance of the applicable law or policy (for example, the change in the name of Unemployment Insurance benefits to Employment Insurance benefits);
 - changes to titles of staff, sections, or divisions where the change affects only internal operations and does not impact worker or employer rights or responsibilities;
 - changes that are clearly contemplated by decisions of the Board of Directors (Examples include, but are not limited to, the correction of cross references in other policies to new, revised, or rescinded policies that have been approved by the Board of Directors and approved amendments to definitions for all policies where the terms appear);
 - changes that are the automatic result of a formula in the Act, regulations, or policy;
 - clarification of the content in existing policies, including the addition of a purpose statement, provided the clarification does not change the meaning or intent of the policy; and
 - changes to ensure policies are consistent with legislation and regulation.

Policy Process

9. As the Workers Compensation Board becomes aware of new issues, it will consider whether new policies should be developed, whether existing policies require immediate revision, or whether the issue should be noted for future policy review. Policy changes may arise from the following:

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- strategic priorities of the Workers Compensation Board;
 - legislative or regulatory changes;
 - court decisions;
 - emerging issues and trends;
 - stakeholder concerns or recommendations;
 - regular policy review and evaluation.
10. Research for policy priorities will include internal consultation and depending on the complexity of the issue may also include:
- comparisons with other Workers Compensation jurisdictions;
 - historical data of the Workers Compensation Board of PEI;
 - practices of other insurers or government agencies;
 - literature reviews of workplace safety, workers compensation, medical, legal, and other relevant subjects;
 - expert consultation;
 - financial, legal, and communications implications.
11. The Workers Compensation Board is committed to the consultation process related to policies that directly impact employers, workers, and dependants. Therefore, the Workers Compensation Board will make reasonable efforts to provide stakeholders with an opportunity to participate in the consultation process related to policies that directly impact them.
12. All program and governance policies are available on the Workers Compensation Board website. Operational policies will be provided to the public upon request.
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HISTORY:

April 26, 2016 - Amended to clarify the types of changes that are considered non-substantive.

August 21, 2014 - Amended to reflect that the Board of Directors has delegated approval of operational policies to the Chief Executive Officer. In addition, the Workers Compensation Board will no longer use a formal 60 month policy review process. The name of the policy was changed from "Maintenance and Development Of Policies" to "Policy Development And Maintenance."

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June 23, 2010 - The policy was updated as a result of the 60 month policy review process.

Board of Directors Approval Date: November 24, 2004