











03.11	Allowances and Services for Severely Injured Workers	January 1, 2025
03.12	Pre-Existing Conditions	October 03, 2022

## Claims

<b>Policy number</b>	<b>Policy name</b>	<b>Policy effective date</b>	<b>Last Non-Substantive Change (If Applicable)</b>
04.00	Allowance Rates	January 1, 2025	
04.01	Payment of Compensation	April 03, 2023	
04.02	Medical Aid and Associated Costs	July 08, 2024	
04.03	Choice and Change of Health Care Provider	April 03, 2023	
04.04	Complementary and Alternative Treatment	June 13, 2019	October 03, 2022
04.05	Dental Treatment	December 04, 2018	
04.06	Medications	October 01, 2019	October 03, 2022
04.07	Medical Examinations	June 13, 2019	October 03, 2022
04.08	Medical Devices	April 08, 2024	
04.09		Rescinded	
04.10	Employer Cost Transfer and Relief	December 04, 2018	February 10, 2020
04.11	Claims Management	April 08, 2024	
04.12		Rescinded	
04.13	Conflicting Medical Opinions	October 03, 2022	
04.14	Return To Work	April 01, 2022	
04.15	Support Services for Injured Workers and Dependants	April 08, 2024	

## Vocational Rehabilitation

<b>Policy number</b>	<b>Policy name</b>	<b>Policy effective date</b>	<b>Last Non-Substantive Change (If Applicable)</b>
05.01	Vocational Rehabilitation Eligibility	January 16, 2023	
05.02	Vocational Rehabilitation Services and Programs	January 16, 2023	
05.03		Rescinded	
05.04		Rescinded	





















	<b>Workers' Safety &amp; Compensation Commission</b>	ᐃᖃᐅᐱᐃᖃᐅᐱᐅᐅ ᐃᐅᐅᐱᐅᐅᐅᐅ ᐃᐅᐅ ᐱᐅᐅᐅᐅᐅᐅᐅᐅ ᐅᐅᐅᐅᐅᐅᐅᐅ
<b>RECONSIDERING A DECISION</b>		

**POLICY STATEMENT**

The Workers' Safety and Compensation Commission (WSCC) may reconsider any decision it has previously made. At the request of a claimant, employer, any other person with a direct interest, or on its own initiative, the WSCC may confirm, amend, vary, or rescind a previous decision.

This policy sets out how decision-makers within Claims Services and Employer Services determine whether to reconsider a decision.

**DEFINITIONS**

Evidence:	Information that is accepted by a decision-maker as relevant to a matter under consideration and which has value in helping confirm, corroborate, or arriving at a conclusion (e.g. testimony, writings, reports, material objects, or other things).
-----------	---

Reconsideration:	The review of a matter previously decided which may result in a decision that confirms, amends, varies, or rescinds the previous decision.
------------------	--

**POLICY**

**General**

Claimants, employers or any other person with a direct interest may initiate a reconsideration of a previous decision. The WSCC may undertake a reconsideration on its own initiative.

All requests for reconsideration of a decision must be made in writing to the previous decision-maker or successor. Each request for reconsideration is evaluated on a case by case basis. In its evaluation, the WSCC may take into account, but is not limited to:

- any new evidence;
- whether there were errors in or omissions of the evidence considered in the previous decision;
- whether the requestor has a direct interest in the subject matter of the previous decision;
- whether the previous decision was consistent with legislation and WSCC policy; and





## **RECONSIDERING A DECISION**

- whether the party requesting the reconsideration is dealing with the WSCC in good faith.

### *New Evidence*

New evidence, presented to reconsider a decision must meet two basic criteria:

- it must be relevant to the issue in question; and
- it must be substantive. It gives new information not previously available to the decision-maker that could affect the outcome of the decision.

Evidence is not new when it summarizes or reformats information previously considered by the previous decision-maker.

### *Errors and Omissions*

Reconsideration of a decision is granted when the previous decision-maker had errors in or omissions of all relevant evidence available at the time of the decision, this can include:

- relevant evidence that was initially overlooked, and/or;
- evidence that was accepted without any reasonable basis or corroboration.

### *Consistent with Policy and Legislation*

Reconsideration of a decision occurs when the previous decision-maker made a policy error, such as administering an applicable policy incorrectly, or not applying a relevant applicable policy. Reconsideration also occurs when there has been a clear error of law, such as a failure by the previous decision-maker to follow the express terms of the *Workers' Compensation Act*.

### *Dealt with the WSCC in Good Faith*

When evaluating a reconsideration request, the WSCC takes into account whether the requestor is providing accurate, timely and complete information to the best of their ability when the request for a reconsideration of a decision is made.













Workers' Safety & Compensation Commission

ᐃᖃᑲᐱᐃᖃᑲᑎᐃᑦ ᐃᑦᑕᐱᖃᑲᑦᑲᑦ  
ᐃᑦᑕᐱᖃᑲᑦᑲᑦ ᖃᑲᑲᑲᖃᑲᑎᑦ

**INTERJURISDICTIONAL AGREEMENT**

**HISTORY**

Policy 00.003 (Dec 01/16)	Interjurisdictional Agreement
Policy 00.03 (Dec 04/13)	Interjurisdictional Agreement
Policy 00.03 (Sept 15/10)	Interjurisdictional Agreement
Policy 00.03 (May 14/04)	Non-Substantive change (General)
Policy 00.03 (Apr 01/99)	Interjurisdictional Agreements
Jan 01/04	Non-Substantive Change (Governance Council)
Policy 00.03 (Jan 17/96)	Interjurisdictional Agreements

\_\_\_\_\_  
Chairperson















## DETERMINING STATUS OF PERSONS UNDER THE WORKERS' COMPENSATION ACTS: GENERAL

### POLICY STATEMENT

The *Workers' Compensation Acts (Acts)* of the Northwest Territories and Nunavut apply to all employers and workers in the Northwest Territories and Nunavut. For the purposes of workers' compensation, the *Acts* define who is considered an employer and a worker. This policy provides guidelines to assist in determining the status of an employer or a worker as it relates to the application of the *Acts*.

### DEFINITIONS

- Contract for Service: An agreement in which an employment relationship does not exist, i.e., two businesses, independent operations, individuals or other entities. A contract for service is not covered under the *Workers' Compensation Acts*.
- Contract of Service: An agreement in which an employment relationship exists between an employer and workers. In a contract of service or apprenticeship, the workers are subject to the control or supervision of the employer. Workers under a contract of service or apprenticeship are covered under the *Workers' Compensation Acts*. A contract of service or apprenticeship may be "written or oral, expressed or implied." (per ss. 1(1) of the *Workers' Compensation Acts*)
- Employer: "The following are considered employers for the purposes of the *Act*:
- (a) any person or entity that employs one or more persons under a contract of service;
  - (b) any person or entity whom the Commission determines is responsible for performing the obligations of an employer..." (per ss. 8(1) and 8(1.1) of the *Workers' Compensation Acts*)
- Learner: "... a person who, although not under a contract of service is...
- (i) undergoing training or probationary work as a preliminary to employment with an employer." (per ss. 4(1)(b) of the *Workers' Compensation Acts*)







## **DETERMINING STATUS OF PERSONS UNDER THE WORKERS' COMPENSATION ACTS: GENERAL**

- (d) *The Specific Results Test*: whether the person is engaged to do specific work or tasks or to achieve a specific result. A worker in a contract of service is generally at the disposal of the employer for a period of time without reference to specific results. On the other hand, a person under a contract for service is generally required to achieve specific results without reference to how the work or tasks are performed.
- (e) *The Dependence Test*: whether the tasks performed are a critical part of one person's business and whether the other person is economically dependent on the arrangement. Considered from the perspective of the persons doing the work, they are generally under a contract for service if they integrate the work activities into their own commercial enterprise. As part of this test, the WSCC may consider the person's work status and economic dependencies outside of the Northwest Territories and Nunavut in the analysis. Where persons integrate activities to another's commercial activities, they are probably in an employer and worker relationship where the worker acts on behalf of the employer, is connected with the employer's business, and is dependent upon it.

### **Additional Considerations**

For the purposes of the *Acts*, a person who enters into a contract of service is a worker and has coverage through the employer. However, section 4(1.1) of the *Acts* outline some exceptions (for further details, see Policy 00.05.02, Determining the Status of Persons under the Workers' Compensation Acts: Workers).

If the WSCC finds a person is performing a contract of service, the person is determined to be a worker for the purposes of the *Acts*. Persons whom the WSCC determines to be workers cannot obtain Personal Optional Coverage.

A person initially considered to be under a contract for service may be determined to be a worker of any person or entity if the WSCC determines the relationship has changed to a contract of service. The WSCC is able to reconsider any of its decisions, as outlined in Policy 00.02, Reconsidering Decisions.

If a person is found to be a worker, the WSCC notifies both the worker and the employer, in writing.















## DETERMINING STATUS OF PERSONS UNDER THE WORKERS' COMPENSATION ACTS: EMPLOYERS

Employers are responsible for contacting WSSCC if they are no longer eligible to be considered temporary employers.

### *Homeowners*

If a contract of service exists between a homeowner and worker(s) performing work on their private residence, the homeowner is an employer under the *Acts*. The homeowner is not an employer under the *Acts* if the relationship is a contract for service as defined in this policy. The WSSCC maintains the discretion to determine the nature of the relationship between a homeowner and individuals or entities performing work on their home. This determination is made through application of the provisions in Policy 00.05, Determining Status of Persons under the Acts: General.

## LEGISLATIVE AUTHORITIES

Northwest Territories <i>Workers' Compensation Act</i> :	Sections 3, 4, 5, 6, 8, 22 Subsections 3(1), 3(3), 91(2)(a), 91 (2)(h)
Nunavut <i>Workers' Compensation Act</i> :	Sections 3, 4, 5, 6, 8, 22 Subsections 3(1), 3(3), 91(2)(a), 91 (2)(h)
Northwest Territories <i>Workers' Compensation General Regulations</i> :	Section 1
Nunavut <i>Workers' Compensation General Regulations</i> :	Section 1

## POLICY RELATED DOCUMENTS

Policy 00.03	Interjurisdictional Agreement
Policy 00.05	Determining Status of Persons Under the Workers' Compensation Acts: General
Policy 02.01	Employer Assessments
Policy 02.03	Personal Optional Coverage
Policy 02.04	Coverage Outside the Northwest Territories and Nunavut
Policy 02.06	Account Registration
Policy 03.02	Entitlement
Policy 03.05	Renewable Resources Harvesters
Policy 03.07	Calculation of Temporary Compensation
Policy 06.03	Calculation of Permanent Compensation

















## DETERMINING STATUS OF PERSONS UNDER THE WORKERS' COMPENSATION ACTS: WORKERS

### *Rescue or Recovery Workers*

If a person is engaged in rescue or recovery work and is paid a wage, the employer is the payer of the wage.

If the person is a volunteer and the work is carried out at the request of a municipal corporation, the Government of the Northwest Territories or the Government of Nunavut, the appropriate government is the employer.

Where a person receives paid training for rescue or recovery work, the employer is the person or entity paying the wage and approving the activity.

### *Incarcerated Workers*

#### **Territorial**

When persons are:

- committed to a correctional or custodial facility under the Northwest Territories, Nunavut *Corrections Acts*, or *Corrections Act* of another jurisdiction, and
  - working outside the facility,
- they, while so engaged, are workers employed in the public service of the Government of the Northwest Territories or the Government of Nunavut for the purposes of the *Acts*, unless the WSCC finds them to be workers otherwise entitled to compensation.

Inmates may:

- permanently reside in a custodial facility and perform work on a regular or irregular basis inside that facility;
- be assigned to a camp under the control of Corrections Services, Department of Justice, Government of the Northwest Territories or Corrections and Community Justice, Department of Justice, Government of Nunavut, but remain incarcerated in a minimum security custodial setting; or
- be released as part of a work release or pre-release program, where they work outside the facility for wages and may or may not return to the facility daily.

In the first two situations, inmates residing in a custodial facility or camp and perform work on a regular or irregular basis within the custodial facility are not workers under the *Acts* and not entitled to receive compensation.

In the third situation, inmates injured on a work release or pre-release program are eligible for workers' compensation benefits. All aspects of a normal worker/employer















## THIRD PARTY ACTIONS

### POLICY STATEMENT

The Northwest Territories and Nunavut *Workers' Compensation Acts (Acts)* protect workers and employers from lawsuits arising from work-related incidents. In certain circumstances, the Workers' Safety and Compensation Commission (WSCC) may pursue a civil action on behalf of an eligible claimant to recover damages from a third party incurred as a result of an injury, disease, or death suffered by a worker.

### DEFINITIONS

Compensation	“... means any medical aid, payment, money, pension, vocational rehabilitation, counselling or other benefit payable or provided under this Act as a result of a worker’s personal injury, disease or death.” (per ss. 1(1) of the <i>Workers' Compensation Acts</i> )
Defendant:	The individual or group, against which the WSCC undertakes a third party action.
Eligible Claimant:	“... a person who has claimed compensation or who is entitled to claim and receive compensation;” (per ss. 1(1) of the <i>Workers' Compensation Acts</i> )
Indemnify:	“To reimburse another for a loss suffered because of a third party’s or one’s own act or default.” ( <i>Black’s Law Dictionary</i> , Eighth Edition)
Third Party Action:	A civil claim initiated by the WSCC to recover damages, due to fault or negligence of a third party, on behalf of an eligible claimant.
Vest	Confers a legal authority, rights, power. ( <i>Black’s Law Dictionary</i> , Second Edition)
Worker:	“The following persons are deemed to be workers for the purposes of this <i>Act</i> : (a) a person who enters into or works under a contract of service; (b) a person who, although not under a contract of service, is









Workers' Safety  
& Compensation Commission

ᐃᖃᑲᐱᐃᖃᑲᑎᐃᑦ ᐃᑦᑕᐱᖃᑲᑲᑦ  
ᐃᑦᑕᐱᖃᑲᑲᑦ ᐃᑦᑕᐱᖃᑲᑲᑦ

**THIRD PARTY ACTIONS**

---

Chairperson















































## Application Review and Fund Allocation

### *Initial Funds*

The WSCC is committed to the efficient review of OHS Funding Program applications. Up to 90% of OHS Funding Program funds are allocated before January 1<sup>st</sup> of a program cycle.

The application process begins at the start of a program cycle with communication from the WSCC that shares details about the application process. The program cycle start date begins in July.

Once the program cycle begins, applications are accepted until the close of the application period. The application period end date is in September.

Applications are reviewed by the Funding Evaluation Committee (FEC) and funding grants are recommended to the Governance Council. A decision about whether an application has been approved or rejected is made by the Governance Council and communicated to the applicant no later than the November 1<sup>st</sup>, prior to the start of the program cycle calendar year.

### *Remaining Funds*

The 10% of funds that are held back during the initial fund allocation will be available for allocation throughout the remainder of the program cycle calendar year. Applications are reviewed by the FEC and recommendations and decisions about whether to approve remaining funding are made on an ongoing basis.

Under authority of this policy, the President and CEO has authority to approve up to the full amount of the funds that are held back as part of the OHS Funding Program. If the Governance Council leaves more than the required holdback amount unallocated by January 1<sup>st</sup> of a program cycle, any amount in excess of the holdback must be approved by the Governance Council, or the Governance Council must pass a motion delegating authority for the President and CEO to approve these excess funds.

Applications for remaining funds will not be approved after October 31<sup>st</sup> of the program cycle calendar year. All decisions about approving or rejecting remaining funds are communicated to the applicant no later than November 1<sup>st</sup> of the program cycle calendar year.

As required, approvals to allocate remaining funds are reported to the Governance Council on a quarterly basis.

















## Determining Annual Remuneration

- regular overtime
- cost of living allowance, such as northern living allowance
- payment for shift differentials, commissions, bonuses, and tips
- the dollar value of board and lodging, store certificates, or credits
- any other taxable remuneration in kind or substitute for money provided to the worker which, the claim owner determines should be included in the worker's annual remuneration.

In general, taxable benefits are considered income for the purpose of determining or estimating annual remuneration; whereas non-monetary taxable benefits and non-taxable benefits, allowances, or reimbursements are not. A worker's annual remuneration does not include the value of the reimbursement for clothing, materials, transportation, board or lodging provided to the worker, either in-kind or monetary, due to the remote nature or location of their employment.

To determine a worker's annual remuneration, the WSCC requires the worker and/or the employer to supply relevant earnings information such as, but not limited to, T4 statements issued by the employer and/or pay cheque stubs.

### *Representative Annual Period*

The WSCC may choose a representative annual period other than the year of injury/disease for the basis of calculating the worker's annual remuneration if:

- the WSCC cannot determine what the worker would have earned in the year of injury/disease; or
- if the annual remuneration that would have been earned in the year of injury/disease does not accurately represent the worker's usual annual earnings.

The representative annual period is chosen by examining the worker's employment history and using the most recent 12-month period that best represents the annual remuneration typically earned by the worker. The representative annual period may include benefits received under the *Employment Insurance Act (Canada)*. Weeks with zero or reduced earnings are included when they are part of the worker's regular earning pattern. As best practice, the WSCC requires a worker's pay cheque stubs, and/or T4s and T4Es, generally no more than three years preceding the year of the injury to determine the worker's representative annual period. If pay stubs, T4s or T4Es are not available, other supporting evidence for historical earnings is required.





## Determining Annual Remuneration

- Evaluating the period of time the worker was engaged in the same or similar employment in the previous three years; and
- Selecting the 12-month period of employment that is most favourable for the worker.

If the period of employment can not be determined after all efforts have been exhausted, and where a representative annual period cannot be determined, Stage One may be applied for a maximum period of 26-weeks.

### *Stage Two*

A Stage Two calculation is required when a worker's disability lasts beyond the period of employment determined in Stage One, or when a worker is entitled to permanent impairment compensation, in accordance with Policy 06.01, Pension Entitlement.

To determine the disability compensation paid beyond the period that the worker's seasonal employment or partial employment would have continued, or permanent impairment compensation, determination of the worker's annual remuneration is required. This is the total remuneration the worker would otherwise have earned in that year but for the work-related injury or disease.

If the WSCC cannot determine what the worker would otherwise have earned in that year but for the work-related injury or disease, then it determines annual remuneration according to a representative annual period of the worker's employment history. This may include benefits received under the *Employment Insurance Act (Canada)*, if the representative annual period shows a pattern of receipt of these benefits.

If the WSCC is unable to determine the worker's annual remuneration from a representative annual period, then the WSCC determines annual remuneration for Stage Two as the remuneration of a worker in the same or similar employment.

## **Other Considerations**

### *Workers without a Documented Employment History*

The WSCC uses the annual remuneration earned by a worker in the same or similar employment to determine the annual remuneration of a worker when documentation cannot prove the worker's employment history.































### *Employer Error*

An employer error occurs when the employer inadvertently provides false or incomplete information to the WSSCC.

A reclassification due to an employer error is retroactive:

- Up to one year prior to January 1<sup>st</sup> of the assessment year in which the error was first identified if there is a rate decrease.
- Up to three years prior to January 1<sup>st</sup> of the assessment year in which the error was first identified if there is a rate increase.

### *Misrepresentation*

A misrepresentation is when an employer intentionally provides false, misleading or inaccurate statements or omits relevant facts on its operations.

A reclassification due to a misrepresentation is retroactive:

- Up to one year prior to January 1<sup>st</sup> of the assessment year in which the misrepresentation was first identified if there is a rate decrease.
- Up to five years prior to January 1<sup>st</sup> of the assessment year in which the error was first identified if there is a rate increase.

The WSSCC determines whether the extent and seriousness of the misrepresentation warrants legal action. Policy 10.04, Preventing and Investigating Abuses and Offences, provides further details related to employer misrepresentation and fraud.

## **WSSCC Industry Classification System Changes**

The WSSCC may change its industry classification system by:

- moving an industry from one classification to another;
- acknowledging a new industry; or,
- changing how industries are defined.

This may result in the reclassification of employer accounts. If changes to the WSSCC Industry Classification System results in reclassification of employers, the effective date of rate changes is January 1<sup>st</sup> of the year the rate changes take effect.



















## **Existing Employers (Annual Payroll Reporting)**

Employers must submit an Annual Payroll Report for their previous year's actual payroll and their current year's estimated payroll by February 28<sup>th</sup> of each calendar year. See Policy 02.05, Reporting Payroll, for further details on reporting payroll.

Unless approved to pay by instalments, employers must pay their total assessment by **March 31<sup>st</sup>** of the year in which the assessment was levied.

### *Instalment Plan Eligibility*

Existing employers are eligible to pay by instalments if they meet all of the following conditions:

- they were not deemed for failing to submit an Annual Payroll Report on or before February 28<sup>th</sup> for the current year;
- there was no balance owing on the employer's account as of December 31<sup>st</sup> in the previous year; and,
- the employer is required to pay an assessment of \$1000 or more.

### *Instalment Plan Due Dates for Assessments Over \$1000*

Instalments are due on the following dates:

- the previous year's adjustment resulting from the Annual Payroll Report and 25% of the current year's assessment is due by March 31;
- 25% of the current year's assessment is due by May 31;
- 25% of the current year's assessment is due by July 31; and
- the balance is due by September 30.

### *Due Dates for Assessments Under \$1000*

All existing accounts with assessments of less than \$1000 are due by March 31.

Employers reporting zero payroll for the current year who have chosen to pay the \$200 administration fee will have their payment due immediately.



## **New and Reactivating Employers**

New employers or those reactivating an account must submit their estimated payroll for the current year within 10 business days of starting or re-starting operations, and must pay their total assessment immediately upon registration unless approved for an instalment plan. See Policies 02.05, Reporting Payroll, and 02.06, Account Registration, for further details on reporting payroll and account registration.

### *Instalment Plan Eligibility*

New and reactivating employers are eligible to pay by instalments if they:

- submit their estimated payroll for the current year within 10 business days of starting/re-starting operations;
- have no outstanding debt with the WSCC, which may include outstanding debt held by a successor or related employer, as per Policy 02.11, Successor and Related Employers;
- are required to pay an assessment of \$1000 or more; and
- commence operations prior to September 1<sup>st</sup> of the current year.

### *Instalment Plan Due Dates for Assessments Over \$1000*

All new and reactivating employers who qualify for an instalment plan must pay 25% of their current year's assessment upon registration. The remainder of their assessment is prorated over the current year, in up to a maximum of three instalments.

Instalment plan due dates: March 31, May 31, July 31, and September 30.

### *Due Dates for Assessments Under \$1000*

All new and reactivating employer accounts with assessments of less than \$1000 are due immediately upon registration.

Employers reporting zero payroll for the current year who have chosen to pay the \$200 administration fee will have their payment due immediately.



### *Registration After September 1<sup>st</sup>*

If an employer registers on or after September 1<sup>st</sup> the employer must pay 25% of their current year's assessment upon registration. The remainder of their assessment is due by the last day of the following month.

### **Deemed Employers**

If an employer's assessable payroll is *deemed* due to failing to submit an annual payroll report or failing to register, the deemed assessment and applicable penalties are due immediately.

### **Ceasing Operations**

Employers that cease operations will have their outstanding balance due on the earliest of the following two dates:

- the last instalment date that falls within their contract or operational period in the current year (if the employer is on an instalment plan), or
- at the time operations are ceased.

### **Revoking Instalment Plan**

If an employer fails to meet the instalment schedule or provide the WSCC with required information, the WSCC may revoke the instalment plan and demand immediate payment of the full assessment balance.

### **Payroll Revision, Industry Classification Reviews, Assessment Audits**

Payroll revisions classification reviews and assessment audits may result in changes to an employer's assessment. If either of these results in an amount owing to the WSCC, the employer must pay the balance, as follows:

- If the adjustment is made for any years prior to the current year, the balance will be due by the last day of the following month.



## EMPLOYER ASSESSMENTS

- If the adjustment is made for the current year:
  - Employers on an instalment plan will have their balance prorated across the remaining instalment due dates left in the current year.
  - Employers not on an instalment plan will pay their balance by the last day of the following month in which the adjustment was applied.

### Security

Employers with a history of late payments, defaults, write-offs or bankruptcy may be required to provide security in the form of an irrevocable letter of credit before returning or registering as a new employer.

A successor employer may be required to provide security in the form of an irrevocable letter of credit if the former employer has a debt with the WSCC. Likewise, an employer may be required to provide security if they are related to an employer (e.g. same corporate ownership) that has a debt with the WSCC.

The amount of security required is determined on a case by case basis after a thorough review of the employer's information. The security is required within 15 days of receipt of the WSCC's registered letter.

The WSCC may require increased security if the security initially provided no longer appears sufficient. Defaults on payments or breaches of the security are punishable according to the *Workers' Compensation Acts*.

### Assessments in Default

An employer is in default when the employer fails to pay all or part of an assessment or other amount owing (e.g. penalties) to the WSCC by the due date. Accounts that are in default (e.g. collections) and under an alternate payment arrangement is charged a legislative penalty on any amount owing until all default payments are cleared.

Any delay resulting from banking issues or mail service are not considered reasons for waiving penalties.

An employer in default is levied a penalty beginning on the first day the payment is overdue, which is calculated according to the following formula:

$$\text{Monthly Penalty} = \text{Adjusted amount in Default} \times 2\%$$





## EMPLOYER ASSESSMENTS

### Assessments for Peacetime Disaster Workers

Employers do not pay assessments for workers temporarily responding to emergencies or disasters covered under the *Emergency Management Act* of the Northwest Territories or the *Emergency Measures Act* of Nunavut if the workers are not receiving remuneration from their employer during this time.

Workers engaged in or training for rescue, ambulance or firefighting services are covered by the *Workers' Compensation Acts* as workers of the Government of the Northwest Territories, Government of Nunavut or a municipality or hamlet.

### Assessments for Volunteers

If an employer wishes to provide coverage to volunteers, the employer must contact the WSCC and apply for coverage. The process for reporting payroll for volunteers is outlined in Policy 02.05, Reporting Payroll. Once an application for coverage of volunteers has been made by an employer, the assessment owing on that payroll is calculated in accordance with the formula outlined in this policy.

### Reconsidering an Assessment

Employers may apply in writing for the WSCC to reconsider their estimated payroll or industry classification if employers do not agree with the WSCC's assessment calculation. Employers cannot request a reconsideration of the rate applied to their subclass.

The WSCC reconsiders an employer's payroll or industry classification according to Policy 00.02, Reconsidering a Decision.



## LEGISLATIVE AUTHORITIES

Northwest Territories <i>Workers' Compensation Act</i> :	Sections 4; 6(2)(c); 76(1-2); 79; 80; 140; 141(1)(e); 142(1); 143; 144; 145; 146; 147
Nunavut <i>Workers' Compensation Act</i> :	Sections 4; 6(2)(c); 76(1-2); 79; 80; 140; 141(1)(e); 142(1); 143; 144; 145; 146; 147
Northwest Territories <i>Workers' Compensation General Regulations</i> :	17; 18; 19; 20; 21
Nunavut <i>Workers' Compensation General Regulations</i> :	17; 18; 19; 20; 21

## POLICY RELATED DOCUMENTS

Policy 00.05	Determining Employer and Worker Status
Policy 01.01	Industry Classification
Policy 02.05	Reporting Payroll
Policy 02.06	Account Registration
Policy 02.07	Mega Project Assessments
Policy 02.12	Employer Clearances

## HISTORY

Policy 02.01 (Jan 01/22)	Employer Assessments
Policy 02.01 (Feb 10/20)	Employer Assessments, Non-Substantive Change
Policy 02.01 (Jan 1/15)	Employer Assessments, Non-Substantive Change
Policy 02.01 (Sep 12/14)	Employer Assessments
Policy 02.01 (Sep 11/12)	Employer Assessments
Policy 02.01 (May 26/08)	Employer Assessments
Policy 02.01 (Nov 29/05)	Employer Assessments
Policy 02.01 (Apr 22/04)	Employer Assessments
Policy 02.01 (Aug 31/01)	Assessment and Payment of Assessment
Policy 02.01 (Nov 30/99)	Assessment and Payment of Assessment
Policy 02.01 (Oct 20/99)	Assessment and Payment of Assessment
Policy 02.01 (Sep 10/99)	Assessment and Payment of Assessment
Policy 02.01 (Aug 04/99)	Assessment and Payment of Assessment
Policy 02.01 (Apr 04/99)	Assessment and Payment of Assessment
Policy 02.01 (Nov 18/98)	Assessment and Payment of Assessment

**WSSCC** Workers' Safety & Compensation Commission | ᐃᖃᑲᐱᐱᖃᑲᑲᑦ ᐱᑦᑕᑲᑲᑦ  
ᐱᑦᑕᑲᑲᑦ ᐱᑦᑕᑲᑲᑦ ᐱᑦᑕᑲᑲᑦ ᐱᑦᑕᑲᑲᑦ

**EMPLOYER ASSESSMENTS**

Policy 02.01 (Sep 20/96)	Assessment and Payment of Assessment
Policy 02.01 (Jul 20/95)	Assessment and Payment of Assessment
Policy 30-01-15a (Jan 1/93)	Instalment Payments
Policy 30-01-17 (Jan 1/93)	Seasonal Operations Payment Policy
Policy 30-03-10 (Jan 1/93)	Minimum Assessment Levy
Procedure 30-05-03 (May 1/89)	NSF Cheques

---

Chairperson





## POLICY STATEMENT

The Workers' Safety and Compensation Commission (WSCC) allows certain persons who are not considered workers under the *Workers' Compensation Acts* to apply for personal optional compensation coverage. This policy provides guidance for Personal Optional Coverage (POC).

## DEFINITIONS

Contract for Service:	An agreement in which an employment relationship does not exist, i.e., between two businesses, independent operations, individuals or other entities. A contract for service is not covered under the <i>Workers' Compensation Acts</i> .
Contract of Service:	An agreement in which an employment relationship exists between an employer and workers. In a contract of service or apprenticeship, the workers are subject to the control or supervision of the employer. Workers under a contract of service or apprenticeship are covered under the <i>Workers' Compensation Acts</i> . A contract of service or apprenticeship may be "written or oral, expressed or implied." (per ss.1(1) of the <i>Workers' Compensation Acts</i> )
Employer:	"The following are considered employers for the purposes of this <i>Act</i> : a) any person or entity that employs one or more persons under a contract of service; b) any person or entity whom the Commission determines is responsible for performing the obligations of an employer..." (per ss.8(1) and 8(1.1) of the <i>Workers' Compensation Acts</i> )
Not in Good Standing:	An account is not in good standing if the account holder has failed to comply with the provisions of the <i>Workers' Compensation Acts</i> .



Year's Maximum Insurable  
Remuneration (YMIR):

“...a prescribed maximum remuneration for any year  
for the purposes of determining

- a) the compensation payable to workers or to a harvester of wildlife deemed to be a worker under subsection 5(1); and
- b) the assessable payroll of employers for the year. (per ss. 1(1) of the *Workers' Compensation Acts*)

## POLICY

### General

The following persons are not considered workers in accordance with Policy 00.05.02, Determining Status of Persons under the Workers' Compensation Acts: Workers, but may be eligible for POC:

- persons under a contract for service
- directors on a board of directors of corporations or societies or individuals on similar governing entities;
- owners of sole proprietorships and co-owners of partnerships

If POC is obtained, the individuals are granted with the status of a worker and all associated rights and responsibilities for workers under the *Workers' Compensation Acts*.

### Requirements

To be eligible for POC, an application for coverage must be submitted to the WSCC. All POC applications are reviewed on a case-by-case basis. To be eligible, the following criteria must be met:

- The applicant is not considered a worker under the *Workers' Compensation Acts* and Policy 00.05.02, Determining Status of Persons under the Workers' Compensation Acts: Workers.
- The individual is conducting business in Northwest Territories and/or Nunavut.

If the applicant has an existing account with the WSCC, it must be in good standing. The WSCC will review the application and determine if the requirements have been met.





## **PERSONAL OPTIONAL COVERAGE**

The following payment requirements apply when purchasing POC:

- Payment is due immediately when the applicant purchases only POC and the assessment is less than \$1000.
- If the assessment is greater than \$1000 and POC is being paid by instalments, the first payment is due immediately when the POC request is approved.
- When POC is purchased in conjunction with a business's regular payroll assessment, the POC payment is included in the payment plan established for the regular payroll assessment.

### **Cancellation of Coverage**

POC remains in effect for the required period unless:

- the POC holder, or authorized designate, requests termination of POC in writing, in which case, the termination is effective the date the WSCC receives the written request;
- the POC holder can no longer demonstrate they are not persons under a contract of service, in which case the termination is effective the date of the change in status;
- the POC holder is no longer actively associated with the business; or
- the POC holder becomes injured from a work-related injury and is receiving compensation for more than ten consecutive days, the cancellation of coverage will be effective on the eleventh consecutive day of time loss.

### **Revocation of Coverage**

The WSCC revokes a POC holders' coverage due to the following circumstances:

- Correspondence with the POC holder is no longer possible; or
- The account is not in good standing.

For POC holders with workers, the WSCC only revokes the POC holder's coverage; the assessment for workers remains in effect.

The WSCC notifies the POC holder in writing if their POC is revoked.























*considered late and may be subject to applicable penalties.*

Contractor and Subcontractor:	The person or business providing contractual services to a principal. Contractors may themselves retain subcontractors, in which case the contractor becomes the principal in relation to the subcontractors.
Payroll:	“...in respect of an employer, the total of the remuneration paid by an employer in any year to all its workers.” (per ss. 1(1) of the <i>Workers’ Compensation Acts</i> )
Remote Camp:	A combined work and residential site isolated to the extent that once there, a worker is completely reliant on the camp for daily needs.
Remote Location:	Remote camps or settings of a similar nature where the employer provides temporary accommodations to workers in the absence of a reasonable, or any, alternative.
Remuneration:	A worker’s remuneration includes all income earned through the performance of their work, including all salaries, wages, fees, commissions, bonuses, tips and other benefits defined under the <i>Workers’ Compensation Acts</i> .
Workers’ Protection Fund:	“...one indivisible fund for the purposes of paying compensation and determining assets and liabilities.” (per ss. 67(2) of the <i>Workers’ Compensation Acts</i> )
Year’s Maximum Insurable Remuneration (YMIR):	“...a prescribed maximum remuneration for any year for the purposes of determining: <ul style="list-style-type: none"> <li>(a) the compensation payable to workers or to a harvester of wildlife deemed to be a worker under subsection 5(1); and</li> </ul>



(b) the assessable payroll of employers for the year.” (per ss. 1(1) of the *Workers' Compensation Acts*)

## POLICY

### New or Reactivating Employers

Employers must register with the WSCC within 10 business days of starting or re-starting operations in the NT or NU, with exception to employers that are *temporary* as defined in Policy 02.06, Account Registration.

Employers must provide their estimated payroll for the current year when they register with the WSCC. Employers may revise their estimated payroll once operations begin and throughout the year.

#### *Unregistered Employers*

If an employer does not register with the WSCC, the WSCC may deem an estimated payroll for that employer. Deemed payroll is an estimate based on information about an employer's work in the NT and/or NU.

### Ceasing Operations

Employers must notify the WSCC within 10 business days of ending operations or ending their employment of workers in the NT or NU. Employers must report their current calendar year's actual payroll and submit any outstanding information requested from the WSCC when operations end.

### Annual Payroll Reporting

The WSCC requires employers to submit an *Annual Payroll Report* to the WSCC on or before February 28<sup>th</sup> of each year. The *Annual Payroll Report* includes:

- the employer's actual payroll in the previous year; and
- an estimate of the employer's payroll for the current year.

An employer's payroll includes all remuneration that the employer pays to their workers in a calendar year for work performed in the NT and/or NU, including, but not limited to:

- salaries, wages, fees, commissions, bonuses, tips;
- earnings received for overtime or piece work;
- the value of board and lodging, store certificates, credits or any remuneration in kind or other substitute for money provided to the worker by the employer; and,



## REPORTING PAYROLL

- the labour portion of contract earnings of contractors/subcontractors that the employer is covering. (Employers are not required to report payroll for contractors/subcontractors who have their own coverage with the WSSCC).

An employer's payroll does not include the following, which are not part of a worker's annual remuneration: value of clothing, materials, transportation, board or lodging provided to the worker, either in kind or as an expense payment, *because of the remote nature or location of the employment*. In this case, employment that is remote in nature and location is limited to remote camps or settings of a similar nature where the employer provides temporary accommodations to workers in the absence of a reasonable, or any, alternative.

When determining assessable payroll for workers whose total earnings are at, or greater than the Yearly Maximum Insurable Remuneration (YMIR), employers are to cap workers' assessable payroll at YMIR for that assessment year. More information about YMIR can be found in Policy 00.04, Year's Maximum Insurable Remunerations (YMIR).

## Recording Payroll

An employer must provide payroll information upon the WSSCC's request. Failure to provide this information results in penalties as outlined in this policy.

For workers residing in the NT or NU, employers are to maintain payroll records according to the jurisdiction where the worker's employment has been established. This is generally the territory where payroll deductions for the worker are remitted.

If the workers do not live in the NT or NU, employers are to maintain payroll records according to the territory where the work is taking place. Under the Interjurisdictional Agreement on Workers' Compensation (IJA), employers prorate their assessable payroll so that each Canadian Board only receives assessments for the work performed in that Board's jurisdiction. See Schedule A for the formula used to determine the worker's remuneration in instances where the worker earns above YMIR while working in NT and/or NU and another jurisdiction. The YMIR for this formula is based on the territory where the work is taking place. For further detail on the IJA see Policy 00.03, Interjurisdictional Agreement.

An employer that qualifies for Multi-Industry Classification must maintain separate payroll records for each industry. For more information on Multi-Industry Classification, see Policy 01.01, Industry Classification.









## REPORTING PAYROLL

### Deeming Assessable Payroll

#### *Deeming the Previous Year's Assessable Payroll*

Employers are required to submit their previous year's actual payroll by February 28<sup>th</sup> of the current year in their Annual Payroll Report. If the employer fails to submit their actual payroll, the WSCC will deem the employer's previous year's estimated payroll as their actual assessable payroll for the previous year.

#### *Deeming the Current Year's Estimated Payroll*

The WSCC deems an employer's current year estimates at 115% of their previous year's estimated payroll if an employer fails to send their current year's estimated payroll by February 28<sup>th</sup> of the current year.

If an employer subsequently submits their *Annual Payroll Report*, the deemed payroll is adjusted accordingly. The employer's assessments and payment schedules are also revised to reflect the adjustment.

The WSCC completes annual deeming and penalty calculations after the February 28<sup>th</sup> Annual Payroll Reporting deadline.

### Penalties

#### *Penalties for Late Reporting or Failure to Report Payroll*

The WSCC applies a penalty to an employer who fails to submit their *Annual Payroll Report* by February 28<sup>th</sup>. Penalties are equal to:

- 15% of the employer's assessment for the previous year; or
- 15% of the current year's assessment if the employer was not required to pay an assessment in the previous year.

If the calculated penalty for late reporting or failure to report is less than \$25 the WSCC charges a penalty of \$25. If the calculated penalty is greater than \$10,000 the WSCC charges a maximum penalty of \$10,000.







 <b>WSSCC</b>	<b>Workers' Safety</b> & Compensation Commission	ᐃᖃᑲᐱᐱᖃᑲᑎᐁᑦ ᐱᑦᑕᐱᖃᑲᑦᑕᐱᐱᖃᑲᑦ ᐱᑦᑕᐱᖃᑲᑦᑕᐱᐱᖃᑲᑦ ᐱᑦᑕᐱᖃᑲᑦᑕᐱᐱᖃᑲᑦ
<b>REPORTING PAYROLL</b>		

**SCHEDULE A**

If the worker's annual remuneration from work completed in the Northwest Territories or Nunavut is greater than YMIR, and the other jurisdiction or jurisdictions in which they work is a member of the *Interjurisdictional Agreement on Worker's Compensation*, the following formula is used to calculate the worker's assessable payroll:

$$\frac{\text{Worker's remuneration in NT or NU}}{\text{Worker's total remuneration in all jurisdictions}} \times \text{YMIR}^* = \text{Assessable Payroll}$$

\*The YMIR chosen will be based on the territory where the work is taking place.













**ACCOUNT REGISTRATION**

subcontractor to pay the unpaid assessment, or it may apportion the cost among the parties.

Apportionment of liability is determined on a case-by-case basis.

**LEGISLATIVE AUTHORITIES**

Northwest Territories <i>Workers' Compensation Act</i> :	Sections 73; 74; 75; 80 Subsections 141(1)(5)(6)
Nunavut <i>Workers' Compensation Act</i> :	Sections 73; 74; 75; 80 Subsections 141(1) (5)(6)
Northwest Territories <i>Workers' Compensation General Regulations</i> :	Sections 18 Subsections 17(2)(3); 21(1)(2)
Nunavut <i>Workers' Compensation General Regulations</i> :	Sections 18 Subsections 17(2)(3); 21(1)(2)

**POLICY RELATED DOCUMENTS**

Policy 00.02	Reconsidering a Decision
Policy 02.01	Employer Assessments
Policy 02.03	Personal Optional Coverage
Policy 02.05	Reporting payroll
Policy 02.12	Employer Clearances

**HISTORY**

Policy 02.06 (Mar 12/19)	Account Registration
Policy 02.06 (Sep 12/14)	Account Registration
Policy 02.06 (Sep 12/13)	Account Registration
Policy 02.06 (Apr 01/08)	Unregistered Employers
Policy 02.06 (Apr 22/04)	Unregistered Employers
Policy 02.06 (Aug 31/01)	Unregistered Employers
Policy 02.06 (Dec 07/00)	Unregistered Employers
Policy 02.06 (Apr 01/99)	Unregistered Employers
Policy 02.06 (Mar 12/98)	Unregistered Employers



**WSSCC** Workers' Safety & Compensation Commission | ᐃᓃᓃᓃᓃᓃᓃᓃᓃᓃ ᐃᓃᓃᓃᓃᓃᓃᓃ  
ᐃᓃᓃᓃ ᐃᓃᓃᓃᓃᓃᓃᓃᓃ ᐃᓃᓃᓃᓃᓃᓃᓃᓃ

**ACCOUNT REGISTRATION**

---

Chairperson











**Workers' Safety**  
& Compensation Commission

|

ᐃᖃᓇᐃᖃᓇᓄᓇᐃᓄᓇᐃᓄᓇ ᐃᓄᐅᐅᐅᐅᐅᐅᐅᐅ  
ᐃᓄᐅᐅᐅᐅᐅᐅᐅᐅ ᐃᓄᐅᐅᐅᐅᐅᐅᐅᐅᐅ

**MEGA PROJECT ASSESSMENTS**

The Governance Council has the authority to approve or reject any financial arrangement that sets out the amount, payment and collection of assessments, negotiated between the WSCC and Mega Project developers.

The WSCC retains all of its powers under the *Acts* and all Mega Project employers are subject to the *Acts* when a special financial arrangement is negotiated.

**Reconsideration, Review and Appeal**

Employers in disagreement with the WSCC’s decisions on Mega Project matters can request a reconsideration on the decision, in accordance to *Policy 00.02, Reconsidering a Decision*. Formal avenues of appeal are also available through a review with the Review Committee and an appeal with the Appeals Tribunal. Relevant policies are *Policy 08.01, Reviewing Decisions* and *Policy 08.02, Appeal Decisions*, respectively.

**LEGISLATIVE AUTHORITIES**

- |  |   |
|--|---|
| Northwest Territories <i>Workers’ Compensation Act</i> : | Subsection 1(1), 8(1), 8(1.1), 67(2) and Section 9 and 70 |
| Nunavut <i>Workers’ Compensation Act</i> :               | Subsection 1(1), 8(1), 8(1.1), 67(2) and Section 9 and 70 |

**POLICY RELATED DOCUMENTS**

- |              |                              |
|--------------|------------------------------|
| Policy 01.01 | Industrial Classification    |
| Policy 01.02 | Industrial Re-Classification |
| Policy 02.01 | Employer Assessments         |
| Policy 02.05 | Reporting Payroll            |

**HISTORY**

- |                          |                          |
|--------------------------|--------------------------|
| Policy 02.07 (Feb 10/20) | Mega Project Assessments |
| Policy 02.07 (Sep 13/16) | Mega Project Assessments |
| Policy 02.07 (Sep 11/12) | Mega Project Assessments |
| Policy 02.07 (Mar 31/08) | Mega Project Assessments |
| Policy 02.07 (Sep 19/05) | Mega Project Assessments |







 <b>Workers' Safety &amp; Compensation Commission</b>	
<b>SUCCESSOR AND RELATED EMPLOYERS</b>	

- The services or activities of one employer are transferred to another employer.
- A new employer continues all or most of the former employer's operations or activities.
- The employers do not work at arm's length from each another.

### **Employer Assets and Liabilities**

- Sufficient assets and liabilities were sold or transferred to the new employer to perform business functions previously performed by the former employer.

### **Service Continuation**

- There is continuous production or service with little or no break between the employers' operations.
- One employer uses a logo or trademark that identifies it with another employer or suggests service or operations continuity.

### **Employer Management**

- The management personnel are the same between different employers.

### **Ownership**

- Employers have common ownership.
- Ownership change is among family members or spouses, or if the ownership changes hands for a nominal fee.
- A new employer's financial and operational control remains with the former owners.
- There was a sale of shares or a sale of assets.

### **Employees**

- A new employer employs all or most of the former employer's employees.

### **Agreements and Benefit Plans**

- Any collective bargaining agreement that exists at the time of the sale of the business is continued under the new owner.





**SUCCESSOR AND RELATED EMPLOYERS**

**POLICY RELATED DOCUMENTS**

Policy 00.02	Reconsidering a Decision
Policy 00.08	Decision Making
Policy 02.01	Employer Assessments
Policy 02.06	Account Registration
Policy 02.12	Employer Clearances
Policy 08.01	Reviewing Decisions
Policy 08.02	Appealing Decisions

**HISTORY**

Policy 02.11 (Feb 10/20)	Successor and Related Employers, Non-Substantive Change
Policy 02.11 (Jun 5/15)	Successor and Related Employers
Policy 02.11 (Jun 15/11)	Successor and Related Employers
Policy 02.11 (Sep 25/08)	Successor Companies

---

Chairperson



**POLICY STATEMENT**

The Workers' Safety and Compensation Commission (WSCC) recommends a principal obtain a clearance letter when undertaking a contractual project to avoid liability for assessments relating to the contract for which their contractor owes the WSCC. Likewise, contractors are recommended to obtain a clearance letter for any subcontractors they are in a contractual relationship with as they are liable for any assessments relating to the contract that their subcontractor owes the WSCC. This policy describes responsibilities of employers and recommended actions they should take to avoid being liable for the assessments of employers that they enter into contractual relations with.

**DEFINITIONS**

- Clearance Certificate: A certificate issued by the WSCC to the seller in relation to the sale of a business, or the bulk sale of inventory or equipment used in connection with a business, to confirm that the seller has no outstanding debt or balance with the WSCC.
- Clearance Letter: A document given by the WSCC to a principal that indicates a contractor/subcontractor is compliant with requirements under the *Workers' Compensation Acts*.
- Contractor and Subcontractor: The person or entity providing contractual services to a principal. Contractors may themselves retain subcontractors, in which case the contractor becomes the principal in relation to the subcontractors.
- Contract for Service: An agreement in which an employment relationship does not exist, i.e., two businesses, independent operations, individuals or other entities. A contract for service is not covered under the *Workers' Compensation Acts*.
- Contract of Service: An agreement in which an employment relationship exists between an employer and workers. In a contract of service or apprenticeship, the workers are subject to the control or supervision of the employer. Workers under a contract of service or apprenticeship are covered under the *Workers' Compensation Acts*. A contract of service or apprenticeship may be







The principal is also responsible for requesting a final clearance letter. Upon receiving a request for a final clearance letter, the WSCC will issue one of the following letters to the principal prior to the termination of the contract:

- *Final Clearance Letter*: confirms that all compliance criteria continue to be met. This letter relieves the principal of liability for assessments on the contract; or
- *Do Not Release*: confirms that the compliance criteria have no longer been met and the contractor's account is not in good standing.

If the contractor's account is not in good standing, the principal is liable for the contractor's payment obligations to the WSCC. In this case, the principal may withhold, from any money payable to its contractor, the amount of any assessment relating to the contract for which the contractor/subcontractor would be liable, and may pay that amount to the WSCC.

The principal may, at any time throughout a contract, request in writing an update of the contractor's account status.

If, at any time, the terms of the contract change, the principal is encouraged to update the existing clearance. Examples of changes in a contract's terms include, but are not limited to, a contract extension, changes in the dates of the contract, or changes in the dollar value of the contract.

### *Temporary Contractors*

A principal is unable to request a clearance letter for temporary contractors, as determined according to the criteria for *Temporary Employers* set out in Policy 00.05.01, Determining the Status of Persons Under the Workers' Compensation Acts: Employers.

Requesting a clearance letter is recommended if even one of these criteria is not met.

## **Contractor Responsibilities**

Contractors are responsible for:

- the payment of assessments as per Policy 02.01, Employer Assessments; and
- requesting clearance letters for any sub-contractors they hire for the contract.







**ENTITLEMENT**

**Health Care Provider:** "...a chiropractor, dentist, nurse, occupational therapist, optometrist, physical therapist, physician, psychologist, or other class of persons whose qualifications to practice any of the healing professions are accepted by the Commission" (per ss. 1(1) of the *Workers' Compensation Acts*)

**Injury:** Physical or psychological harm or damage. An injury includes exposure to a foreign or contagious substance that may result in an immediate or delayed reaction.

**Medical Evidence:** Medical information related to the medical condition and treatment of the worker.

**Presumption:** A rule in the *Acts* which requires the WSCC to assume certain facts, unless the contrary is proven on the balance of probabilities.

**Worker:** "The following persons are deemed to be workers for the purposes of this *Act*:

- (a) a person who enters into or works under a contract of service;
- (b) a person who, although not under a contract of service, is
  - i. undergoing training or probationary work as a preliminary to employment with an employer;
  - ii. engaged in, or training for, rescue or recovery services, ambulance services or firefighting services; or
  - iii. temporarily engaged in carrying out measures relating to emergencies or disasters under *Civil Emergency Measures Act*;
- (c) a student who is participating in a work training or similar program provided by a school;
- (d) a patient who is participating in a work training or similar program provided by a health care facility; and



- (e) a person who is committed to a correctional centre under the *Corrections Act* and working in a work release program outside the centre...” (per ss. 4(1) and 4(1.1) of the *Workers’ Compensation Acts*)

## POLICY

### General

The W SCC requires four factors to be met for a worker or other eligible claimant to claim entitlement to compensation. These include:

- There is an employer and a worker within the jurisdiction of the Northwest Territories or Nunavut legislation;
- There is an injury, disease, or death of a worker;
- The worker’s injury, disease or death arose out of and during the course of employment; and
- On a balance of probabilities, there is a medical connection between the injury, disease or death and the worker’s employment.

#### *Requirements for Specific Injury or Disease*

In the case of a psychiatric or psychological disorder, workers must have a DSM-5 diagnosis for their claim to be entitled. Policy 03.09, Psychiatric and Psychological Disorders outlines how to apply the factors for entitlement for these claims.

In the case of occupational diseases, Policy 03.06, Entitlement of Occupational Disease Claims provides guidance for how to apply factors for entitlement for these claims.

### Worker and Employer

The W SCC considers a worker any person who is working under a contract of service, or otherwise deemed a worker by the W SCC, as outlined in the *Workers’ Compensation Acts* and Policy 00.05, Determining Status of Persons under the Workers’ Compensation Acts: General, and Policy 00.05.02, Determining Status of Persons under the Workers’ Compensation Acts: Workers.

The W SCC considers an employer any person or entity that employs one or more workers as outlined in the *Workers’ Compensation Acts* and Policy 00.05, Determining



Workers' Safety  
& Compensation Commission

ᐃᖃᑲᐱᐃᕐᓴᑲᐢᑲᐱᐃᑲᐱᑲ  
ᐱᑲᑲ ᐱᑲᑲᐱᑲᐱᑲᐱᑲᐱᑲ

## ENTITLEMENT

Status of Persons under the Workers' Compensation Acts: General and Policy 00.05.01,  
Determining Status of Persons under the Workers' Compensation Acts: Employers.

### **Incident or Exposure**

A worker's compensable injury, disease or death must arise out of and during the course of their employment. When confirming that a contributing incident or exposure arose out of and during the course of employment, the WSCC considers all available information including but not limited to:

- The details of the incident or exposure;
- The circumstances contributing to the incident or exposure;
- Witness statements;
- The date of the incident or exposure and the date the claimant stopped working or sought treatment;
- The time frame between the incident or exposure and the onset of symptoms;
- The time frame between the incident or exposure and the date medical attention was sought; and,
- Whether the worker reported the incident or exposure to their employer, and the time frame in which the reporting occurred.

### **Arising Out of and During the Course of Employment**

Policy 03.03, Arising out of and During the Course of Employment, describes the criteria used by the WSCC to determine if a worker's injury, disease or death arose out of and during the course of employment.

### **Compatibility of Diagnosis to Circumstances of Incident/Exposure**

WSCC Claims staff consult with the WSCC Medical Advisor, the worker's treating health care provider and any other necessary health care providers, to ensure that the reported work-related injury, disease or death is consistent with medical evidence and opinion. As new medical evidence is received by the WSCC, such as a new finding or an updated diagnosis, it is evaluated to ensure that it is compatible with the circumstances of the reported incident or exposure.

	
<p><b>ENTITLEMENT</b></p>	

**Entitlement Limitation Period**

In accordance with Policy 11.02, Reporting an Injury, Disease or Death, a worker, or their designate must submit their claim for compensation within one-year after the date of the injury, disease or death. The WSCC may consider, on a case-by-case basis, a claim for compensation outside of the limitation period if there is justifiable reason for the delay.

In the case of a disease, the WSCC considers the day the disease occurs as:

- the day the worker is disabled or impaired by the disease; or
- the day the disease is diagnosed;

whichever date is most beneficial to the worker.

**LEGISLATIVE AUTHORITIES**

Northwest Territories <i>Workers' Compensation Act</i> :	Sections 10; 12; 20; 31; 37 subsections 13(2); 14(2); 14(4); 14(5) 92(2)(3)
Nunavut <i>Workers' Compensation Act</i> :	Sections 10; 12; 20; 31; 37 subsections 13(2); 14(2); 14(4); 14(5) 92(2)(3)

**POLICY RELATED DOCUMENTS**

Policy 00.05	Determining Status of Persons under the Workers' Compensation Acts: General
Policy 00.05.01	Determining Status of Persons under the Workers' Compensation Acts: Employers
Policy 00.05.02	Determining Status of Persons under the Workers' Compensation Acts: Workers
Policy 00.08	Decision Making
Policy 02.03	Personal Optional Coverage
Policy 03.03	Arising Out of and During the Course of Employment
Policy 03.06	Entitlement of Occupational Disease Claims
Policy 03.09	Psychiatric and Psychological Disability
Policy 03.12	Pre-Existing Conditions
Policy 04.08	Medical Devices
Policy 06.01	Pension Entitlement



	<b>Workers' Safety</b> & Compensation Commission	ᐃᖃᑲᐱᐃᖃᑲᑎᐃᑦ ᐃᑦᑕᐱᖃᑲᑦᑲᑦ ᐃᑦᑕᐱᖃᑲᑦᑲᑦ ᐃᑦᑕᐱᖃᑲᑦᑲᑦ
<b>ENTITLEMENT</b>		

Policy 11.02

Reporting an Injury, Disease or Death

**HISTORY**

- Policy 03.02 (NSC Feb 10/20) Entitlement
- Policy 03.02 (Mar 6/18) Entitlement
- Policy 03.02 (Jun 12/14) Entitlement
- Policy 03.02 (Sep 11/12) Entitlement
- Policy 03.02 (Dec 11/08) Entitlement
- Policy 03.02 (June 10/04) Entitlement
- Policy 03.02 (Aug 31/01) Entitlement
- Policy 03.02 (Apr 01/99) Entitlement
- Policy 03.02 (Jan 01/96) Entitlement
- Policy 20-01-04 (Sep 10/93) Adjudication Process
- Policy 20-02-12 (Dec/81) Five Point Check System – Opening New Claims
- Policy 20-02-22 (Sep 10/93) Secondary Conditions – From Compensable Disability

---

Chairperson



## POLICY STATEMENT

The Workers' Safety and Compensation Commission (WSCC) compensates a worker or dependent for injuries, diseases or death arising out of and during the course of employment. "Arising Out of" refers to what caused the injury, disease or death and "During the Course of" refers to the time and place of the injury, disease or death and its connection to the worker's employment.

The WSCC reviews each claim to determine the facts, circumstances, and work-relatedness of the injury, disease or death.

## DEFINITIONS

Balance of Probabilities:	A degree of proof which is more likely than not.
Causative Significance:	When the worker's employment was more than a trivial or insignificant aspect of the injury, disease or death.
Employer's Premises:	Any location where a worker works, or is likely to work, or any other proximate location.
Injury	Physical or psychological harm or damage. An injury includes exposure to a foreign or contagious substance that may result in an immediate or delayed reaction.
Presumption:	A rule in the <i>Acts</i> which requires the WSCC to assume certain facts, unless the contrary is proven on the balance of probabilities.
Remote Camp:	A combined work and residential site isolated to the extent that once there, a worker is completely reliant on the camp for daily needs.
Remote Camp Worker:	Workers who, because of the circumstances and nature of their employment, have no reasonable alternative other than living in a remote camp.

**ARISING OUT OF AND DURING THE COURSE OF EMPLOYMENT**

**Serious and Wilful Misconduct:** A deliberate and intentional act of the worker that demonstrates a disregard for safety where the worker should reasonably have recognized the consequences as likely to result in personal injury.

## POLICY

### General

Policy 03.02, Entitlement outlines the four factors that are required to be met in order for a worker to be entitled for compensation. This policy deals specifically with the factor that determines if the worker’s injury, disease or death arose out of and during the course of employment.

To determine if a worker’s injury, disease or death has arisen out of and during the course of employment two factors must be met:

- There is a causal relationship between the employment and the injury, disease, or death; and
- The injury, disease or death occurred within the time of employment.

### Arising Out of Employment

“Arising out of the employment” generally refers to when the cause of the injury, disease or death is connected to the employment. In considering causation, the focus is on whether the worker’s employment was of causative significance, which means that the employment was more than a trivial or insignificant aspect of the injury, disease or death.

Both employment and non-employment factors may contribute to the injury, disease or death, and employment factors need not be the sole cause. The WSSC will determine, based on a balance of probabilities, whether the worker’s employment was of causative significance, and therefore a contributing factor in the injury, disease or death. The connection between the worker’s job duties and employment expectations and the injury, disease or death should be direct and verifiable.

When a worker’s injury, disease or death arises out of a worker’s employment, it is presumed to have occurred during the course of their employment, unless on the balance of probabilities the contrary is proven.

**WSCC** Workers' Safety & Compensation Commission | ᐃᖃᑲᐱᐱᖃᑲᑎᐱᐱᐱ ᐱᐱᐱᐱᐱᐱᐱᐱᐱᐱ  
ᐱᐱᐱ ᐱᐱᐱᐱᐱᐱᐱᐱᐱᐱᐱᐱ ᐱᐱᐱᐱᐱᐱᐱᐱᐱᐱ

**ARISING OUT OF AND DURING THE COURSE OF EMPLOYMENT**

Reasonable judgment is used to determine whether the worker's injury, disease or death arose out of their employment. Scientific evidence of the exact contribution that the job duties and/or employment expectations made to the injury, disease or death is not required. Policy 00.08, Decision Making outlines the evidence the WSCC may use to make a decision, and how it is weighed.

### **During the Course of Employment**

“During the course of employment” means the injury, disease or death happens at a time and place and during an activity consistent with, and reasonably connected to, the obligations and expectations of the worker's employment. Time and place are not strictly limited to the regular hours of work or the employer premises.

If an injury, disease or death, or symptoms occur during, or shortly after the worker's hours of work, the WSCC may find that a worker's injury occurred during the course of employment. However, an injury, disease or death that occurs at work but is caused entirely by non-work related circumstances is not compensable. For example, if a worker suffers a medical condition, such as a brain aneurysm at work, but the cause of that medical condition is not related in anyway to the employment, it is not considered “during the course of employment”. The injury or diagnosis must be compatible with the reported incident or exposure.

Workers may experience work-related injuries that do not occur during regular work hours or circumstances, but fall within the workers' employment obligations and expectations. The WSCC may consider these situations to be “during the course of employment” when there is a direct link between the injury, disease or death and the employment.

When a worker's injury, disease or death occurs during the course of a worker's employment, it is presumed to arise out of their employment, unless on the balance of probabilities the contrary is proven.

#### *Duty Travel and Mandatory Work Events*

The WSCC may consider an injury, disease or death to occur during the course of employment when a worker is on duty travel or attending mandatory work events, unless the worker distinctly departs from their employment duties.

A worker may distinctly depart from employment duties when they participate in activities not related to their employment, as described in the section below regarding disqualification.





## **Employer Provided Accommodations**

### *Worker Required to Live in Employer Provided Accommodations*

An injury, disease or death suffered by a worker in employer provided accommodations, when the worker is required to live in the employer provided accommodations, arises out of and during the course of employment if one of the two following situations is present:

- The worker was continuously on-call; or
- The cause of the injury was distinctly connected with the required employer provided accommodations.

When there is no distinct connection between the injury, disease or death and the employer provided accommodations, the WSSCC may determine the injury, disease or death did not arise out of and during the course of employment.

Employer provided accommodation is considered required when there is no reasonable alternative because of the distance between any other available accommodations and the worksite or there is a lack of available accommodations in the community.

### *Optional Employer Provided Accommodations*

An injury, disease or death suffered by a worker in optional employer provided accommodations is evaluated the same as a worker living in a private residence.

## **Remote Camp Workers**

A worker who lives in facilities operated by or for the employer has less control over their environment and activities than if they lived in a normal home environment. A worker in a remote camp who lives in accommodations provided by the employer may be considered to be in the course of employment 24 hours a day, even when engaged in personal activities. A range of personal activities may be determined to have occurred during the course of the worker's employment given the circumstances of the worker's living arrangement. However, if a worker engages in an activity that removes them from the course of employment, then a resulting injury, disease or death may not be compensable. For a description of criteria used to determine if remote workers are removed from the course of employment, see the section below regarding disqualification.



Where a remote camp worker is injured using a facility or equipment supplied by the employer, the injury, disease or death is presumed to arise out of employment only if the worker is participating in work activities or the employer provided facilities or equipment are faulty.

## **Disqualification**

An injury, disease or death that occurs when a worker is engaged in the performance of a work-related activity, or an activity that is reasonably incidental to the employment, is generally compensable. However, if a worker was engaged in an activity that was a distinct departure from their employment, the claim may be disqualified.

If a worker was engaged in an activity to satisfy a personal need, the worker may have been engaged in an activity that was incidental to the employment. Similarly, engaging in a brief interlude of non-incidental personal activity does not always mean that the worker was not in the course of employment. In determining whether a personal activity occurred in the course of employment, the WSCC considers factors such as:

- The duration of the activity;
- The nature of the activity; and
- The extent to which the activity deviated from the worker's regular employment activities.

In determining whether an activity was incidental to the employment, the WSCC takes into consideration the nature of the work, the nature of the work environment and the customs and practices of the particular workplace.

A claim caused by the worker's serious and wilful misconduct is not compensable, but will be considered by the WSCC if it results in serious disability, serious impairment, or death.

## **LEGISLATIVE AUTHORITIES**

Northwest Territories *Worker's Compensation Act*: Sections 10; 13; 14; 92

Nunavut *Worker's Compensation Act*: Sections 10; 13; 14; 92

## **POLICY RELATED DOCUMENTS**

Policy 00.08 Decision Making



## ARISING OUT OF AND DURING THE COURSE OF EMPLOYMENT

Policy 03.02	Entitlement
Policy 03.06	Entitlement of Occupational Disease Claims
Policy 03.09	Psychiatric and Psychological Disorders

### HISTORY

Policy 03.03 (NSC Feb 10/20)	Arising Out of and During the Course of Employment
Policy 03.03 (Mar 6/18)	Arising Out of and During the Course of Employment
Policy 03.03 (Jun 12/14)	Arising Out of and During the Course of Employment
Policy 03.03 (Dec 06/12)	Arising Out of and During the Course of Employment
Policy 03.03 (Sep 25/08)	Arising Out of and During the Course of Employment
Policy 03.03 (Apr 19/07)	Arising Out of and During the Course of Employment
Policy 03.03 (Jun 10/04)	Arising Out of and During the Course of Employment
Policy 03.03 (Apr 01/99)	Arising Out of and During the Course of Employment
Policy 03.03 (Jan 01/96)	Arising Out of and During the Course of Employment
Policy 20-02-02 (Sep 10/93)	During the Course of Employment-Accident
Policy 20-02-03 (Sep 10/93)	On/Off Employer Premises
Policy 20-02-04 (Sep 10/93)	Accident Away From Employer Premises
Policy 20-02-09 (Sep 10/93)	Food Poisoning/Foreign Body Ingestion
Policy 20-02-10 (Sep 10/93)	Weather Conditions
Policy 20-02-11 (Sep 10/93)	Heart Conditions
Policy 20-01-07 (Dec/81)	Hearing Loss – Traumatic
Policy 20-02-15 (Sep 10/93)	Employers' Premises, Parking Lots, Malls, Roads
Policy 20-02-16 (Sep 10/93)	Fighting and Horseplay
Policy 20-02-17 (Sep 10/93)	Premature Termination of Pregnancy
Policy 20-02-18 (Sep 10/93)	Blisters/Calluses
Policy 20-02-19 (Sep 10/93)	Ganglions
Policy 20-02-20 (Sep 10/93)	Hernia
Policy 20-02-21 (Sep 10/93)	Blood Poisoning
Policy 20-02-25 (Sep 10/93)	Caisson Disease
Policy 20-02-26 (Sep 10/93)	Rabies
Policy 20-01-03 (Dec/81)	Epilepsy





**ARISING OUT OF AND DURING THE COURSE OF EMPLOYMENT**

- |                          |                                  |
|--------------------------|----------------------------------|
| Policy 20-14-03 (Dec/81) | Resident Employees               |
| Policy 20-02-23 (Dec/81) | Misconduct – Serious and Wilful  |
| Policy 20-04-07 (Dec/81) | Intoxication                     |
| Policy 20-13-12 (Dec/81) | Immunization                     |
| Policy 20-04-08 (Dec/81) | Insect Bites                     |
| Policy 20-04-06 (Dec/81) | Physical Fitness Activities      |
| Policy 20-04-09          | Recreation and Social Activities |
| NWT #43 May 30           | “Arising Out Of” (WCB)           |

---

Chairperson



Workers' Safety  
& Compensation Commission

ᐃᑲᑲᐱᐃᑲᑲᑲᐱ ᐃᑲᐱᑲᑲᐱ  
ᐃᑲᐱ ᐱᑲᑲᐱᐃᑲᐱᑲᑲᐱ ᐱᑲᐱᑲᑲᐱ

## RENEWABLE RESOURCE HARVESTERS

### POLICY STATEMENT

The Workers' Safety and Compensation Commission (WSSCC) delivers a compensation program for Renewable Resource Harvesters (Harvesters) on behalf of the Government of the Northwest Territories (GNWT) and the Government of Nunavut (GN). To facilitate this program, the WSSCC adjudicates Harvesters' claims for compensation, and the GNWT and the GN pay, to the WSSCC, the total claims costs and an administration fee for this service.

### DEFINITIONS

Arising Out of and During the Course of Employment:

In the context of the Renewable Resource Harvesters' Program, "...for the purposes of harvesting, includes the act of hunting, fishing, trapping or gathering and travel by the most reasonable and direct route to and from the place or area where the hunting, fishing, trapping or gathering is done." (per MOU(s) on Renewable Resource Harvesters, 2009)

Deemed Annual Remuneration:

In the context of the Renewable Resource Harvesters' Program ...the amount prescribed in subsection 1.1(b) of the Workers' Compensation *General Regulations*.

Disease Arising Out of and During the Course of Employment:

In the context of the Renewable Resource Harvesters' Program, "... harvesters who contract certain diseases in their handling of renewable resource species shall be eligible for compensation." (per MOU(s) on Renewable Resource Harvesters, 2009)

Eligible diseases include, but are not restricted to, those set out in Schedule "A" of this policy.

Gross Income:

For the purposes of the Harvesters' Program, "...includes the current value of country food and income from all sources except Employment Insurance or Social Assistance." (per MOU(s) on Renewable Resource Harvesters, 2009)



Workers' Safety  
& Compensation Commission

ᐃᖃᑲᐱᐃᕐᖃᑲᑲᑦ ᐃᑦᑕᐱᖃᑲᑲᑦ  
ᐃᕐᐃ ᐱᕐᑕᐃᕐᑲᑲᑦ ᐃᑲᑲᑦ ᖃᑲᐃᕐᕐᕐᖃᑲᑲᑦ

## RENEWABLE RESOURCE HARVESTERS

Harvester:	“... a person who is deemed a worker pursuant to section 5(1) of the <i>Workers' Compensation Act(s)</i> .” (per MOU(s) on Renewable Resource Harvesters, 2009)
Harvesting Wildlife:	“...to hunt, capture, harvest or gather flora or fauna, including fish” (per ss 1.1 of the <i>Workers' Compensation Act(s)</i> )
Primarily from Harvesting Wildlife:	In the context of the Renewable Resource Harvesters' Program, “...regularly and actively engaged in hunting, fishing, trapping or gathering for a livelihood and at least 25% of the Harvester's gross income, including an amount to be determined by the GN or GNWT as the current value of country food, is derived from hunting, fishing, trapping or gathering.” (per MOU(s) on Renewable Resource Harvesters, 2009)

## POLICY

### General

Harvesters, who sustain a personal injury arising out of and during the course of harvesting wildlife, are considered to be workers under the *Workers' Compensation Act(s)*. All the rights and entitlements of a worker under the *Act(s)* are provided to Harvesters when the eligibility criteria are met. When harvesting wildlife, arising out and during the course of employment includes the travel by the most reasonable and direct route to and from the area where the harvesting is done.

### Eligibility

For a Harvester to be eligible for coverage under the Renewable Resource Harvesters program, the individual must:

- live in the Northwest Territories or Nunavut;
- harvest wildlife under a land claims agreement, a treaty or other Aboriginal right, or the Northwest Territories or Nunavut *Wildlife Act(s)*;



**Workers' Safety**  
& Compensation Commission

ᐃᑦᑲᓐᓇᐃᑭᑦᑎᐃᑦ ᐃᑦᑲᑦᓄᑦ  
ᐃᓚᓚ ᓇᑦᑲᑦᓄᑦ ᐃᓚᓚ ᑦᑲᑲᑲᓚᑦᑎᑦ

## **RENEWABLE RESOURCE HARVESTERS**

- not work for an employer who harvests wildlife; and
- generate at least 25% of their gross income, including \$7000 for country foods, from hunting, fishing, trapping or gathering activities to be considered regularly and actively engaged in harvesting wildlife.

### **Harvester Claim**

In order to adjudicate a claim, the WSSCC requires the following, in writing, from the Government of the Northwest Territories and the Deputy Minister, Department of Environment, Government of Nunavut:

- confirmation the person is a 'Harvester' as described in the *Workers' Compensation Act(s)*, and MOU(s);
- confirmation of income from harvesting, of which \$7000 is credited to the Harvester for country foods; and
- a completed *Harvester's Report of Incident*.

The WSSCC notifies Harvesters, in writing, of the acceptance or rejection of their claims, and the reasons for the decision(s). A copy of the notification letter is provided to the respective government department. Harvesters are also advised of their right to review and appeal any decisions related to their claims for compensation.

### **Compensation**

The WSSCC calculates compensation paid to Harvesters using the deemed gross annual remuneration, as prescribed in subsection 1.1(b) of the *Workers' Compensation General Regulations*.

Disability compensation is paid to Harvesters during their period of disability. The WSSCC calculates this compensation using the Harvesters' deemed annual remuneration figure, and in the manner prescribed in Policy 03.07, Calculation of Disability Compensation.

The WSSCC calculates compensation for injuries resulting in impairment as prescribed in Policy 06.03, Calculation of Impairment Compensation.

The WSSCC provides coverage to Harvesters for medical aid and associated costs, as well as access to programs and services, such as vocational rehabilitation, as any worker covered under the *Workers' Compensation Act(s)*.





Workers' Safety  
& Compensation Commission

ᐃᖃᑲᐱᐃᖃᑲᑎᐃᑦ ᐃᑦᑕᐱᖃᑲᑲᑦ  
ᐃᑦᑕᑲᐱᐃᖃᑲᑲᑦ ᖃᑲᐃᐱᖃᑲᑎᑦ

**RENEWABLE RESOURCE HARVESTERS**

Policy 03.05 (Aug 31/01)	Renewable Resource Harvesters
Policy 03.05 (Jan 18/01)	Renewable Resource Harvesters
Policy 03.05 (Jun 02/99)	Renewable Resource Harvesters
Policy 03.05 (Apr 01/99)	Renewable Resource Harvesters
Policy 03.05 (Feb 19/97)	Renewable Resource Harvesters
Policy 03.05 (Jan 01/96)	Renewable Resource Harvesters
Policy 20-01-25 (May 01/94)	Renewable Resource Harvesters
Policy 30-01-10 (May 01/89; as amended Mar 29/94)	Hunters, Fishermen and Trappers

\_\_\_\_\_  
Chairperson



Workers' Safety  
& Compensation Commission

ᐃᖃᑲᐱᐃᖃᑲᑎᐃᑦ ᐃᑦᑕᐱᖃᑲᑦ  
ᐃᑦᑕᐱᖃᑲᑦ ᐃᑦᑕᐱᖃᑲᑦ ᐃᑦᑕᐱᖃᑲᑦ

**RENEWABLE RESOURCE HARVESTERS**

**Schedule A**

**ELIGIBLE DISEASES ARISING OUT OF AND DURING THE COURSE OF  
EMPLOYMENT**

- Anthrax
- Brucellosis
- Diphyllbothrium
- Giardiasis
- Rabies
- Salmonellosis
- Sarcoptic Mange
- Trichinellosis or Trichinosis
- Tuberculosis
- Tularemia



## ENTITLEMENT OF OCCUPATIONAL DISEASE CLAIMS

### POLICY STATEMENT

The Workers' Safety and Compensation Commission (WSCC) entitles compensation for occupational diseases according to evidence provided by the worker, employer, health care providers, and WSCC Medical Advisors. Occupational diseases typically result from cumulative exposure to a harmful substance or industrial process but may result from a single exposure where the cause can be identified.

### DEFINITIONS

Balance of Probabilities:	A degree of proof which is more likely than not.
dBA:	“means the sound pressure level in decibels measured on the A scale of a sound level meter;” (per s.1 of the <i>Occupational Health and Safety Regulations</i> )
Disability:	“means the condition of having temporarily reduced physical, functional, mental or psychological abilities caused by the worker’s personal injury or disease, that results in a loss of earning capacity;” (per 1(1) of the <i>Workers’ Compensation Acts</i> )
Disease:	“means an unhealthy condition of the body or mind.” (per ss. 1(1) of the <i>Workers’ Compensation Acts</i> )
Firefighter	“means a worker who <ul style="list-style-type: none"> <li>(a) is engaged in fighting fires as a full-time, part-time or volunteer member of a fire department, and</li> <li>(b) does not exclusively fight forest fires” (per ss14.1(1) of the <i>Workers’ Compensation Acts</i>)</li> </ul>
Infectious Disease	Illnesses caused by bacteria, viruses, parasites, and fungi that can cause an infection. Some infectious diseases are contagious and may be spread from person-to-person.





## ENTITLEMENT OF OCCUPATIONAL DISEASE CLAIMS

Occupational Disease	A disease peculiar to or characteristic of a particular trade, occupation, or industry or peculiar to the specific employment of a worker.
----------------------	--

### POLICY

#### General

Claims for compensation are evaluated on a case-by-case basis. For the entitlement of occupational diseases the WSCC evaluates the causal relationship between the work-related exposures and the disease. A casual relationship between the work-related exposures and the disease must be met based on a balance of probabilities for entitlement. Specific occupational diseases may have additional requirements for entitlement.

#### *Criteria*

The WSCC applies the following criteria when assessing the causal connection between a work-related exposure and a disease:

- **Strength:** How significant is the strength of association between the disease and work-related factors?
- **Consistency:** Does reputable research/sources show that the disease is consistently linked to, or caused by, work-related factors?
- **Specificity:** Is the disease particular to the industry that the worker is or was employed in, or particular to the processes that the worker is or was engaged in during the course of employment?
- **Temporality:** Did the work-related factors precede the disease? If the disease existed prior to the worker's exposure to the work-related factors than it is not an occupational disease. However, if the work-related exposure exacerbates or aggravates a pre-existing condition, then the claim may be compensable. Policy 03.12, Pre-Existing Conditions, provides further detail on this.
- **Plausibility:** According to the information available, does a causal relationship between the disease and work-related factors make sense?
- **Coherence:** Does the evidence surrounding a worker's alleged occupational disease fit with what is known regarding the natural history and biology of the disease?

## ENTITLEMENT OF OCCUPATIONAL DISEASE CLAIMS

- **Analogy:** In some cases, objective evidence is not available, particularly in cases where a new disease is first recognized or when new or innovative work-related factors may be contributing to a disease. In these cases, decision makers may accept causality when the association between the disease and work-related factors is also seen in different but comparable circumstances.

### *Entitlement Limitation Period*

A worker must submit their claim for compensation to the WSCC within one year after the day the disease occurred. The WSCC considers the day the disease occurred as whichever of the following is most beneficial to the worker:

- the day the worker is disabled or impaired by the disease; or
- the day the disease is diagnosed.

The WSCC may consider, on a case-by-case basis, a claim for compensation outside of the limitation period if there is justifiable reason for the delay.

### *Jurisdiction of Exposure*

To be entitled under the *Workers' Compensation Acts (Acts)*, a portion of work-related exposure leading to the entitlement must occur in the Northwest Territories and Nunavut. If a worker's exposure to work-related factors occurred in the Northwest Territories or Nunavut and another Canadian jurisdiction, the WSCC compensates the worker according to section seven of the *Interjurisdictional Agreement on Workers' Compensation*. Section 7 does not apply to noise-induced hearing loss claims.

## Requirements for Specific Occupational Disease

### *Noise-Induced Hearing Loss*

Noise-induced hearing loss is an occupational disease when it is caused by prolonged exposure to high noise levels in the workplace. A worker may be entitled to compensation for noise-induced hearing loss if:

- the worker's audiogram is consistent with the principal characteristics of noise-induced hearing loss;
- the worker has a clear history of prolonged exposure to high work-related noise for a minimum of two years, or a non-continuous equivalent duration, in the Northwest Territories and Nunavut, where the exposure is equal to or above the minimum threshold time periods as per the following table; and
- noise-induced hearing loss is determined to be the dominant cause of hearing loss.



Workers' Safety  
& Compensation Commission

ᐃᑭᑲᑦᐱᐃᑭᑲᑦᐱᐱᐱᐱ ᐃᑭᑲᑦᐱᐱ  
ᐃᑭᑲᑦᐱ ᐱᑭᑲᑦᐱᐱᐱᐱᐱ ᐱᑭᑲᑦᐱᐱᐱ

## ENTITLEMENT OF OCCUPATIONAL DISEASE CLAIMS

### Minimum Exposure Threshold Per Day for Entitlement

Noise Level (dBA)	Minimum Threshold Time-Period Per Day (hours)
80	16
85	8
90	4
95	2
100	1
105	0.50
110	0.25
115	0.125
greater than 115	0 (immediate)

When information needed to estimate a worker's cumulative exposure to work-related noise levels is not available, the WSCC estimates the exposure by using other employment situations that are subject to similar noise levels and exposure durations as a reference.

The WSCC uses the audiogram results closest in time to the last occupational noise exposure to verify that a worker has noise induced hearing loss.

The WSCC may also consider other relevant information to determine if noise-induced hearing loss is the dominant cause of hearing loss, such as:

- the duration of time from the last exposure to occupational noise and when the nearest audiogram was completed.
- The worker's age (age-related hearing loss is not a compensable disease)
- The worker's medical history
- Other relevant factors that may have contributed to the worker's hearing loss.

The WSCC entitles and adjudicates claims for worked-related *traumatic hearing loss* (e.g. hearing loss resulting from a single incident of exposure to excessively loud noise) the same way it entitles and adjudicates all other non-occupational disease claims, in accordance with Policy 03.02, Entitlement.

### *Infectious Diseases*

In limited circumstances, a worker may be entitled to compensation when a worker contracts an infectious disease as a result of their employment. To be entitled to compensation, the following criteria must all be met:











## CALCULATION OF DISABILITY COMPENSATION

injury, disease or death occurred;” (per s.1(1) of the *Workers’ Compensation Acts*).

Partial Disability (PD):	A work-related injury or disease that temporarily prevents a worker from returning to regular employment. However, medical evidence supports the worker returning to modified or other employment with temporary work restrictions.
Partial Impairment (PI):	A condition of having a permanent and partial physical, functional, mental or psychological abnormality or loss, caused by the worker’s personal injury or disease.
Remuneration:	A worker’s remuneration includes all income earned through the performance of their work, including all salaries, wages, fees, commissions, bonuses, tips and other benefits defined under the <i>Workers’ Compensation Acts</i> .
Supplementary Pension Increase (SPI):	The annual percentage the WSCC uses to adjust pensions to keep their value even with the rate of inflation.
Total Disability (TD):	A work-related injury or disease results in temporary work restrictions. Restrictions prevent the worker from performing any pre-incident job duties or currently returning to any type of employment. The worker’s condition is not stable.
Year’s Maximum Insurable Remuneration (YMIR):	<p>“...a prescribed maximum remuneration for any year for the purposes of determining:</p> <ul style="list-style-type: none"> <li>(a) the compensation payable to workers or to a harvester of wildlife deemed to be a worker under section 5(1); and</li> <li>(b) the assessable payroll of employers for the year.” (per ss. 1(1) of the <i>Workers’ Compensation Acts</i>).</li> </ul>





**Workers' Safety**  
& Compensation Commission

ᐃᖃᑲᐱᐃᕐᖃᑲᑲᐱ ᐃᕐᕋᕐᕋᕐ  
ᐃᕐᕋᕐᕋᕐ ᐃᕐᕋᕐᕋᕐ ᐃᕐᕋᕐᕋᕐ

**CALCULATION OF DISABILITY COMPENSATION**

## POLICY

### General

There are two categories of disability compensation:

- Partial disability (PD) compensation; and
- Total disability (TD) compensation.

Workers are entitled to disability compensation for those days they would normally receive remuneration in the course of their usual employment other than the day the personal injury or disease occurred.

The WSCC calculates a worker's disability compensation using the following steps:

- Determine or estimate the worker's annual remuneration in accordance with Policy 00.10, Determining Annual Remuneration;
- If the worker's annual remuneration is greater than the Year's Maximum Insurable Remuneration (YMIR), limit their annual remuneration to the YMIR;
- Calculate the worker's net annual remuneration in accordance with Policy 00.10, Determining Annual Remuneration; and,
- Calculate the disability compensation payable.
- In the case of TD compensation, if workers are disabled more than one day their disability compensation starts the day after their work-related incident and continues until the WSCC suspends or terminates their disability compensation according to Policy 04.01, Payment of Compensation.

### Calculating Disability Compensation Payable

#### *Total Disability (TD) Compensation*

The WSCC determines TD compensation by multiplying the worker's Net Monthly Remuneration by 90%.

$$\text{TD Compensation} = \text{Worker's Net Monthly Remuneration} \times 90\%$$

Workers receive TD compensation throughout their disability for the days that the worker would, in the usual course of their employment, have received remuneration.



If a worker's monthly TD compensation is less than 2.75% of the YMIR for the year of their injury, the WSCC increases their compensation payment to the lower of either 100% of the worker's Net Monthly Remuneration or 2.75% of YMIR.

### *Partial Disability (PD) Compensation*

To calculate PD compensation, the WSCC must first calculate the worker's loss of earnings percentage. To calculate the loss of earnings, the WSCC compares the worker's pre-injury hours of work, rate of pay, and period or rotation of employment to those after they return to modified employment.

$$\text{Loss of Earnings Percentage} = \frac{\text{Pre Injury Earnings} - \text{Current Earnings}}{\text{Pre Injury Earnings}} \times 100$$

The WSCC determines PD compensation by multiplying the worker's TD compensation by the worker's loss of earnings percentage.

$$\text{PD Compensation} = \text{TD Compensation} \times \text{Loss of Earnings Percentage}$$

At any time, the WSCC may adjust a PD compensation to reflect a change in a worker's conditions of employment. This may increase or decrease the PD compensation amount.

## **Other Considerations**

### *Seasonal or Partially Employed Workers*

There are two determinations of annual remuneration that may need to be considered by the WSCC when calculating disability compensation for workers in seasonal employment or partial employment.

The annual remuneration determined in Stage One, in accordance with Policy 00.10, Determining Annual Remuneration, is used to calculate the disability compensation paid to a worker during the period where the seasonal or partial employment would have continued but for the work-related injury.

The Stage Two determination of annual remuneration, in accordance with Policy 00.10, Determining Annual Remuneration, is used to calculate the disability compensation paid to a worker who continues to suffer from a disability beyond the period determined in Stage One.





**CALCULATION OF DISABILITY COMPENSATION**

Nunavut Workers' Compensation Sections 1; 10  
*General Regulations:*

**POLICY RELATED DOCUMENTS**

Policy 00.10	Determining Annual Remuneration
Policy 02.05	Reporting Payroll
Policy 03.03	Arising Out of and During the Course of Employment
Policy 03.05	Renewable Resource Harvesters
Policy 04.01	Payment of Compensation
Policy 06.01	Pension Entitlement
Policy 06.02	Pension Conversions and Advances
Policy 06.03	Calculation of Permanent Compensation

**HISTORY**

Policy 03.07 (Oct 01/21)	Calculation of Disability Compensation
Policy 03.07 (Feb 20/20)	Calculation of Disability Compensation (Non-Substantive Change)
Policy 03.07 (Jun 13/19)	Calculation of Temporary Compensation Calculation (Non-Substantive Change)
Policy 03.07 (Mar 6/18)	Calculation of Temporary Compensation Calculation
Policy 03.07 (Jun 12/14)	Calculation of Temporary Compensation Calculation
Policy 03.07 (Jun 03/13)	Calculation of Temporary Compensation Calculation
Policy 03.07 (Mar 25/10)	Calculation of Temporary Compensation Calculation
Policy 03.07 (Mar 31/08)	Calculation of Temporary Compensation Calculation
Policy 03.07 (Sep 19/05)	Calculation of Temporary Compensation Calculation
Policy 03.07 (Jan 16/04)	Calculation of Temporary Compensation, Non-substantive changes (Seasonal and/or non-permanent employment; Regulation 4.2(1); YMIR definition)
Policy 03.07 (Oct 23/03)	Calculation of Temporary Compensation Calculation
Policy 03.07 (Oct 31/02)	Calculation of Compensation Benefits
Policy 03.07 (Apr19/01)	Calculation of Compensation Benefits
Policy 03.07 (Apr 21/99)	Calculation of Compensation Benefits
Policy 03.07 (Jul 16/98)	Calculation of Compensation Benefits
Policy 03.07 (Sep 20/86)	Calculation of Compensation Benefits
Policy 03.07 (Oct 1/95)	Calculation of Compensation Benefits



Workers' Safety  
& Compensation Commission

ᐱᐃᑦᑲᐃᐱᐱᐅᑦᑲᑦᑲᑦᑲᑦᑲᑦ  
ᐱᑲᑲ ᐃᑲᑲᑲᑲᑲᑲᑲᑲᑲ ᑦᑲᑲᑲᑲᑲᑲᑲᑲ

**CALCULATION OF DISABILITY COMPENSATION**

Policy 20-07-02 (Jan/87)	Compensation Calculation (Y.M.I.R.)
Policy 20-07-03 (Feb 21/90)	Minimum Compensation
Policy 20-07-04 (Dec/81)	Temporary Rates
Policy 20-07-05 (Dec/81)	Casual Worker
Policy 20-07-06 (Dec/81)	Concurrent Employment
Policy 20-07-07 (Dec/81)	Calculations for Two or More Jobs
Policy 20-07-10 (Dec/81)	Deductions from TTD Re: Maximum Compensation
Policy 20-07-11 (Dec/81)	Temporary Partial Disability
Policy 30-03-13a (Aug 03/93)	Acceptance of Personal Optional Coverage
Policy 5.001 (Jan 20/93)	Board and Lodging
Regulation C-16 (Nov 05/79)	Calculation – Temporary Total Disability Benefits
Directive D-5 (Mar 28/77)	Workers Injured While Employed on Tour of Duty

---

Chairperson



## POLICY STATEMENT

The Workers' Safety and Compensation Commission (WSCC) may provide compensation to workers who develop a psychiatric or psychological disorder arising out of and during the course of employment. To be considered for compensation, a claimant must have a work-related disorder diagnosed according to the most current version of the *Diagnostic and Statistical Manual of Mental Disorders*, published by the American Psychiatric Association. Diagnoses may include, but are not limited to:

- Acute stress disorder;
- Post-traumatic stress disorder;
- Somatic symptom disorder;
- Adjustment disorder; or
- An anxiety or depressive disorder.

A worker is not entitled to compensation for a psychiatric or psychological disability or impairment that results from usual work pressures, specifically mental stress arising out of labour relations between the worker and employer, or interpersonal conflict between co-workers that does not constitute harassment.

## DEFINITIONS

Acute reaction:	A sudden and severe reaction by a worker to a single or a series of work-related, traumatic events that have a psychiatric or psychological response.
Anoxia:	A severe deficiency of oxygen reaching the tissues of the body and, when prolonged, resulting in permanent damage.
Claim Owner	WSCC employee responsible for adjudicating or managing the worker's claim.
Cumulative Effect	A response to the accumulation of a number of work-related traumatic events over time or to an ongoing traumatic / significant event.



- Mental Stress: An individual’s non-specific physical and psychological response to events or changes (stressors) in life. Distress occurs when a person’s ability to cope with the stressors is overwhelmed and can result in diagnosable psychiatric or psychological disorders.
  
- Maximum Medical Recovery The point at which further medical or surgical interventions will have a negligible impact on restoration of function.
  
- Permanent Medical Impairment (PMI): An impairment which remains after the passage of a sufficient period of time to allow maximum recovery and when further medical or surgical interventions will have negligible impact on restoration of function. The impairment must result from a compensable injury as determined by a WSCC Medical Advisor, using the most recent version of the *American Medical Association Guide to the Evaluation of Permanent Impairment*.
  
- Partial Impairment (PI): A condition of having a permanent and partial physical, functional, mental or psychological abnormality or loss, caused by the worker’s personal injury or disease.
  
- Psychiatry: A branch of medicine relating to causes treatment and prevention of mental, emotional and behavioural disorders. Psychiatrists have attained a medical degree and can administer prescription drugs.
  
- Psychology: The study of functions of the mind, especially in relation to the social and physical environment. Psychologists do not possess a medical degree.
  
- Traumatic Event: An event generally recognized as being horrific, or having elements of actual or threatened violence or substantial harm to the worker or others.







The findings of an external investigation, conducted by an individual or organization external to the WSCC, may be used to verify the harassment allegations. The WSCC assumes no responsibility for conducting this investigation.

The WSCC will review all information submitted by the worker and/or employer and consider all evidence identified during the decision-making process, as outlined in Policy 00.08, Decision Making. It is the responsibility of the worker and/or employer to submit information regarding a claim for compensation.

Workplace harassment which leads to a worker filing a claim for compensation due to a psychiatric or psychological disorder, must be reasonably confirmed through information verifying that the alleged workplace harassment has occurred, before the claim may be entitled.

### *Worker / Employer Labour Relations*

A worker is not entitled to compensation for a psychiatric or psychological disability or impairment that results from usual work pressures or mental stress arising out of labour relations between the worker and employer, or between co-workers, unless the labour relations were intended to harm the worker, or otherwise considered to be a work-related traumatic event.

For added clarity, the circumstances giving rise to the claim cannot result from the usual pressures and tensions reasonably expected by the worker's occupation and duties. The following are examples of what are considered usual pressures and tensions of employment: interpersonal relations and conflicts which do not constitute workplace harassment, mitigated health and safety concerns, union issues, routine labour relations actions taken by the employer including workload and deadlines, work evaluation, performance management (discipline), transfers, changes in job duties, lay-offs, demotions, terminations, and reorganizations, to which all workers may be subject from time to time.

The submission of information supporting that labour relations conduct was done with the intent to harm the worker is required. Supporting information may be in any the form, including but not limited to emails and witness statements.

## PSYCHIATRIC AND PSYCHOLOGICAL DISORDERS

### Precipitating Event

In the course of employment, a worker may experience an event or series of events that cause mental stress which leads to a psychiatric or psychological disorder. The precipitating event may be:

- An injury;
- A sudden and unexpected traumatic event; or
- A series of traumatic events – identified as a cumulative effect.

If the precipitating event is either a sudden and unexpected single traumatic event, or a series of traumatic events it must arise out of and during the course of employment and be:

- Traumatic, as determined by the objective standard outlined in this policy;
- Experienced by the worker and based on reasonable and credible information;
- Generally regarded as unexpected in the usual or daily course of the worker's employment or work environment;
- Related to a specific time and place; and,
- Established by the WSCC through information of the event provided by, but not limited to: co-workers, supervisors, family, or the media.

For example, traumatic events include, but are not limited to:

- Being the object of threats of physical violence where the worker believes the threats are serious (e.g., bomb threats, being confronted with a weapon, the threat of sexual assault while in the course of work);
- Being the object of harassment that includes physical violence or threats of physical violence (e.g., the escalation of verbal abuse into physical abuse),
- Being the object of harassment that results in severe psychological harm;
- Being the object of harassment that results in being placed in a life-threatening or potentially life-threatening situation (e.g., tampering with safety equipment, causing the worker to do something dangerous);
- Witnessing a fatality;
- Witnessing or being the object of a horrific accident;
- Witnessing or being the object of an armed robbery;
- Witnessing or being the object of a hostage-taking;
- Being the object of physical violence, including sexual assault;
- Being the object of death threats; or,
- A natural disaster.

## PSYCHIATRIC AND PSYCHOLOGICAL DISORDERS

The worker must have suffered or witnessed the traumatic event first hand, or experienced the event first hand through direct communication with the affected individual(s) (e.g., speaking with the victims on the radio or telephone during the traumatic event).

The WSSCC may consider an event traumatic even if the worker was exposed to similar events in the past and exhibited no ill effects, or even if other workers exposed to the same event do not experience ill effects.

### Onset, Reaction and Diagnosis

Psychiatric and psychological disorders, resulting from trauma, can have an acute or chronic onset.

#### *Acute Reaction*

Acute Onset Stress occurs in response to a single incident that is sudden, shocking and specific. A worker's acute reaction to a traumatic event may be immediate, delayed or the result of a cumulative effect.

An acute reaction is said to be *immediate* if it occurs within four weeks of the traumatic event. An acute reaction is said to be *delayed* if it occurs more than four weeks after the traumatic event.

Diagnoses of disorders resulting from acute reactions may include, but are not limited to, acute stress disorder (developed within four weeks), post-traumatic stress disorder (developed after four weeks), adjustment disorder, or an anxiety or depressive disorder.

In the case of delayed acute reaction to a work-related traumatic event, there must be a reasonable link between the worker's psychiatric or psychological disorder and the traumatic event.

#### *Cumulative Effect*

A worker's reaction to the onset of chronic stress occurs in response to an accumulation of a number of work-related traumatic events over time and/or to a significant event that has lasted for a long time.



## PSYCHIATRIC AND PSYCHOLOGICAL DISORDERS

Over time, some workers may be exposed to multiple sudden, and unexpected traumatic events due to the nature of their occupation. If a worker has an acute reaction to the most recent traumatic event, their claim may be entitled even if the worker experienced the same traumatic events as part of their employment and was able to tolerate the past traumatic events. A final reaction to a series of sudden and traumatic events is considered to be the result of the cumulative effect.

In the case of a cumulative effect to a series of traumatic events, the WSCC recognizes that each event may affect a worker psychologically. This is true even if the worker does not show the effects until the most recent event. As a result, entitlement may be accepted because of the cumulative effect, even if the last event is not the most significant.

In considering entitlement for the cumulative effect, the Claim Owner will rely on clinical and other information supporting that multiple traumatic events led to the worker's current psychiatric or psychological injury. Also, there may be evidence showing that each event had some effect or life disruption on the worker, even if the worker was not functionally impaired by the effect or life disruption.

### *Diagnosis*

In order to be eligible for compensation, a claim must include a diagnosis made according to the most current version of the *Diagnostic and Statistical Manual of Mental Disorders*, published by the American Psychiatric Association.

WSCC Claims Services staff may consult with the WSCC Medical Advisor, the worker's treating health care provider and any other necessary health care providers, to ensure that the reported work-related injury or disease is consistent with medical evidence and opinion. In the event that new relevant medical evidence is available, the injury or diagnosis must be compatible with the related incident or exposure.

### **Impairment**

Psychiatric and psychological disorders caused by a work-related traumatic event(s) or injury are considered to be treatable. Only once the worker's disability has reached maximum medical recovery are these types of disorders accepted as impairments. If the worker reaches maximum medical recovery in accordance with Policy 04.11, Claims Management, and the disorder remains, the WSCC will consider the ongoing psychiatric or psychological disorder to be an impairment. Policy 06.01, Pension Entitlement, Policy 06.03, Calculation of Impairment Compensation, and the most recent version of the *American Medical Association Guide to the Evaluation of Permanent Impairment* will be used to assess the impairment.

 <b>Workers' Safety &amp; Compensation Commission</b>	
<b>PSYCHIATRIC AND PSYCHOLOGICAL DISORDERS</b>	

**LEGISLATIVE AUTHORITIES**

Nunavut *Workers' Compensation Act*: Section 37  
subsection 13(2); 40(1)

NWT *Workers' Compensation Act*: Section 37  
subsection 13(2); 40(1)

Interjurisdictional Agreement on  
Worker's Compensation

**POLICY RELATED DOCUMENTS**

Policy 03.02	Entitlement
Policy 03.03	Arising Out Of and During the Course of Employment
Policy 00.08	Decision Making
Policy 03.06	Occupational Disease
Policy 03.12	Pre-Existing Conditions
Policy 04.11	Claims Management
Policy 06.01	Pension Entitlement

**HISTORY**

Policy 03.09 (Feb 10/20) (Non-substantive Changes)	Psychiatric and Psychological Disorders
Policy 03.09 (Nov 30/17)	Psychiatric and Psychological Disorders
Policy 03.09 (Jun 13/14) (Non-substantive Changes)	Psychiatric and Psychological Disorders
Policy 03.09 (April 1/08) (Non-substantive Changes)	Psychiatric and Psychological Disability
Policy 03.09 (Oct 23/03)	Psychiatric and Psychological Disability

\_\_\_\_\_  
Chairperson



## POLICY STATEMENT

The Workers' Safety and Compensation Commission (WSCC) provides compensation to a worker who develops chronic pain when it results from a work-related injury and there is sufficient credible evidence establishing the condition. Claims for compensation are adjudicated on a case-by-case basis.

## DEFINITIONS

Chronic Pain:	Pain that persists beyond the usual healing time for the type of injury that precipitated or triggered the pain, AND/OR pain that is disproportionate to that expected of the type of injury that precipitated or triggered the pain. The complaints of pain and pain behaviour are inconsistent with physical findings (i.e. there is a lack of objective, organic/anatomical findings at the site of the injury to indicate that the injury has not healed).
Compensation:	Any medical aid, payment, money, pension, vocational rehabilitation, counselling or other benefit payable or provided as a result of a worker's personal injury, disease or death.
Marked Life Disruption:	Difficulty or dysfunction in several of the following areas of a worker's life due to the effect of pain experienced by the worker: physical, behavioural, cognitive and psychological functioning, vocational/employment activity, social/recreational activity, and family relationships.
Maximum Medical Recovery (MMR)	The point at which further medical or surgical interventions will have a negligible impact on restoration of function.
Permanent Medical Impairment (PMI):	An impairment which remains after the passage of a sufficient period of time to allow maximum recovery and when further medical or surgical interventions will have negligible impact on restoration of function. The impairment must result from a compensable injury as determined by a



WSCC Medical Advisor, using the most recent version of the *American Medical Association Guide to the Evaluation of Permanent Impairment*.

## **POLICY**

### **General**

Chronic pain is different from long-term or persistent, lingering pain resulting from an identifiable physical condition. Chronic pain is pain that cannot be readily diagnosed based on physical findings, such as observable or measurable changes in anatomical or neurophysiological characteristics and is instead commonly based on subjective accounts and/or evidence. The WSCC may provide compensation and medical aid to a worker with chronic pain when it is determined that the chronic pain was caused by the compensable injury or disease and causes a marked life disruption.

This policy does not apply to cases of persistent, lingering pain due to an identifiable physical condition diagnosed based on objective tests/assessments, or diagnosable psychological/psychiatric conditions. Policies 03.02, Entitlement, and 03.09, Psychiatric and Psychological Disorders, are applicable in these cases.

### **Eligibility Criteria**

For a worker to be entitled to compensation for chronic pain, the following criteria must be met:

- The WSCC determines a worker has chronic pain;
- The chronic pain is causally connected to, and a consequence of, a compensable work-related injury or disease; and
- The chronic pain results in marked life disruption.

### **Establishing Eligibility**

The WSCC requires a medical opinion to confirm the reliability and credibility of the patient's presentation of their pain, using thorough questionnaires and medical assessments. Additionally, the WSCC may consider, but is not limited to, the following factors to make this determination:

- The consistency of pain behaviour and complaints across time and situations, and between different assessors (e.g. medical opinions, health care provider reports).
- Timing, continuity, compatibility, and strength of association between the pain and the original compensable injury or disease.









## POLICY STATEMENT

The Workers' Safety and Compensation Commission (WSCC) provides severely injured workers, or their dependants, with special allowances and/or services to alleviate the effects of severe, compensable injuries and to assist in maintaining workers' quality of life and independence. All allowances and services for severely injured workers are considered on a case-by-case basis.

## DEFINITIONS

Basic Activities of Daily Living (BADL):

Basic activities that are performed by individuals daily for self-care, which include: ambulating/locomotion (e.g. walking), transferring (e.g. getting from bed to chair and back), eating, dressing, personal hygiene (e.g. bathing, grooming, bladder and bowel care).

Health Care Provider:

“a chiropractor, dentist, nurse, occupational therapist, optometrist, physical therapist, physician, psychologist or another class of persons whose qualifications to practice any of the healing professions are accepted by the Commission.” (per ss. 1(1) of the *Workers' Compensation Acts*).

Impairment:

“means the condition of having a permanent physical, functional, mental or psychological abnormality or loss, caused by the worker's personal injury or disease” (per 1(1) of the *Workers' Compensation Act(s)*).

Instrumental Activities of Daily Living (IADL):

Activities related to independent living, which includes transportation and shopping, managing finances, meal preparation, house cleaning and home maintenance, managing communication with others and managing medication.

Maximum Medical Recovery (MMR)

The point at which further medical or surgical interventions will have a negligible impact on restoration of function.

	<b>Workers' Safety</b> & Compensation Commission	
<b>ALLOWANCES AND SERVICES FOR SEVERELY INJURED WORKERS</b>		

**Medical Advisor** A health care provider selected by the WSCC who provides medical opinion and advice to WSCC employees regarding a worker's personal injury, disease or death.

**Primary Residence:** The dwelling where a person lives most of the time. A person can only have one primary residence. Where a person has more than one dwelling, the primary residence is the place where the person spends the majority of the year.

**Service Dog:** “means a dog that has been individually trained by an organization or person specializing in service dog training to perform a task to assist a person with a disability with a need related to the impairment” (based on *s.1(1) of the Accessible Transportation for Persons with Disability Regulations*)

## **POLICY**

### **General**

A worker is considered to have a severe injury if they have a work-related injury that affects their mobility or function in a way that significantly impacts their ability to perform Basic Activities of Daily Living (BADL) and/or Instrumental Activities of Daily Living (IADL). Examples of a severe injury may include, but is not limited to, spinal cord injuries, severe burns, total loss of vision, terminal cancers, or any other injuries of similar severity.

The WSCC recognizes that not all severely injured workers require the same level of support. Therefore, allowances and services are offered on a case-by-case basis to assist severely injured workers in achieving and maintaining their quality of life and independence. These allowances and services terminate when the worker can carry out the activities for which the allowance or service was originally provided, or when the allowances and services are no longer required due to a change in the worker's circumstances (e.g. worker moves into a long-term care facility).

Unless otherwise stated the WSCC directly pays service providers for an approved service. The WSCC may pay the worker, or another person or entity responsible for managing the worker's affairs if direct payment to a service provider is not possible. In







Workers' Safety  
& Compensation Commission

ᐱᕐᑲᑲᑦ ᐱᕐᑲᕐᑲᑦ ᐱᕐᑲᕐᑲᑦ ᐱᕐᑲᕐᑲᑦ  
ᐱᕐᑲᕐᑲᑦ ᐱᕐᑲᕐᑲᑦ ᐱᕐᑲᕐᑲᑦ ᐱᕐᑲᕐᑲᑦ

## ALLOWANCES AND SERVICES FOR SEVERELY INJURED WORKERS

The worker must be a *home owner* of the residence to be modified and proof of home ownership (e.g. title/deed, bill of sale, etc) must be provided. If the home owner's primary residence is a condominium, or similar living arrangement, the owner must provide a letter of support from the condo board, or similar entity, approving the modifications. Major residential modifications may be granted in exceptional circumstances when the worker is not the legal home owner, but the worker lives in the home on a permanent basis (e.g. the home is owned by a spouse or family member).

The WSSCC does not pay for residential modifications or purchases deemed unnecessary and/or unrelated to supporting the worker's functional abilities in their home, which may include, but are not limited to:

- purchase and installation of recreational equipment, air conditioning, electrical appliances or furniture; and
- construction of recreational areas, workshops or exercise rooms.

The grant for residential modifications may be applied to the purchase of another residence if a worker's current residence is not suitable for modification or repair. The residential modification grant cannot exceed the estimated cost of modifying the worker's existing residence.

### *Minor Residential Modification Requirements*

Minor residential modifications may be granted to a worker with a severe injury that has a permanent or temporary impact on their functional ability, regardless of whether they own or rent the home they live in.

If the worker with the severe injury rents the home they live in, the following requirements apply:

- The rented property must be the worker's primary residence.
- The WSSCC must receive written consent from the landlord of the property to be modified.

The WSSCC waives ownership of any residential modifications. Arrangements regarding ownership of the residential modifications are solely between the worker and their landlord. The WSSCC is not liable for any costs to return the modified property to its original condition under any circumstances (e.g. if the renter moves).



## Vehicle Modification

Vehicle modifications may be granted to a worker with a severe injury that has a permanent impact on their functional ability to operate or access a vehicle. Vehicle modifications are limited to one vehicle at a time.

The remaining useful life of the vehicle, based on the vehicle age and condition, must be such that the modification is justified according to a licensed automotive mechanic. The inspection of the vehicle must be organized by the worker. The WSCC will pay for the purchase and/or installation of modifications or specialty equipment, as well as the vehicle inspection.

A severely injured worker requesting the vehicle modification grant must provide the WSCC with proof of insurance prior to payment of the grant. If the worker will be driving the modified vehicle a valid driver's licence must also be provided and the insurance information must include confirmation that the insurer is aware of the worker's medical condition. The WSCC will not cover insurance costs, or premium increases, due to the nature of the injury or proposed modifications.

### *Vehicle Modification Requirements*

The following requirements apply to a vehicle modification:

- The WSCC must approve the service provider performing the vehicle modification.
- A contract or document that outlines the schedule of work, costs, as well as the roles and responsibilities of the WSCC, worker, and service provider must be agreed upon and signed by all parties before the commencement of work. An authorized designate may sign on behalf of the worker.
- Best efforts should be made to ensure vehicle modifications are transferrable to another vehicle.
- The WSCC may require in person verification of the completion of a vehicle modification by a WSCC representative.

Maintenance costs to maintain the modifications are not covered by the WSCC.



### *Transferring Vehicle Modifications*

When a worker with a severe injury acquires a new vehicle, the WSCC will cover the lesser of:

- transferring modifications to another suitable vehicle; or
- installing new modifications to the new vehicle if it has been 10 years or more since the vehicle modification was made.

The WSCC may make exceptions to the 10-year limitation period if deemed necessary according to the worker's individual circumstances.

Transfers of old modifications and installations of new modifications must be pre-approved by the WSCC. The cost of any replacement vehicle is the responsibility of the worker.

### **Vehicle Purchase**

A worker that suffered a severe injury that permanently impacts their functional ability, and uses a wheelchair for mobility, may require a specially equipped vehicle to travel safely and conveniently. In addition to paying for necessary modifications, the WSCC may approve a one-time only payment towards a vehicle purchase.

The WSCC reviews the available vehicle options and provides support towards the purchase of a vehicle that it considers the best value, while accommodating the worker's assessed functional needs.

### **Home Maintenance and Independent Living Allowance (HMILA)**

HMILA is a monthly allowance provided to a worker with a severe injury that permanently or temporarily impacts on the worker's functional ability to perform tasks related to IADL.

#### *HMILA Eligibility*

Workers must make a request for HMILA. To confirm eligibility for HMILA a worker must demonstrate with medical evidence from an appropriate health care provider that they are unable to maintain their home or live independently because of their work-related injury.





This allowance may be provided to workers who are living in a residence that they own or are living in rented or temporary accommodations. Workers in a care facility that provides IADL services, but where the costs for the services are paid for by the worker, may also be eligible for HMILA.

The spouse or dependent of a severely injured worker in a long-term care facility may be provided HMILA if they are able to demonstrate that they are unable to maintain the home without the support previously provided by the severely injured worker.

### *Monthly Allowance*

The monthly HMILA is adjusted annually from a base allowance of \$275/month established on January 1, 2025.

### *Annual Adjustment*

The annual adjustment of the monthly HMILA is rounded to the nearest dollar and is calculated in accordance with the supplementary pension increase in *Policy 06.03, Calculation of Permanent Impairment Compensation*. Annual adjustments to the HMILA are effective on January 1 of each year.

### *Payment of HMILA*

HMILA is paid monthly directly to the worker. The severely injured worker must keep documentation (e.g. receipts, invoices, quotes, or reports confirming the provision of services) for the services rendered under HMILA.

### *Temporary Need for HMILA*

If the severely injured worker has not reached MMR and the need for HMILA is temporary, they are required to provide documentation as requested by the WSCC to receive payment. The WSCC may request follow-up medical assessments at a minimum of every six months, or as required, to determine if the worker remains eligible for the allowance.

Temporary need for HMILA is approved by the appropriate Manager of Claims Services.

 <b>Workers' Safety &amp; Compensation Commission</b>	
<b>ALLOWANCES AND SERVICES FOR SEVERELY INJURED WORKERS</b>	

### *Permanent Need for HMILA*

If the severely injured worker has reached MMR and the need for HMILA is permanent, they are not required to provide documentation to the WSCC to receive payment. However, the WSCC may, at their discretion, conduct audits as required for documentation.

### *Termination*

HMILA may only be used for services related to IADL. If the WSCC has reasonable evidence that HMILA is not being used for the intended purposes, the WSCC may terminate the allowance provided to the severely injured worker.

## **Personal Care Allowance**

A worker with a severe injury that has a permanent or temporary impact on their functional ability to perform tasks related to BADL may be eligible for a personal care allowance to cover the costs of a personal care attendant.

### *Personal Care Allowance Eligibility*

Eligibility for personal care allowance for a severely injured worker is based on recommendation from an appropriate health care provider supported by medical evidence. To qualify, the severely injured worker must live in a private residence or a long-term care facility where assistance with personal care is not already provided and paid for.

A family member may be considered by the WSCC to act as the injured worker's personal care attendant. The decision to provide the allowance to a family member is based on confirmation of that family member's ability to safely and appropriately care for the injured worker and is at the discretion and approval of the WSCC. The quality of care that the family member provides to the injured worker is reviewed at least once a year, by a WSCC Representative.

### *Levels of Care*

The WSCC considers the level of care the severely injured worker requires, as supported by medical evidence from a health care provider, when determining the monthly allowance.



**Workers' Safety**  
& Compensation Commission

ᐃᓕᑦᑲᐱᐃᓕᑦᑲᐱᐃᓕᑦᑲᐱᐃᓕ  
ᐃᓕᓕᑦᑲᐱᐃᓕᑦᑲᐱᐃᓕᑦᑲᐱᐃᓕ

**ALLOWANCES AND SERVICES FOR SEVERELY INJURED WORKERS**

- Level 1:** This allowance is provided to workers with restricted mobility that can feed, partially wash, and otherwise care for themselves, but need assistance in some other Basic Activities of Daily Living.
- Level 2:** This allowance is provided to a worker with restricted mobility who requires assistance in feeding, dressing, and washing themselves as well as in some other Basic Activities of Daily Living.
- Level 3:** This allowance is provided to a worker with restricted or no mobility who requires extensive assistance in maintaining personal hygiene and in all other Basic Activities of Daily Living.

*Maximum Monthly Allowance*

The maximum monthly personal care allowance is adjusted annually from a base amount established on January 1, 2025. The maximum monthly personal care allowance is based on the level of care required by the severely injured worker and their place of primary residence and/or where their care is provided.

<b>Maximum monthly personal care allowance Base amount effective January 1, 2025</b>		
<b>Level of Care</b>	<b>Northern and Isolated Communities</b>	<b>Rest of Canada</b>
Level 1	\$1000	\$700
Level 2	\$2000	\$1400
Level 3	\$4000	\$2800

*Annual Adjustment*

The annual adjustment of the maximum monthly personal care allowance is rounded to the nearest dollar and is calculated in accordance with the supplementary pension increase in *Policy 06.03, Calculation of Permanent Impairment Compensation*. Annual adjustments to the maximum monthly Personal care allowance are effective on January 1 of each year.

*Respite Care*

In circumstances where an injured worker requires Level 3 attendant care that is provided by a family member, respite care may be considered while the family care giver is off duty or on vacation. Respite care may be given for a maximum of four weeks per year. The WSCC may consider a request for respite care for more than four weeks on a case-by-case basis.



 <b>Workers' Safety &amp; Compensation Commission</b>	
<b>ALLOWANCES AND SERVICES FOR SEVERELY INJURED WORKERS</b>	

## LEGISLATIVE AUTHORITIES

Northwest Territories <i>Workers' Compensation Act</i> :	Sections 36; 46; 47 Subsections 34(1); 34(2); 34(3); 35(1)
Nunavut <i>Workers' Compensation Act</i> :	Sections 36; 46; 47 Subsections 34(1); 34(2); 34(3); 35(1)
<i>Accessible Transportation for Persons with Disability Regulations</i>	Subsection 1(1)

## POLICY RELATED DOCUMENTS

Policy 04.01	Payment of Compensation
Policy 04.02	Medical Aid and Associated Costs
Policy 04.08	Medical Devices
Policy 04.15	Support Services for Injured Workers

## HISTORY

Policy 03.11 (Oct 1/19)	Allowances and Services for Severely Injured Workers (Non-Substantive Change)
Policy 03.11 (Jun 14/18)	Allowances and Services for Severely Injured Workers
Policy 03.11 (Jan 01/15)	Allowances and Services for Severely Injured Workers
Policy 03.11 (Sep 14/11)	Allowances and Services for Severely Injured Workers
Policy 03.11 (Mar 31/08)	Allowances and Services for Severely Injured Workers
Policy 03.11 (Sep 21/07)	Services for Workers with Severe Injuries
Policy 03.11 (Jun 22/06)	Services for Workers with Severe Injuries
Policy 05.04 (Dec 7/01)	Quality of Life
Policy 05.04 (Aug 31/01)	Quality of Life
Policy 05.04 (Apr 19/01)	Quality of Life
Policy 05.04 (Jan 1/01)	Quality of Life
Policy 05.04 (Apr 1/99)	Quality of Life
Policy 25-01-08 (Apr 12/90)	Quality of Life Services



**Workers' Safety** | ᐃᖃᖅᑲᐱᐱᖃᖅᑲᐱᐱᖅ ᐃᑦᑲᐱᖅᑲᐱᐱᖅ  
& Compensation Commission | ᐃᑦᑲᐱᖅ ᐱᑦᑲᐱᖅ ᐃᑦᑲᐱᖅ ᐃᑦᑲᐱᖅ

**ALLOWANCES AND SERVICES FOR SEVERELY INJURED WORKERS**

Policy 25-05-01 (Apr 12/90)

Policy 25-05-02 (Apr 12/90)

Policy 25-05-05 (Apr 12/90)

Policy 25-05-06 (Apr 12/90)

Policy 25-05-07 (Apr 12/90)

Residential Modifications

Vehicle Modifications

Special Financial Assistance

Attendant's Allowance

Independence and Home Maintenance

---

Chairperson









**PRE-EXISTING CONDITIONS**

Pre-existing Condition: Any pathological condition or impairment that existed prior to a work-related injury or disease and may include injuries, diseases, degenerative conditions, and psychological conditions, based on a confirmed diagnosis, medical evidence and/or medical judgement.

**POLICY**

**General**

The WSCC compensates a worker for injuries and diseases arising out of and during the course of employment. All decisions regarding the entitlement of a claim for compensation are made in accordance with Policies 03.02, Entitlement and 03.03, Arising out of and During the Course of Employment.

When there is a confirmed presence of a pre-existing condition that is exacerbated and/or aggravated by a work-related injury or disease, the worker may be compensated for the incremental disability or impairment of the pre-existing condition that is attributed to the compensable injury or disease. In addition, the WSCC may provide compensation to an injured worker if the pre-existing condition becomes an impediment to the treatment of a compensable injury or disease.

Pre-existing conditions may include, but are not limited to:

- Conditions that have produced periods of disability requiring treatment;
- Underlying or asymptomatic conditions which only become apparent after a workplace injury occurs.

This policy provides guidance on entitling and managing claims with pre-existing conditions.

**Entitlement to Compensation**

The WSCC may provide compensation benefits to an injured worker with a pre-existing condition where:

- The pre-existing condition prevents the worker from undergoing treatment for the work-related injury or disease;
- The pre-existing condition prolongs treatment for the work-related injury or disease;



## **PRE-EXISTING CONDITIONS**

- The current work-related injury or disease exacerbates the worker’s pre-existing condition; or
- The current work-related injury or disease aggravates the worker’s pre-existing condition.

Compensation for a pre-existing condition is not provided where:

- A work-related injury does not impact the worker’s pre-existing condition; and
- The pre-existing condition is the sole cause of the worker’s inability to return to work.

The fact that a worker has a pre-existing condition does not necessarily mean it was exacerbated or aggravated by the compensable injury or disease. The Claim Owner needs to determine how and if the worker’s compensable injury or disease impacted the pre-existing condition. A worker does not receive compensation for the portion of the disability from a pre-existing condition that existed before the work-related injury or disease, but only for the portion of the disability that can be attributed to the work-related injury or disease.

## **Management of Claims with Pre-Existing Conditions**

### *Gathering Medical Evidence*

The presence of a pre-existing condition must be based on a confirmed diagnosis and medical evidence.

In order to confirm the presence of a pre-existing condition, the Claim Owner must request, where available, the previous five or more years of medical documentation related to the pre-existing condition. Upon receipt of the appropriate medical evidence, the Claim Owner consults with the WSCC Medical Advisor to provide opinions related to, but not limited to, a worker’s compensable diagnosis and impact on their pre-existing condition.

To confirm the presence of a pre-existing condition the Claim Owner should work with the worker to obtain medical evidence related to the following:

- The worker’s condition and medical history, including any previous diagnoses;
- Prior treatment in which the worker participated; and
- Current and prior medications and treatment to date.

## PRE-EXISTING CONDITIONS

If five years of medical evidence is not available, the Claim Owner works with the worker to collect as much evidence as possible to prove the presence of a pre-existing condition.

A thorough history based on collected medical evidence is needed to:

- Establish a baseline for the worker's pre-existing condition at the time the work-related injury or disease occurred;
- Determine whether the workplace duties or work-related injury or disease contributed in a material way to the exacerbation or aggravation of a pre-existing condition; and
- Determine when the worker's pre-existing condition has returned to the pre-injury state.

The impact of the work-related injury or disease on the pre-existing condition may change as the claim progresses, new evidence related to the pre-existing condition is obtained by the WSCC, and/or the impact of the work-related injury or disease on the pre-existing condition becomes more apparent. The Claim Owner must continually monitor the worker's recovery, promote recovery, facilitate a return to work, and continue to entitle the injured worker to compensation, as appropriate.

### *Pre-Existing Condition Prevents Treatment*

A worker may have a pre-existing condition that is not exacerbated and/or aggravated by the injury or disease, but prevents them from participating in treatment for the work-related injury or disease. When a pre-existing condition prevents the worker from undergoing treatment, the WSCC may consider ways to accommodate the worker so that they may continue with their required treatment of the compensable injury or disease.

The Claim Owner may consult with the WSCC Medical Advisor to determine whether treating this pre-existing condition will assist in the worker's recovery from the work-related injury or disease. The WSCC may pay for a one-time course of treatment, related to this pre-existing condition if treatment will assist in the worker's recovery of a compensable injury or disease.

If treatment of this pre-existing condition is accepted, the WSCC pays for the treatment in addition to compensation for the work-related injury or disease. Workers are not entitled to disability compensation if this pre-existing condition is the sole cause of their inability to return to work.

### *Pre-Existing Condition Prolongs Treatment*



## **PRE-EXISTING CONDITIONS**

A worker may suffer from a pre-existing condition that prolongs the recovery time of a compensable injury or disease. A work-related injury or disease may not worsen the pre-existing condition, but the nature of the pre-existing condition may cause the worker's treatment and recovery to take longer than expected. The WSCC manages these claims until the worker has reached maximum medical recovery for the work-related injury.

### *Exacerbation of a Pre-Existing Condition*

The WSCC pays compensation for a work-related injury or disease that exacerbates a pre-existing condition until the worker recovers from their work-related injury. A worker may suffer a work-related injury which temporarily worsens their pre-existing condition. The Claim Owner must weigh the evidence on the claim to determine whether:

- The pre-existing condition requires treatment;
- There is an impact on the worker's symptoms or their functional abilities;
- The worker requires workplace accommodations; or
- The pre-existing condition caused any measurable disability.

### *Aggravation of a Pre-Existing Condition Resulting in Impairment*

A worker may suffer a work-related injury which permanently worsens, or aggravates, a pre-existing condition. When medical evidence confirms that a pre-existing condition becomes aggravated, the worker may never return to their pre-injury functional level. When a work-related injury or disease aggravates a pre-existing condition and the worker reaches maximum medical recovery for their work-related injury, they may be entitled to a permanent medical impairment. The Claim Owner consults with the WSCC Medical Advisor to determine whether the work-related injury or disease has aggravated the pre-existing condition.

When a pre-existing condition contributes to or causes an impairment, the WSCC determines if the pre-existing condition was medically measurable or immeasurable at the time of the work-related injury.

### *Measurable*

The WSCC considers a worker's pre-existing condition to be measurable when:

- The extent of a worker's pre-existing condition prior to the work-related injury or disease can be determined; or
- Following the work-related injury or disease, the extent of the pre-existing condition prior to the work-related injury or disease can still be accurately determined.



The WSCC Medical Advisor evaluates the pre-existing condition according to the most recent version of the *American Medical Association Guide to the Evaluation of Permanent Impairment*.

### *Immeasurable*

The WSCC considers a worker's pre-existing condition to be immeasurable when:

- The extent of a worker's pre-existing condition cannot be measured according to the medical evidence that existed before the work-related injury or disease; or
- The extent of the pre-existing condition cannot be accurately determined by a Health Care Provider after the work-related injury or disease.

The WSCC Medical Advisor evaluates the pre-existing condition using medical judgement in combination with the *American Medical Association Guide to the Evaluation of Permanent Impairment*.

### *Calculating a Permanent Medical Impairment*

The WSCC uses the following formula to calculate the permanent medical impairment resulting from a work-related injury or disease when medical evidence confirms a worker's pre-existing condition has become aggravated:

$$\begin{array}{l} \text{Permanent} \\ \text{Medical} \\ \text{Impairment} \end{array} = \begin{array}{l} \text{The total impairment after the work-related injury} \\ \text{Less} \\ \text{The total impairment prior to the work-related injury.} \end{array}$$

The WSCC does not use this formula to determine the impairment that results from a work-related injury or disease if a health care provider determines the injury or disease is so severe, the impairment would exist with, or without, the pre-existing condition.

### *Enhancement*

In cases where a pre-existing condition and a work-related injury or disease combined result in a bilateral injury, the WSCC considers an enhancement factor of up to 50 percent of the work-related impairment. Permanent medical impairments are calculated according to the most recent version of the *American Medical Association Guide to the Evaluation of Permanent Impairment*.

## PRE-EXISTING CONDITIONS

### *Degenerative Conditions*

A worker may have a pre-existing condition that is degenerative in nature, and is expected to deteriorate over time. A worker's pre-existing condition may have been stable and asymptomatic prior to the work-related injury or disease, or it may have already been causing the worker some impairment or disability. The Claim Owner will gather medical evidence showing how the worker's condition would have likely progressed had the work-related injury or disease not occurred. The WSCC will manage the claim until the worker returns to their pre-injury status or has reached maximum medical recovery for their work-related injury.

### *Ceasing Compensation*

Compensation for a pre-existing condition impacted by a work-related injury or disease ceases when evidence supports that:

- The exacerbation of the worker's pre-existing condition has returned to the pre-injury state;
- The exacerbation has ended and ongoing symptoms or effects are more likely due to the natural progression of the pre-existing condition over time; or,
- The worker has reached maximum medical recovery and is able to return to work or is entitled to an impairment rating.

## LEGISLATIVE AUTHORITIES

Nunavut *Workers' Compensation Act*: Sections 10; 12; 13; 14; 42; 45  
 Subsection 41(4)

Northwest Territories *Workers' Compensation Act*: Sections 10; 12; 13; 14; 42; 45  
 Subsection 41(4)



	<b>Workers' Safety</b> & Compensation Commission	ᐱᓐᑲᑲᓐᑲᓐ ᐱᓐᓴᓐᑲᓐ ᐱᓐᓴᓐᑲᓐ ᐱᓐᓴᓐᑲᓐ
<b>ALLOWANCE RATES</b>		

## POLICY STATEMENT

The Workers' Safety and Compensation Commission (WSCC) provides injured workers with allowances to offset certain costs incurred as a result of their compensable work-related injury or disease. This policy outlines allowance rates for various allowances covered by the WSCC.

## GENERAL

The WSCC sets and applies rates for allowances in accordance with applicable policies and/or regulations. All rates are effective January 1, 2025.

### General Allowance Rates

Allowance	Rate	Applicable Policy
Child care	Max. \$60/day	Policy 04.15, Support Services for Injured Workers and Dependants
Clothing damaged from wearing a prosthesis, orthosis or other appliance covered by the WSCC	Max. \$516/year	Policy 04.08, Medical Devices
Clothing damaged from use of a wheelchair	Max. \$1031/year	Policy 04.08, Medical Devices
Home Maintenance and Independent Living Allowance (HMILA)	\$275/month	Policy 03.11 Allowances and Services for Severely Injured Workers
House sitting	\$25/day	Policy 04.15, Support Services for Injured Workers and Dependants

*Table 1 2025 General Allowance Rates*





**ALLOWANCE RATES**

*Personal Care Allowance Rates*

Applicable Policy: Policy 03.11, Allowances and Services for Severely Injured Workers

Level of Care	Maximum monthly personal care allowance	
	Northern and Isolated Communities	Rest of Canada
<b>Level 1</b>	\$1000	\$700
<b>Level 2</b>	\$2000	\$1400
<b>Level 3</b>	\$4000	\$2800

Table 2 2025 Personal Care Allowance

*Subsistence Allowance Rates and Vocational Rehabilitation  
Supplementary Living Allowance Rates*

Applicable Policy: Policy 04.02, Medical Aid and Associated Costs  
Policy 05.05, Vocational Rehabilitation Program  
Allowances and Grants

Applicable Regulations: Northwest Territories *Workers' Compensation General Regulations*  
Nunavut *Workers' Compensation General Regulations*



**ALLOWANCE RATES**

Allowance	Northwest Territories	Nunavut	Canada or USA (other than Nunavut and Northwest Territories)
<b>Breakfast</b>	\$19.16	\$22.71	\$15.95
<b>Lunch</b>	\$31.94	\$35.09	\$19.69
<b>Dinner</b>	\$39.72	\$45.54	\$33.86
<b>Incidental Expenses</b>	\$17.30	\$17.30	\$17.30

Table 3 2025 Subsistence Allowance Rates

**Kilometric Rates**

Applicable Policy: Policy 04.02, Medical Aid and Associated Costs  
 Policy 05.05, Vocational Rehabilitation Program  
 Allowances and Grants

Applicable Regulations: Northwest Territories *Workers' Compensation General Regulations*  
 Nunavut *Workers' Compensation General Regulations*

	Northwest Territories	Nunavut
<b>Cents/km</b>	70.0	70.5

Table 4 2025 Kilometric Rates

 <b>WSSCC</b> Workers' Safety & Compensation Commission	
<b>ALLOWANCE RATES</b>	

**LEGISLATIVE AUTHORITIES**

Northwest Territories <i>Workers' Compensation Act:</i>	Section 47
Nunavut <i>Workers' Compensation Act:</i>	Section 47
Northwest Territories <i>Workers' Compensation General Regulations.</i>	Subsections 4(3), 6(1), 6(2), 6(5), Schedule
Nunavut <i>Workers' Compensation General Regulations</i>	Subsections 4(3), 6(1), 6(2), 6(5), Schedule

**POLICY RELATED DOCUMENTS**

Policy 03.11	Allowances and Services for Severely Injured Workers
Policy 04.02	Medical Aid and Associated Costs
Policy 04.08	Medical Devices
Policy 04.15	Support Services for Injured Workers and Dependants
Policy 05.05	Vocational Rehabilitation Program Allowances and Grants

**HISTORY**

NEW

---

Chairperson





 <b>Workers' Safety &amp; Compensation Commission</b>	
<b>PAYMENT OF COMPENSATION</b>	

## **POLICY**

### **General**

The WSCC provides wage-loss and other compensation to entitled workers, including medical aid, vocational rehabilitation allowances, and pensions. In limited circumstances a worker's compensation may be assigned or diverted. This policy outlines the circumstances in which the WSCC may assign or divert a worker's compensation.

The WSCC may terminate, suspend, or reduce some or all of the compensation a worker is entitled to if it is determined the worker failed to mitigate their disability, or the WSCC determines the worker deliberately misrepresented their employment situation, and/or the existence or degree of their injury or illness. This policy outlines the circumstances when the WSCC may terminate, reduce, or suspend compensation.

This policy also outlines the circumstances of when and how the WSCC pursues recovery of overpayment of compensation or compensation that a worker is not entitled to.

### **Calculation of Wage-loss Compensation and Disability Compensation**

The WSCC provides compensation to entitled workers. A worker's entitlement to compensation is determined according to Policy 03.02, Entitlement, and 03.03, Arising out of and During the Course of Employment. The amount of compensation is calculated according to Policies 03.07, Calculation of Disability Compensation and 06.03, Calculation of Permanent Impairment Compensation.

### **Assigning Wage-loss Compensation**

#### *Assignment to a Government Social Assistance Program*

The WSCC may assign a worker's wage-loss compensation to a provincial or territorial social assistance program or Employment and Social Development Canada (ESDC) if the worker received financial assistance while they waited for their claim to be approved. The worker makes this request in writing to the WSCC for approval.

#### *Assignment to an Employer*

The WSCC may assign a worker's wage-loss compensation to their employer if the employer continues to remunerate a worker while they experience time-loss for a partial or total disability. This may include the employer's temporary usage of employee sick



leave benefits while the worker waited for their claim to be approved. Or, if the employer chooses to keep the worker on their payroll after a worker's claim has been approved, the WSCC may assign a worker's wage-loss compensation to their employer on an ongoing basis.

The total wage-loss compensation that is assigned to an employer or received by the worker directly from the WSCC cannot exceed the amount that the worker has been entitled. In circumstances where a claimant has utilized sick leave benefits, reconciliation of sick leave benefits is between the worker and the employer.

The WSCC does not approve compensation assignment:

- For amounts over the compensation payable to an entitled worker; or,
- To creditors to pay debts; for example, legal fees, mortgage or rent, business debts and federal taxes.

## **Diverting Compensation**

### *Authorized Representative*

If a worker or dependant receiving compensation becomes incapable of managing their affairs and are not able to receive their compensation directly, their Authorized Representatives (Power of Attorney or Trustee) guide the WSCC in the management of the worker's compensation. In the absence of this guidance, the WSCC may divert all entitled compensation of the worker or dependant to persons able to assume management of the worker or dependants' affairs (e.g. worker's spouse or parents).

If no family members are willing or able to assume this responsibility and no private trustee exists, the WSCC may ask the Northwest Territories or Nunavut Public Trustee to administer the affairs of the injured worker or dependant.

### *Court Orders*

The WSCC recognizes court orders which specifically attaches workers' compensation. When such court orders are identified, the Claim Owner refers them to the WSCC General Counsel to assess any implications.



**Workers' Safety**  
& Compensation Commission

ᐱᓐᓕᐱᓐᓕᐱᓐᓕᐱᓐᓕᐱᓐᓕᐱᓐ  
ᐱᓐᓕᐱᓐᓕᐱᓐᓕᐱᓐᓕᐱᓐᓕᐱᓐ

**PAYMENT OF COMPENSATION**

The WSCC only recognizes garnishee requests by the Canada Revenue Agency (CRA) when:

- The debt falls under the federal *Income Tax Act*, *Excise Tax Act*, *Canada Pension Plan* or *Employment Insurance Act*; and
- The amount is no more than 25% of the worker's periodic payment.

Wage-loss compensation is diverted for maintenance orders as specified by court order(s) under the Northwest Territories or Nunavut *Maintenance Orders Enforcement Act* using the exemption limits set out in that legislation. When such an order is identified, the Claim Owner refers it to WSCC General Counsel for review.

In both cases, the garnishment continues until one of the following occurs:

- The debt is paid in full;
- The CRA or Maintenance Enforcement Program cancels the garnishment; or
- The claimant's compensation is ceased or terminated.

### *Inmates*

For an injured worker receiving compensation and later incarcerated or given an alternate sentence under applicable legislation, the WSCC may, upon consent of the worker:

- Divert compensation, to which they are entitled, to their dependants;
- Hold the compensation, to which they are entitled, in trust until the worker's release or full parole; or
- Entrust the warden of the incarcerating facility to administer the compensation, to which they are entitled, if the worker requests it and the warden agrees.

When an incarcerated claimant is disabled, the WSCC confirms their ongoing entitlement to wage-loss compensation by regularly reviewing clinical reports from their health care provider. For an incarcerated claimant with a permanent impairment, the WSCC will determine the percentage of impairment when they achieve maximum medical recovery in accordance with Policy 06.03, Calculation of Permanent Impairment Compensation.

Payments to a worker whose claim is reactivated while incarcerated are processed as a worker who is receiving compensation before incarceration.

When an inmate becomes entitled to compensation while engaged in a work release program, the WSCC may, upon consent of the worker:





## **PAYMENT OF COMPENSATION**

- Divert compensation, to which they are entitled, to their dependants;
- Hold the compensation, to which they are entitled, in trust until the worker's release or full parole; or
- Entrust the warden of the incarcerating facility to administer the compensation, to which they are entitled, if the worker requests it and the warden agrees.

### *Involuntary Admission of a Worker under the Mental Health Act*

In cases where a worker is involuntarily admitted under an applicable Territorial or Provincial Mental Health Act, the WSCC may divert any compensation to which the worker is entitled. Diversion of a worker's compensation will be considered if the following occurs:

- A medical practitioner examines a claimant under a Mental Health Act and is of the medical opinion that the claimant is not mentally competent to manage his or her estate;
- The medical practitioner issues a certificate of mental incompetence in the form prescribed by the applicable Mental Health Act;
- The medical practitioner transmits the certificate to a Public Trustee; and,
- The Public Trustee assumes management of the claimant's estate;

If the preceding criteria are satisfied, the WSCC will divert any on-going compensation that a worker is entitled to receive to the Public Trustee named in the worker's certificate of mental incompetence as legally responsible for managing the worker's estate. Any on-going compensation to which the worker is entitled to receive will cease to be diverted when a notice of discharge has been issued for the worker and received by the worker's Public Trustee.

### **Ceasing Wage-Loss Compensation**

The WSCC will continue to pay wage-loss compensation to an injured worker who is entitled to compensation until:

- The worker safely returns to work in accordance with Policy 04.14, Return to Work;
- The WSCC determines that the worker is fit to safely return to suitable work; and/or
- The worker has entered a WSCC approved Vocational Rehabilitation program, at which time they will be eligible to receive other compensation as outlined in Policy



## **PAYMENT OF COMPENSATION**

05.01, Vocational Rehabilitation Eligibility and Policy 05.05, Vocational Rehabilitation Allowances and Grants.

When an injured worker, who is entitled to receive wage-loss compensation, reaches maximum medical recovery (MMR) for their compensable injury or disease, they will be referred for a Permanent Medical Impairment Assessment, as outlined in Policies 06.01, Pension Entitlement and 06.03, Calculation of Permanent Impairment Compensation. Having reached MMR is not a sufficient reason, in itself, to terminate a claimant's wage-loss compensation.

### **Terminating, Suspending or Reducing Compensation for a Worker's Failure to Mitigate their Disability**

A Worker is obligated to cooperate fully in their recovery by taking all reasonable measures to mitigate the disability and cooperate with the WSCC's requirements for vocational rehabilitation.

The WSCC may require an injured worker to:

- Provide information necessary for claim adjudication and management;
- Undergo and attend medical examinations;
- Follow prescribed treatments;
- Use the nearest appropriate health care provider; and/or
- Use a different health care provider, in accordance with Policy 04.03, Choice and Change of Healthcare Provider.

If a claimant fails to comply with one of the requirements listed above, the WSCC will notify the claimant in writing. The WSCC notifies the claimant of actions they must take to meet these requirements, the timeframe in which the actions must be completed, and the consequences that will result from continued non-compliance. The WSCC may suspend, reduce, or terminate a worker's compensation if the worker wilfully fails to comply with these requirements.

The type or types of compensation that may be suspended, reduced, or terminated is discretionary and is determined, by the WSCC, as appropriate for and proportional with the degree of the claimant's non-compliance. The WSCC may re-instate compensation if a worker complies with WSCC requirements. Any reduction, suspension or termination of a worker's compensation is done in accordance with the *Acts* s. 142.

 <b>Workers' Safety &amp; Compensation Commission</b>	
<b>PAYMENT OF COMPENSATION</b>	

### *Travel and Relocation Outside of Canada*

The WSCC expects medical aid to be obtained in Canada, and therefore may suspend medical aid and wage-loss compensation to which the worker is entitled, if a worker travels or relocates outside of Canada while ongoing medical attention is required.

The WSCC may cover medical aid received outside of Canada on a case-by-case basis, as specified in Policy 04.02, Medical Aid and Associated Costs.

A worker who no longer requires ongoing medical attention may leave Canada with the WSCC's prior approval and continue to receive wage-loss compensation to which they are entitled.

### **Terminating or Reducing Compensation due to Deliberate Misrepresentation, Fraudulent Activity, or Malingering**

A claimant may have their compensation reduced or terminated if the WSCC discovers evidence of deliberate misrepresentation (e.g. employment situation), fraudulent activity or malingering. The termination or reduction of their compensation is based on a determination that the worker was not entitled to the compensation they received, or at least not to the extent that they claimed. The WSCC has the discretion to determine the extent to which the claimant may still be entitled to any on-going compensation, if any.

If a worker is found to be completely misrepresenting their disability or impairment (e.g. they do not have a disability or impairment, or were not in a workplace incident) a total termination of all compensation, including medical aid, and wage-loss compensation, will occur.

If a worker is found to be misrepresenting the extent of their disability or impairment (e.g. their disability or impairment is not as severe as they have claimed) the reduction or termination of their compensation should be reasonably linked to available medical evidence and the extent of the misrepresentation.

### **Recovering Compensation**

When a worker or dependant receives compensation they are not entitled, or the compensation exceeds their entitlement, the WSCC may:

- Attempt to recover the outstanding amount directly from the worker or dependant;
- Deduct the outstanding amount from future payments; or



**PAYMENT OF COMPENSATION**

- Decide not to recover the overpayment upon the recommendation of the Vice President of Northwest Territories or Nunavut and approval of the Governance Council.

If the WSCC determines a worker or dependant received compensation they are not entitled as a result of deliberate misrepresentation, fraudulent activity, or malingering, the WSCC will pursue full recovery of the overpayment.

The WSCC considers any reasonable repayment proposals from the worker or dependent. These may include deductions from future payments, full direct payment or payment by instalment.

**LEGISLATIVE AUTHORITIES**

Northwest Territories <i>Workers' Compensation Act:</i>	Sections: 1(1); 10; 12; 15; 35; 54; 142
Nunavut <i>Workers' Compensation Act:</i>	Sections: 1(1); 10; 12; 15; 35; 54; 142
Northwest Territories and Nunavut <i>Corrections Acts:</i>	All
Northwest Territories and Nunavut <i>Exemptions Acts:</i>	All
Northwest Territories and Nunavut <i>Maintenance Orders Enforcement Acts:</i>	All
Northwest Territories and Nunavut <i>Mental Health Acts</i>	All
Government of Canada <i>Income Tax Act:</i>	All
Government of Canada <i>Excise Tax Act:</i>	All





**PAYMENT OF COMPENSATION**

Policy 20-01-17 (Sep 10/93)  
 Policy 20-01-18 (Sep 10/93)  
 Policy 20-01-19 (Sep 10/93)  
 Policy 20-01-29 (Dec 81)  
 Policy 20-02-14 (Dec 81)

Incarcerated Workers-Federal  
 Incarcerated Workers-Territorial  
 Reduction or Suspension of Benefits  
 Court Order  
 Leaving Canada

\_\_\_\_\_Chairperson



## POLICY STATEMENT

The Workers' Safety and Compensation Commission (WSCC) provides or pays for medical aid that it considers reasonably necessary to diagnose and treat a work-related injury or disease from the time of injury/disease through the period of disability or impairment. The WSCC also pays for certain costs associated with the provision of medical aid (e.g. transportation, subsistence, escorts, interpreters) in accordance with the *Workers' Compensation Acts (Acts)*, *Workers' Compensation General Regulations*, and WSCC policies.

## DEFINITIONS

Claim Owner:	The WSCC employee responsible for adjudicating or managing the worker's claim.
Disability:	“means the condition of having temporarily reduced physical, functional, mental or psychological abilities caused by the worker's personal injury or disease, that results in a loss of earning capacity” (per 1(1) of the <i>Workers' Compensation Acts</i> )
Health Care Facility:	“... a “health facility” as defined in the <i>Hospital Insurance and Health and Social Services Administration Act</i> , and any other facility recognized by the Commission as providing a health program or service.” (per ss. 1(1) of the <i>Workers' Compensation Acts</i> )
Health Care Provider:	“... a chiropractor, dentist, nurse, occupational therapist, optometrist, physical therapist, physician, psychologist or other class of persons whose qualifications to practice any of the healing professions are accepted by the Commission.” (per ss. 1(1) of the <i>Workers' Compensation Acts</i> )
Medical Aid:	“... includes (a) drugs, medical devices, medical care, dental care, surgery, psychiatric or psychological care, physical rehabilitation and any other health



service provided by a health care provider or health care facility,

(b) the transportation of an injured or diseased worker for the purpose of receiving medical aid, and

(c) any other treatment to facilitate the recovery of an injured or diseased worker or to mitigate the worker's disability or impairment.” (per ss. 1(1) of the *Workers' Compensation Acts*)

Subsistence Allowance:

An allowance provided by the WSCC for meals, incidental expenses and overnight commercial or non-commercial accommodations while travelling to a place outside of their place of residence for the purpose of receiving medical aid. (per s. 6 of the *Workers' Compensation General Regulations*)

Wilful Failure:

Intentionally failing to do something. A wilful act or omission is deliberate or voluntary, and is not resulting from exceptional circumstances.

## POLICY

### General

The WSCC provides or pays for medical aid that it considers reasonably necessary to diagnose or treat a work-related injury or disease. The medical aid is provided to a worker from the time the worker suffers the injury or disease and through the period of disability or impairment.

The WSCC determines all issues related to the necessity, character, amount, timing, manner and sufficiency of the medical aid provided or paid for by the WSCC.

Payment for medical aid by the WSCC does not of itself constitute the acceptance of a claim for compensation.

The WSCC provides or pays for medical aid in accordance with respective policies on the matter.



 <b>Workers' Safety &amp; Compensation Commission</b>	
<b>MEDICAL AID AND ASSOCIATED COSTS</b>	

## Health Care Providers

### *Reporting Requirements*

Health care providers must submit a completed report and applicable records, including the Functional Abilities Form, to the WSCC within three days of attending to an injured worker. The report must contain sufficient information to enable the WSCC to comply with its legislative obligations to make decisions on all matters related to the provision of medical aid.

### *Payment to Physicians*

In the Northwest Territories payment for medical treatment provided by physicians is made in accordance with the fee schedule negotiated between the Northwest Territories Medical Association and the Government of the Northwest Territories Department of Health and Social Services. Physicians are also paid a reporting fee negotiated between the WSCC and the Northwest Territories Medical Association, and approved by the Governance Council. In the rest of Canada, the WSCC pays for medical treatment provided by physicians as billed.

### *Payment to Other Health Care Providers*

The WSCC typically pays for medical treatment provided by health care providers as billed, unless there is an existing fee schedule or agreement in place for the specific treatment/service. The WSCC may negotiate fee schedules with health care providers.

Where the WSCC approves treatment that is provided outside of the Northwest Territories or Nunavut, it is provided and paid for at a rate that the WSCC determines is proper and reasonable (e.g. the amount that the WCB in that province/territory would pay for the same or similar treatment/service).

### *Late Billing*

Health care providers must also submit an account for payment within one year of providing a service to an injured worker. The WSCC does not pay for medical aid when an invoice for payment is submitted more than twelve months after the service is rendered, unless the supplier of medical aid provides a justified reason for the late invoice that the WSCC considers acceptable. If the WSCC decides to pay the late invoice, the WSCC retains the discretion to deduct 25% from the payment of the original invoice amount.

 <b>Workers' Safety &amp; Compensation Commission</b>	
<b>MEDICAL AID AND ASSOCIATED COSTS</b>	

## Treatment Outside of Canada

The WSCC expects workers to obtain medical aid in Canada for a compensable injury or disease. However, the WSCC may consider, on a case-by-case basis, whether it is reasonably necessary for a worker to obtain medical aid outside of Canada.

A prior WSCC approval is not required for emergency medical attention. The claimant must contact their Claim Owner for direction on any further medical aid as soon as reasonably possible after receiving emergency medical attention.

## Medical Aid Payments When Claim Not Entitled

If a worker's claim is denied by the WSCC after examination by a health care provider or visit to a health care facility, the WSCC only pays those fees that were necessary to determine a claim's eligibility, including but not limited to reporting and examination fees.

## Autopsy

In the case of a worker's death, the WSCC pays for an autopsy when necessary to determine the cause of death and whether the claim is to be entitled.

## Transportation Payments

### *By Employer*

Employers must transport injured workers from the location where the injury occurs to the nearest hospital or appropriate health care facility. This includes medical evacuation costs for the worker's initial treatment.

Where an employer fails to provide transportation from the incident site, the injured worker may obtain whatever transportation is medically necessary. The WSCC initially pays these costs where the WSCC Medical Advisor determines the situation is urgent enough to warrant the medical evacuation. The WSCC recovers these costs from the employer either through reimbursement or by applying the costs to the employer's account.

The employer is responsible for a health care provider's travel costs if the employer calls a health care provider to the scene of an incident, instead of transporting the worker to a health care provider.



*By the WSCC*

If the worker requires further treatment at another facility after the initial hospital examination, on a physician or nurse practitioner's referral, the WSCC pays the medical evacuation costs to the nearest appropriate facility.

Following a medical evacuation and the worker's treatment and release, the WSCC may return the worker to the worksite or their home, depending on the worker's condition. In cases where the worker decides to go home rather than to the worksite, the WSCC will pay the travel costs up to, but not exceeding, the amount that it would cost to return the worker to the worksite.

If the worker is fit to return to work but chooses not to return to the worksite, the worker's transportation home is the worker's responsibility.

If an injured worker who is unable to work is undergoing medical treatment and wants to return to their residence, the Claim Owner approves the payment for transportation where:

- the attending physician approves the travel;
- the Claim Owner confirms that treatment will be continued by an appropriate health care provider; and,
- the overall costs of the proposed travel expenses do not exceed the costs of the total anticipated subsistence allowance, according to the *Workers' Compensation General Regulations*, including accommodations.

### **Visitations**

An injured worker obtaining medical treatment away from their home community for an extended period of time may be approved to return to their home community for a visit if they are medically able to travel.

If the worker is confined to a hospital or other care facility outside their home community for an extended period and are not medically able to travel, they may request the WSCC to pay transportation costs for family members to visit (or others in the absence of family). The Case Manager identifies the visitors to travel and approves the number and duration of visits. Visitors are entitled to subsistence allowance when they travel for visitation. In addition to instances where it is determined to be medically necessary, this request may be granted in the interests of the worker's morale and recovery.





Workers' Safety  
& Compensation Commission

ᐱᖃᑲᐱᐱᖃᑲᑲᐱ ᐱᖃᑲᑲᐱ  
ᐱᖃᑲᑲᐱ ᐱᖃᑲᑲᐱ ᐱᖃᑲᑲᐱ

## MEDICAL AID AND ASSOCIATED COSTS

### Subsistence Allowance

The WSCC pays a subsistence allowance to workers when they must travel from their home community for a medical examination or to obtain medical aid for a work-related injury. The subsistence allowance consists of a daily allowance for meals and incidental expenses, as well as a daily allowance for accommodations. Subsistence allowance is paid in accordance with the *Workers' Compensation General Regulations*.

#### Eligibility

Subsistence allowance is only paid when the WSCC requires the claimant to travel for medical aid to a place other than: 1) their home community, or 2) a place to which they maintain a connection. Maintaining a connection means living in a particular location on a permanent or semi-permanent basis.

Evidence must credibly and reliably establish that a worker is living in their home community, or somewhere permanently, or semi-permanently that requires them to travel for medical aid. All evidence will be weighed and documentation such as rent payment, mortgage statements or utilities bills on their own may not be enough to establish a connection to a place.

No subsistence allowance is payable where:

- a worker chooses to travel to a location other than that approved by the WSCC for treatment or to await recovery; or
- the WSCC provides a worker with board and lodging in a hospital or other place of treatment.

#### Daily Meal Allowance

Annually, the WSCC Governance Council recommends daily meal allowances for breakfast, lunch and dinner to the Ministers responsible for the WSCC. Daily meal allowances for breakfast, lunch and dinner are recommended for each of the Northwest Territories, Nunavut and Canada or USA (other than Nunavut and Northwest Territories).

Commencing in 2025, and every five years thereafter, base amounts for daily meal allowances are established by the Governance Council. Base amounts for daily meal allowances are established from fair market rates.

Daily meal allowances are adjusted annually. The annual adjustment is rounded to the nearest dollar and is calculated in accordance with the supplementary pension increase in





Depending on the situation, the WSCC may compensate for both a professional escort, for medical reasons, and a non-professional escort, for legal reasons. An injured worker under the legal age of majority is required to travel with an escort.

### **Clothing Replacement**

The Claim Owner may approve the costs of replacing or repairing articles of clothing destroyed or damaged in a compensable work-related incident.

To be compensated for clothing damage/destruction, the worker must replace or repair the clothing and submit detailed receipts to the WSCC.

Jewellery and accessories are not considered clothing and the WSCC will not pay for the loss of these items. The WSCC replaces eyeglasses damaged in a work-related incident as per Policy 04.08, Medical Devices, and replaces dentures as per Policy 04.05, Dental Treatment.

### **Injuries Resulting from Treatment/Medical Aid**

A worker may be entitled to compensation if a second injury, disease or fatality results from treatment for a compensable work-related injury or disease, or if a second injury, disease or fatality occurs while a worker is travelling at the direction of the WSCC for medical-related purposes.

Determinations regarding acceptance of second injuries are made in accordance with the principles provided in Policies 03.02, Entitlement, and 03.03, Arising Out of and During the Course of Employment.

### **Worker Fails to Attend Appointment**

Wilful failure to attend a required medical exam/appointment, or wilful failure to comply with a notice of failure to mitigate requiring attendance at a medical appointment will result in the reduction, suspension or termination of the worker's compensation in accordance with Policy 04.01, Payment of Compensation.

If a worker fails to attend a medical exam/appointment without a justified reason, any expenses (e.g. transportation expenses, subsistence allowances, examination fees, etc.) that were incurred may be considered excess payments to the worker, which the WSCC may recover from the worker.



**LEGISLATIVE AUTHORITIES**

Northwest Territories <i>Workers’ Compensation Act</i> :	Sections 17; 18; 19; 20; 25; 28; 29(1); 30; 32; 34(1)(2)(3); 36; 47; 141(1)(5); 142(2)
Nunavut <i>Workers’ Compensation Act</i> :	Sections 17; 18; 19; 20; 25; 28; 29(1); 30; 32; 34(1)(2)(3); 36; 47; 141(1)(5); 142(2)
Northwest Territories <i>Workers’ Compensation General Regulations</i> :	Sections 3;4; 7 Subsections 4(2)(3); 5(1)(2); 6(1)(2)(3)
Nunavut <i>Workers’ Compensation General Regulations</i> :	Sections 3;4; 7 Subsections 4(2)(3); 5(1)(2); 6(1)(2)(3)

**POLICY RELATED DOCUMENTS**

Policy 04.04	Complementary and Alternative Treatments
Policy 04.05	Dental Treatment
Policy 04.08	Medical Devices

**HISTORY**

Policy 04.02 (Apr 1/20)	Medical Aid and Associated Costs
Policy 04.02 (Feb 10/20)	Medical Aid and Associated Costs, Non-Substantive Change
Policy 04.02 (Jun 13/19)	Payment for Medical Aid
Policy 04.02 (Dec 03/14)	Payment for Medical Aid
Policy 04.02 (Mar 16/08)	Payment for Medical Aid
Policy 04.02 (Mar 31/08)	Payment for Medical Aid
Policy 04.02 (Sep 16/04)	Payment for Medical Aid
Policy 04.02 (Apr 10/03)	Payment for Medical Aid
Policy 04.02 (Jan 1/04)	Payment for Medical Aid
Policy 04.02 (Feb 15/02)	Payment for Medical Aid
Policy 04.02 (Aug 31/01)	Payment for Medical Aid
Policy 04.02 (Apr 1/99)	Payment for Medical Aid
Policy 04.02 (Nov 18/98)	Payment for Medical Aid
Policy 04.02 (Sep 20/96)	Payment for Medical Aid
Policy 04.02 (Jan 1/96)	Payment for Medical Aid
Policy 20-02-42 (Dec 81)	Clothing Replacement
Policy 20-04-06 (Sep 10/93)	Entitlement Criteria









## **CHOICE AND CHANGE OF HEALTH CARE PROVIDER**

The WSCC generally supports a worker's initial choice in health care provider. However, there are limited circumstances when a worker may request, or the WSCC may require the worker to change health care providers. This policy outlines those circumstances.

### **Choice of Health Care Provider**

A worker must consult a health care provider when they sustain an injury or disease arising out of and during the course of their employment. The worker's health care provider must be the nearest appropriate provider. If more than one appropriate health care provider is available within a reasonable distance, the worker may choose among them.

In the majority of cases, the WSCC accepts the initial health care providers chosen by a worker. However, the WSCC may not approve a worker's initial choice of health care provider if the chosen health care provider previously impeded or deliberately did not cooperate in a worker's recovery. In these cases the WSCC will inform the worker and assist them in choosing a health care provider that will cooperate in their recovery.

Once the initial health care provider is chosen by the worker, any subsequent change to the worker's health care provider must be authorized by the WSCC in order for the costs associated with a new health care provider to be covered.

The WSCC recognizes that workers are sometimes unable to visit the same physician due to conditions outside their control, e.g. living in a remote community, or not having consistent access to a family physician. In these limited circumstances the worker is able to visit an appropriate health care provider to which they have access.

#### *Immediate or Emergency Medical Attention*

In some cases, a worker is required to seek emergency medical attention following a work-related injury or illness. Typically, workers will arrange follow-up appointments with health care professionals other than the ones providing immediate or emergency treatment. As a result, workers are considered to make their initial choice of health care professional when they obtain treatment after the immediate or emergency treatment.

### **Change of Health Care Provider**

#### *Change Required by the WSCC*

The WSCC may require an injured worker to change health care providers if the Claim Owner considers the health care provider does not assist in or impedes the process of the





**W** **S** **C** **C** | Workers' Safety | ᐃᖃᑲᐱᐃᕐᖃᑲᑲᐱᐃᐅᑦ ᐃᑦᑕᐱᖃᑲᑲᐱᐃᐅᑦ  
 & Compensation Commission | ᐃᑦᑕᐱᖃᑲᑲᐱᐃᐅᑦ ᐃᑦᑕᐱᖃᑲᑲᐱᐃᐅᑦ

**CHOICE AND CHANGE OF HEALTH CARE PROVIDER**

**LEGISLATIVE AUTHORITIES**

Northwest Territories <i>Workers' Compensation Act:</i>	Section 33; 35 Subsections 24(1); 34(1); 34(3); 142(2)
Nunavut <i>Workers' Compensation Act:</i>	Section 33; 35 Subsections 24(1); 34(1); 34(3); 142(2)

**POLICY RELATED DOCUMENTS**

Policy 00.08	Decision Making
Policy 04.01	Payment of Compensation
Policy 04.02	Medical Aid and Associated Costs
Policy 04.05	Dental Treatment
Policy 04.04	Complementary and Alternative Treatments
Policy 04.11	Claims Management
Policy 04.14	Return to Work
Policy 11.02	Reporting an Injury, Disease or Death

**HISTORY**

Policy 04.03 (Feb 10/20)	Choice and Change of Health Care Provider (Non-Substantive Changes)
Policy 04.03 (Jun 14/17)	Choice and Change of Health Care Provider
Policy 04.03 (Sep 12/13)	Choice and Change of Health Care Provider
Policy 04.03 (Jun 15/10)	Choice and Change of Health Care Provider
Policy 04.03 (Sep 16/04)	Choice of Physician or Other Health Care Provider
Policy 04.03 (Apr 1/08)	Non Substantive Change (New WC Act(s))
Policy 04.03 (Apr 1/99)	Choice of Physician or Other Qualified Practitioner
Policy 04.03 (Jan 1/96)	Choice and Change of Physician or Other Qualified Practitioner
Policy 20-04-02 (Sep 10/93)	Choice and Change of Physician

\_\_\_\_\_  
Chairperson



## COMPLEMENTARY AND ALTERNATIVE TREATMENTS

### POLICY STATEMENT

The Workers’ Safety and Compensation Commission (WSCC) compensates a worker for medical aid it determines necessary to diagnose and treat the continuing effects of a work-related injury or disease. The WSCC recognizes five complementary and alternative treatments that may assist in a worker’s recovery:

- Acupuncture;
- Chiropractic;
- Massage therapy;
- Physiotherapy; and
- Occupational therapy

Other complementary or alternative treatments may be approved at the discretion of the Manager, Claims Services on a case by case basis.

This policy outlines the required qualifications for practitioners and when a worker can access these treatments.

### DEFINITIONS

Acupuncture: A form of medicine involving the insertion of specialized needles into the skin at specific points on the body to achieve a therapeutic effect. Acupuncture is used to encourage natural healing, improve mood and energy, reduce or relieve pain and improve function of affected areas of the body.

Chiropractic: The manipulation and adjustment of body structures, such as the spinal column, so pressure on nerves coming from the spinal cord due to displacement of a vertebral body may be relieved.

Health Care Provider: “... a chiropractor, dentist, nurse, occupational therapist, optometrist, physical therapist, physician, psychologist or another class of persons whose qualifications to practice any of the healing professions are accepted by the Commission.” (per ss. 1(1) of the *Workers’ Compensation Acts*)

Massage Therapy: The assessment of the soft tissues and joints of the body



**COMPLEMENTARY AND ALTERNATIVE TREATMENTS**

and the treatment and prevention of dysfunction, injury, pain and physical disorders of the soft tissues and joints by manual and physical methods to develop, maintain, rehabilitate or augment physical function, to relieve pain and promote health.

Medical Advisor: A health care provider selected by the WSCC who provides medical opinion and advice to WSCC employees regarding a worker’s personal injury, disease or death.

Medical Aid: “...includes  
 (a) drugs, medical devices, medical care, dental care, surgery, psychiatric or psychological care, physical rehabilitation and any other health service provided by a health care provider or health care facility,  
 (b) the transportation of an injured or diseased worker for the purpose of receiving medical aid, and  
 (c) any other treatment to facilitate the recovery of an injured or diseased worker or to mitigate the workers’ disability or impairment;” (per ss. 1(1) of the *Workers’ Compensation Acts*)

Occupational Therapy: The art and science of enabling engagement in everyday living through daily occupations of life. Occupational therapists use a systematic approach based on evidence and professional reasoning to enable people to develop the means and opportunities to identify and engage in the occupations of life.

Physician: “...a person who is authorized by law to practice medicine in the place where the person is so practising;” (per ss. 1(1) of the *Workers’ Compensation Acts*)

Physiotherapy: The practice of restoring, maintaining and maximizing strength, function, movement and overall well-being. Physiotherapists combine knowledge of how the body works with specialized hands-on clinical skills to



**COMPLEMENTARY AND ALTERNATIVE TREATMENTS**

assess, diagnose and treat symptoms of injury and disability.

**POLICY**

All complementary and alternative treatments are paid by the WSCC according to Policy 04.02, Payment for Medical Aid.

**Acupuncture***Health Care Provider Qualifications*

Acupuncturists are considered qualified by the WSCC when they complete a program through or are approved by the Acupuncture Foundation of Canada Institute.

*Accessing Treatment*

The WSCC approves payment for acupuncture when recommended by a worker's treating health care provider and approved by Claims Services. When approving acupuncture treatments for a claimant, Claims Services indicates the specific number of treatments being approved and the fee established for the treatments. The Medical Advisor may review and provide an opinion regarding the appropriateness of acupuncture in treating the compensable injury.

**Chiropractic Treatment***Health Care Provider Qualifications*

Chiropractors are considered qualified by the WSCC when they are registered and in good-standing with the Canadian Chiropractic Association.

*Accessing Treatment*

A worker may access chiropractic treatment directly or when referred by their treating health care provider. If a worker accesses chiropractic treatment before obtaining a diagnosis, a physician must examine and diagnose the worker within 30 days of the worker's work-related injury in order for the chiropractic treatments to be eligible for reimbursement. If the worker's chiropractor and treating health care provider cannot agree on a diagnosis, then Claims Services reviews the information and makes a determination as to whether the worker's treatments will be covered. Additionally, the

## **COMPLEMENTARY AND ALTERNATIVE TREATMENTS**

Medical Advisor may be requested to review the relevant medical information and provide an opinion on the appropriateness of continued treatment.

Claims Services may approve chiropractic treatment up to six consecutive weeks in duration during the initial treatment of a work-related injury. Requests for extension beyond six weeks may be reviewed by the Medical Advisor. Requests for extension of treatment sent to the Medical Advisor must clearly outline the requested treatments extension duration, frequency and expected outcomes.

Claims Services may approve additional treatments for maintenance purposes if impairment remains after a worker reaches maximum medical recovery. The Medical Advisor may review and provide an opinion on requests for maintenance treatment sent by a worker's primary health care provider and received by Claims Services.

Special requests from a primary health care provider or worker for daily chiropractic treatments or house visits requires Claims Services approval in advance of the treatments.

### **Massage Therapy**

#### *Health Care Provider Qualifications*

In the Northwest Territories, massage therapists are considered qualified by the WSCC when they are registered with the Northwest Territories Massage Therapist Association, or the Canadian Massage Therapist Alliance. In Nunavut and the rest of Canada, massage therapists must belong to the Canadian Massage Therapist Alliance or the provincially regulated college of massage therapists in the jurisdiction in which they practice, as applicable.

The WSCC may, on a case-by-case basis, consider practitioners who are not members of the Canadian Massage Therapist Alliance or a provincially regulated college of massage therapists. The WSCC may consider other practitioners who demonstrate to Claims Services that their qualifications meet the criteria established by the Canadian Massage Therapist Alliance.

#### *Accessing Treatment*

The WSCC pays for massage therapy prescribed by a treating health care provider and approved by Claims Services. Massage therapy treatments may last up to six consecutive weeks and be as frequent as three times per week. Claims Services may approve an extension of services beyond six weeks on a case-by-case basis.

## COMPLEMENTARY AND ALTERNATIVE TREATMENTS

The WSCC may approve additional treatments for maintenance purposes if impairment remains after a worker reaches maximum medical recovery. The Medical Advisor may review and provide an opinion on requests for maintenance treatment sent by a worker's primary health care provider and received by Claims Services

### Physiotherapy and Occupational Therapy

#### *Health Care Provider Qualifications*

Physiotherapists and occupational therapists are considered qualified by the WSCC when they are registered with either the Canadian Physiotherapy Association or the Canadian Association of Occupational Therapists, respectively.

#### *Accessing Treatment*

A worker's treating health care provider is responsible for establishing an appropriate treatment plan, which may include referral to a physiotherapist or occupational therapist for up to six consecutive weeks of treatment. Claims Services may approve an extension of services beyond six weeks on a case-by-case basis.

The WSCC may approve treatment for maintenance purposes if impairment remains after a worker reaches maximum medical recovery. The WSCC Medical Advisor may review and provide an opinion on requests for maintenance treatments.

### Other Complementary Treatments

The WSCC may approve other complementary treatments on a case-by-case basis if all of the following conditions are met:

- the treatment is medically appropriate and/or necessary in light of available medical evidence;
- the treatment is provided by a health care provider who possesses adequate qualifications in the field of the complimentary treatment;
- the request for coverage of other complementary treatments is supported by a referral by a physician, specialist, or nurse practitioner where a physician or specialist is unavailable;
- the worker has been medically cleared by a physician and/or the WSCC Medical Advisor, and thus has been deemed fit to undergo the other complimentary

## COMPLEMENTARY AND ALTERNATIVE TREATMENTS

treatment(s). A nurse practitioner may conduct the medical clearance assessment in regions where a physician is unavailable.

Other complimentary treatments should typically be limited in scope (e.g. specified number of treatments and duration established at onset of treatment); be focused on the specific work-related injury or disease, as opposed to lifestyle or general health; and be performed/conducted under qualified supervision (therefore, self-directed treatments should typically be avoided).

Other complimentary treatments that may be covered include, but are not limited to, the types of treatments offered by osteopaths, dietitians, counselors, audiologists, speech language pathologists, etc.

If other complementary treatments are approved by the WSCC, the treating health care provider must provide the WSCC with reports on the worker's progress throughout treatment.

The WSCC maintains the right to determine the extent of coverage for other complimentary treatments, and therefore may limit the types of treatments covered, the number and duration of treatments, and establish maximum allowances to cover the costs of these treatments.

### Non-Standard and Not Generally Accepted Medical Aid

The WSCC does not normally authorize payment for non-standard and not generally accepted medical aid. On a case-by-case basis, the WSCC may authorize payment for such medical aid upon receipt of written submission, from a treating physician, that presents the case for the proposed medical aid. The case for the proposed non-standard, not generally accepted medical aid must meet all the following criteria:

- All other conventional medical aid has been tried or at least considered and found to be medically inappropriate;
- The medical aid intervention will be used for a medical condition that results from a compensable injury or disease;
- There is sufficient evidence to indicate the medical aid intervention can be expected to produce the intended effects on health outcomes in the particular case under consideration;
- There is sufficient evidence to indicate the medical aid intervention's expected beneficial effects on human health outweigh its expected harmful effects;
- A Physician has provided the claimant with any necessary and/or appropriate,







## **DENTAL TREATMENT**

### **POLICY**

#### **General**

The WSCC covers dental treatment when the dental condition of a claimant has been compromised due to a work-related injury or disease. This may entail emergency treatment, or non-emergency treatment under a pre-approved treatment plan, and may include the restoration of teeth, oral tissue and/or the replacement of dentures or implants.

#### **Emergency Treatment**

An injured worker should obtain emergency dental treatment for a work-related incident within 48 hours. The treating dentist must inform the WSCC of emergency treatments within three days after attending to the worker.

#### **Non-Emergency Treatment**

The dentist must provide a diagnosis and create a treatment plan before providing non-emergency treatment to the worker. The WSCC must approve the treatment plan before the worker's dentist provides non-emergency medical treatment. When there are two or more potential treatment plans that can restore a worker's dental condition, the WSCC approves the plan that is the most cost effective in the long term.

Any approved treatment should begin within 90 days from the date of claim registration. If the worker unreasonably delays, postpones or does not seek treatment and the worker's condition deteriorates, the WSCC may limit the worker's entitlement to emergency treatment only. Exceptions to the 90 day timeline may be granted on a case by case basis where there is a justified reason for delay, such as when a compensable injury results in a gradual deterioration of the claimant's dental condition, and does not become problematic until after the 90 day period.

#### **Restoration**

Dental treatments covered by the WSCC are meant to return the worker's dental condition to its state prior to the work-related injury or disease. The WSCC will not provide compensation for restoration if medical evidence shows that the worker's dental condition was unsound prior to the work-related injury, and was not aggravated or exacerbated by the work-related incident. Exceptions may apply if medical evidence provided by the dentist shows that treatment of the Pre-Existing Condition would contribute to the worker's recovery from their work-related injury or disease.

**DENTAL TREATMENT**
**Dentures and Implants**

The WSSCC provides for replacement of dentures or implants that were broken due to a work-related incident in order to restore the worker's pre-incident dental condition. The WSSCC must approve the replacement of dentures or implants as part of a worker's treatment plan before the worker receives compensation.

In cases where a worker requires dentures or implants for the first time as a result of a work-related incident, the WSSCC pays for the initial restoration, as well as any long term maintenance needed only if it is approved in the treatment plan.

**LEGISLATIVE AUTHORITIES**

Northwest Territories *Workers' Compensation Act*:                      Section 36  
 Subsections 1.(1)(a)(c); 33(1)(2);  
 34(1)(2)(3); 47(1)

Nunavut *Workers' Compensation Act*:                      Section 36  
 Subsections 1.(1)(a)(c); 33(1)(2);  
 34(1)(2)(3); 47(1)

**POLICY RELATED DOCUMENTS**

Policy 03.02	Entitlement
Policy 03.12	Pre-Existing Conditions
Policy 04.02	Payment of Medical Aid
Policy 11.02	Reporting an Injury

**HISTORY**

Policy 04.05 (Sep 12/13)	Dental Treatment
Policy 04.05 (Jun 15/10)	Dental Treatment
Policy 04.05 (Sep 16/04)	Dental Treatment
Policy 04.05 (Aug 01/02)	Dental Treatment
Policy 04.05 (Aug 31/01)	Dental Treatment
Policy 04.05 (Apr 01/99)	Dental Treatment
Policy 04.05 (Jan 01/96)	Dental Treatment
Policy 20-04-12 (Sep 10/93)	Dental Treatment

---

 Chairperson







Workers' Safety  
& Compensation Commission

ᐃᑦᑲᐱᐃᓴᑦᑎᐸᐅᐅᑦᑲᑦ  
ᐃᓴᓴ ᐱᓪᓴᐅᐅᑦᑎᐅᑦ ᑦᑲᐅᐅᑦᑎᑦ

## **MEDICATIONS**

Prescription Drugs:

Drugs listed in the Compendium of Pharmaceuticals and Specialties and prescribed by an authorized health care provider.

## **POLICY**

### **Coverage**

#### *Prescription Drugs*

The WSSCC approves compensation for prescription drugs when there is sufficient medical evidence that the drugs can effectively treat or alleviate the effects of a work-related injury or disease.

Prescription drugs are typically prescribed by physicians, but in some cases nurses, nurse practitioners, and dentists may be authorized to prescribe some medications. Prescription drugs do not include natural products prescribed by naturopathic doctors or other alternative health care providers.

The WSSCC only compensates for prescriptions written by a health care provider qualified to prescribe medications listed in the Compendium of Pharmaceuticals and Specialties (CPS) (e.g. physician, nurse practitioner, dentist).

The WSSCC generally only covers medications with a valid Drug Identification Number (DIN) as found in the CPS.

Prescription drugs must be used in accordance with the CPS, and follow a proper and advisable course of treatment

Claim owners must consult with the Medical Advisor prior to authorizing payment for off-label medication to determine if the use is appropriate for the compensable injury or disease.

#### *Non-Prescription Drugs*

Non-prescription (over the counter) drugs may be covered when all of the following conditions are met:

- it is prescribed or recommended by a physician, nurse practitioner, or dentist;
- the non-prescription drug has a DIN; and,

**MEDICATIONS**

- there is established medical literature or medical knowledge that supports the use of the non-prescription drug to treat or alleviate the effects of the work-related injury or disease.

Non-prescription drugs must be used in accordance with the CPS, and follow a proper and advisable course of treatment.

*Non-Standard and Not Generally Accepted Medical Aid*

The WSCC may cover other non-standard drugs or drugs that are not generally accepted that *do not have a DIN* in cases where all the criteria for the provision of non-standard medical aid are met, as specified in Policy 04.04, Complementary and Alternative Treatments.

*Reimbursement*

The WSCC reimburses injured workers for the cost of prescription and non-prescription drugs when drug receipts are submitted within 60 days of issuance. The WSCC may refuse reimbursement when receipts are submitted after this period.

**Second Medical Opinions**

The Claim Owner may seek a second medical opinion to assist in determining whether payment for a drug should be authorized. Second medical opinions are typically sought from the WSCC Medical Advisor or Nurse Advisor, but may also be sought from another external physician, or appropriate health care provider.

Second medical opinions are typically sought when there are questions or concerns regarding the impact of the medication on the worker’s progress, or when the treating physician prescribes drugs that are not in keeping with best practices or established guidelines (e.g. prescribing opioids beyond the normally accepted period).

If the Medical Advisor disagrees with the course of treatment prescribed by the treating physician, and the Medical Advisor and treating physician are unable to resolve their disagreement, a final binding medical opinion is sought, which is to be provided by an independent medical professional, as outlined in Policy 04.13, Conflicting Medical Opinions.



## MEDICATIONS

### Denying, Suspending or Discontinuing Coverage

The WSCC may deny, suspend or discontinue coverage for prescription and non-prescription drugs when the drugs:

- fail to treat or alleviate the effects of the worker's work-related injury or disease as expected;
- harm or impede the injured worker's recovery, improvement in function, or return to work;
- result in serious side effects; or
- are used in a manner not intended by the health care provider who prescribed or recommended the drugs.

#### *Conditions on Filling Prescriptions*

Claimants can only obtain drugs prescribed to treat or to alleviate the effects of their work-related injury or disease from **one physician/health care provider** and **one pharmacy/dispensary** at a time.

The WSCC withholds compensation if an injured worker is receiving the same prescription from more than one health care provider. The WSCC notifies the worker and the prescribing health care providers when it is identified that the WSCC is being invoiced for the same medication prescribed by different health care providers. Payment of compensation for the prescription drugs in question resume once any anomalies are resolved.

The WSCC makes exceptions to this requirement when it is impractical for the claimant to obtain their prescription drugs from the same health care provider and pharmacy over the course of treatment (e.g. claimant or physician relocates; another physician is temporarily covering/replacing the usual treating physician; the claimant works for significant periods of time in various locations, which makes obtaining drugs from one place difficult; etc.).

## Opioids

### *Role of Prescribing Health Care Providers*

All health care providers who prescribe or dispense opioid medication for the treatment of pain resulting from a work-related injury or disease are expected to have the requisite



Workers' Safety  
& Compensation Commission

ᐃᓕᐅᓐᓂᓐ ᐃᓕᐅᓐᓂᓐ  
ᐃᓕᐅᓐᓂᓐ ᐃᓕᐅᓐᓂᓐ

## MEDICATIONS

knowledge, skills and experience necessary to appropriately administer and monitor such treatment.

The WSCC expects health care providers who prescribe opioids to claimants to follow the *Canadian Guideline for Opioids for Chronic Non-Cancer Pain*. The WSCC requires the application of this policy through ongoing collaboration and consultation with the WSCC's Medical Advisor.

### *Requirement for Opioid Treatment Agreement*

The WSCC requires that the worker sign and abide by a written agreement between the worker and the prescribing health care provider, which outlines the conditions that must be followed prior to the WSCC providing compensation for any prescribed opioids beyond the acute phase (up to two weeks). Upon establishment of the agreement, the prescribing health care provider must immediately forward the agreement to the claimant's Claim Owner.

### *Opioid Treatment*

Non-opioid medication should be the first choice for treating or alleviating pain. However, in cases of moderate to severe pain, the WSCC may provide compensation for opioids prescribed to assist in a worker's recovery and early return to work. The WSCC requires the safe and effective use of opioids, and close monitoring to minimize the adverse effects of the medications. The WSCC monitors opioid treatment to ensure improved functional ability is achieved.

The WSCC compensates for opioid prescriptions:

- during the acute phase (up to two weeks) after injury or surgery;
- during hospitalization or after release from the hospital, while continuing to experience moderate or severe pain; or
- during a medical procedure or medical evaluation (e.g. undergoing an endoscopy for investigative purposes).

The WSCC ensures injured workers receive appropriate medications, in appropriate quantities, required to effectively treat or alleviate the effects of their work-related injury or disease. As a result, the WSCC may monitor and limit the duration of use of opioid medication at any given time. The need for refills is determined by the treating health care provider; however, in cases where treatment has been extended, the worker must never have more than a **four-week supply** of prescribed opioid medication.



Workers' Safety  
& Compensation Commission

ᐱᓐᓇᐱᓐᓇᐱᓐᓇᐱᓐᓇᐱᓐᓇ  
ᐱᓐᓇᐱᓐᓇᐱᓐᓇᐱᓐᓇᐱᓐᓇᐱᓐᓇ

## MEDICATIONS

### Review of Prescription by Medical Advisor

All opioid prescriptions to be used **beyond two weeks** require review by the Medical Advisor to ensure this policy is being adhered to. Compensation for the prescribed opioid drugs is withheld until the Medical Advisor has reviewed the prescription.

### *Extensions*

Opioids are generally not covered beyond the acute phase; however, there may be cases of more severe injury where an extension may be granted. Extensions for coverage beyond **four weeks** require medical opinion or medical evidence that the opioid use is resulting in functional improvement. The WSCC does not pay for extensions of opioid prescriptions until it has received and approved a request from the physician or qualified health care provider that outlines details such as the treatment plan, dosage, frequency, and progress expectations.

### Medical Advisor's Review of Extended Use

A request for coverage of opioid prescriptions **beyond 12 weeks** requires that the WSCC Medical Advisor complete an evaluation or review of the case, which may entail an in-person medical exam. Requests that will extend beyond 12 weeks must be sent to the Medical Advisor by the **10<sup>th</sup> week** of use to ensure a review can be completed prior to the use extending beyond 12 weeks.

### *Suspending or Discontinuing Opioid Medication*

The WSCC may suspend or discontinue coverage for prescribed opioids when the drugs:

- do not result in functional improvement and/or pain reduction according to medical evidence and/or medical opinion;
- harm or impede the injured worker's recovery, improvement in function, or return to work;
- result in serious side effects, including but not limited to, addiction; or
- are used in a manner not intended by the health care provider who prescribed the drugs (e.g. worker deviates from conditions outlined in the Opioid Treatment Agreement).

Where there is no functional improvement after 12 weeks of use, **pain reduction alone** is not typically a sufficient basis to continue coverage. In these circumstances, the worker



**WSCC** Workers' Safety & Compensation Commission | ᐃᖅᑲᐱᐣᐣᐣᐣᐣᐣᐣᐣ ᐣᐣᐣᐣᐣᐣᐣᐣᐣ  
ᐣᐣᐣ ᐣᐣᐣᐣᐣᐣᐣᐣᐣ ᐣᐣᐣᐣᐣᐣᐣᐣᐣᐣᐣ

**MEDICATIONS**

Policy 04.07 Medical Examinations  
Policy 04.15 Support Services for Injured Workers

*Canadian Guideline for Opioids for Chronic Non-Cancer Pain*

**HISTORY**

Policy 04.06 (Dec 3/14)	Prescription Drug Use
Policy 04.06 (Mar 16/11)	Prescription Drug Use
Policy 04.06 (Sep 25/08)	Prescription Drug Use
Policy 04.06 (Aug 31/01)	Prescription Drug Use
Policy 04.06 (Apr 1/99)	Prescription Drug Use
Policy 04.06 (Dec 10/97)	Prescription Drug Use
Policy 04.06 (Jan 1/96)	Prescription Drug Use
Policy 20-04-04 (Sep 10/93)	Excessive Prescription Drug Use
Operational Procedure 20-04-04 (Sep 10/93)	Excessive Prescription Drug Use

---

Chairperson





Workers' Safety  
& Compensation Commission

ᐃᖃᑲᐱᐱᖃᑲᑎᓄᑦ ᐱᕐᑕᐱᖃᑲᑲᓄᑦ  
ᐱᕐᑕᐱ ᐱᕐᑕᐱᖃᑲᑎᓄᑦ ᖃᑲᐱᖃᑲᑎᓄᑦ

## MEDICAL EXAMINATIONS

### POLICY STATEMENT

The Workers' Safety and Compensation Commission (WSCC) may require a worker to undergo a medical examination by a health care provider and/or the WSCC Medical Advisor to help in adjudicating the worker's claim.

### DEFINITIONS

Claim Owner:	The WSCC employee responsible for adjudicating or managing a worker's claim.
Family Member:	<p>“...in respect of a person</p> <ol style="list-style-type: none"> <li>a brother, sister, half-brother, or half-sister;</li> <li>a parent, step-parent or grandparent of the person;</li> <li>a person who stands or stood in the place of a parent for the person.” (per ss.1(1) of the <i>Workers' Compensation Acts</i>)</li> </ol>
Health Care Provider:	“...a chiropractor, dentist, nurse, occupational therapist, optometrist, physical therapist, physician, psychologist, or other class of persons whose qualifications to practice any of the healing professions are accepted by the WSCC.” (per ss. 1(1) of the <i>Workers' Compensation Acts</i> )
Medical Advisor:	A health care provider selected by the WSCC who provides medical opinion and advice to WSCC employees regarding a worker's personal injury, disease or death.
Medical Examination	An examination or appointment with a health care provider or the WSCC's Medical Advisor. An examination may also include a consultation (e.g. with a dentist), or an assessment (e.g. by a psychologist).
Wilful Failure:	Intentionally failing to do something. A wilful act or omission is deliberate or voluntary, and is not resulting from exceptional circumstances.









Workers' Safety  
& Compensation Commission

ᐃᖃᑲᐱᐱᖃᑲᑎᐁᑦ ᐃᑦᑕᐱᖃᑲᑲᑲ  
ᐃᑦᑕᐱᖃᑲᑲᑲ ᐃᑦᑕᐱᖃᑲᑲᑲ

## MEDICAL EXAMINATIONS

The support person is to attend as an observer and to provide information only if requested by the Medical Advisor. If a support person is present in the medical examination, then the Nurse Advisor may also attend.

Any person attending a medical examination as a support person must not engage in advocacy for the claimant, attempt to direct the examination, or conduct themselves in an adversarial manner. If, in the opinion of the Medical Advisor, the actions of the support person are obstructing the examination, the support person may be asked to leave. Failure to comply will result in termination of the examination, and the worker's right to compensation may be suspended until a proper examination has been completed. Any disruptive support person will not be allowed to attend any subsequent examination of that worker conducted by the WSCC Medical Advisor.

If the examination is terminated, the Claim Owner will be informed immediately. A written report will also be forwarded to the Claim Owner. The report will explain the reason for the termination of the examination.

The travel costs for a support person to attend the examination are not covered by the WSCC, unless the individual is acting as an interpreter, or is an approved escort (in accordance with Policy 04.02, Medical Aid and Associated Costs).

If a medical exam is discontinued due to the misconduct of the claimant and/or support person, any costs associated with attending the exam that were paid for by the WSCC may be recovered from the claimant (e.g. subsistence allowance, travel costs, examination fees).

### Medical Examination at Employer's Request

The employer of a worker who claims compensation may request that the WSCC have the worker undergo a medical examination by a health care provider selected by the WSCC.

When making a request to the WSCC to have a worker undergo a medical examination, the employer's request must include:

- the reason for the examination; and,
- the nature and extent of the examination;

The WSCC determines if the employer's request will be granted by assessing its appropriateness. In order for the employer's request to be granted by the WSCC, the examination must relate to the work-related injury or disease for which the worker's



## MEDICAL EXAMINATIONS

claim has been accepted, which may include pre-existing conditions that have been aggravated or exacerbated by the work-related injury.

The WSCC will not require the worker to undergo the examination if it determines that the examination:

- is frivolous;
- is likely to impede the worker's recovery;
- is a significant disruption to the worker's life, or,
- is impractical.

If the WSCC establishes that the examination would be inappropriate, the worker and employer are informed that it is not required.

If the WSCC establishes that the examination is necessary, the WSCC directs the worker to undergo the examination and the WSCC pays for the associated expenses.

If the WSCC establishes that the examination is appropriate but not absolutely necessary, the WSCC directs the worker to undergo the examination and the employer pays for the associated costs.

The WSCC is the owner of the health care provider report, regardless of whether the WSCC or the employer pays for the medical examination and medical report.

Upon request, the employer will be provided with updated information pertaining to the cause of the claim and the progress being made by the worker, including the worker's functional abilities.

### Compensating a Worker for Attending a Medical Examination

Workers receive an income loss payment when they miss time from work to attend a medical examination. The income loss payment is a medical aid benefit and is calculated the same as total disability compensation, as per Policy 03.07, Calculation of Disability Compensation.

The WSCC compensates a worker for income loss when attending an examination for a compensable injury or disease if the worker misses scheduled time from work due to one or more of the following:

- the WSCC requests the worker be examined by the WSCC Medical Advisor or other health care provider;













Medical Advisor:	A health care provider selected by the WSCC who provides medical opinion and advice to WSCC employees regarding a worker's personal injury, disease or death.
Medical Device:	Any equipment, device, or aid used to treat or alleviate the effects of a worker's injury or disease. Medical devices includes, but is not limited to, orthopaedic devices, orthosis, prosthesis, hearing aids and batteries, prescription eyeglasses, wheelchairs, elevators, hospital beds, oxygen and oxygen tanks, masks and tubing, and assistive devices to support activities of daily living.
Orthosis:	An artificial or mechanical aid, such as a brace, to support or assist movement of a weak or injured part of the body.
Prosthesis:	An artificial device to replace or augment a missing or impaired part of the body.
Severe Injury:	A work related injury that affects a worker's mobility or function in such a way that the worker's ability to perform activities of daily living, or to adequately perform home maintenance or upkeep, is impacted.

## **POLICY**

### **General**

The WSCC may provide medical devices:

- on a temporary basis to aid in an injured worker's recovery; or
- on a permanent basis when a worker sustains an impairment.

The WSCC covers the costs for a worker's new, repaired or replaced medical device when it has been prescribed or recommended by a health care provider, and has been determined to be medically necessary by the Claim Owner. An injured worker's entitlement to medical devices is determined on a case-by-case basis based on medical evidence and/or medical opinion.





## Clothing Allowance

The WSCC provides an annual maximum allowance for damage to a worker's clothing as a result of wearing a prosthesis, orthosis or other appliance covered by the WSCC. The annual maximum allowance is adjusted annually from a base allowance of \$500 established in 2024.

The WSCC also provides an annual maximum allowance for damage to a worker's clothing from the use of a wheelchair covered by the WSCC. The annual maximum allowance is adjusted annually from a base allowance of \$1000 established in 2024.

Claimants must apply for the clothing allowance on an annual basis, which includes confirmation from their health care provider that they have a continued need to use the medical device that causes clothing damage (e.g. prosthesis, wheelchair).

Severely injured workers who receive an initial clothing allowance for using an approved device, and whose need for the device is unlikely to change from year to year, may be exempted from applying annually for the allowance.

The WSCC may also replace clothing in other circumstances, as detailed in Policy 04.02, Medical Aid and Associated Costs.

### *Annual Adjustment*

The annual maximum clothing allowance is adjusted annually from the base allowance established in 2024.

The annual adjustment is rounded to the nearest dollar and is calculated in accordance with the supplementary pension increase in *Policy 06.03, Calculation of Permanent Impairment Compensation*. Adjustments to the annual maximum clothing allowance are effective on January 1.

## Types of Medical Devices

The following includes some of the medical devices covered by the WSCC, and the conditions and criteria for their coverage. The list is not exhaustive. The WSCC may cover other medical devices where the WSCC deems it to be medically necessary in relation to the compensable injury or disease.



### *Hearing Aids and Other Hearing Devices*

The WSCC covers the costs of hearing aids, other hearing devices, and associated costs (e.g. fitting fees, maintenance, batteries, etc.) determined to be medically necessary for a worker who suffers from work-related hearing loss. The WSCC requires a recommendation for an appropriate hearing device from an audiologist or hearing aid practitioner before authorizing a purchase.

The WSCC also requires an audiologist or hearing aid practitioner to re-evaluate the worker's needs when a hearing aid is being replaced. The WSCC authorizes reasonable requests to replace hearing aid batteries.

The replacement of hearing aids is limited to once every five years.

### *Prostheses and Orthoses*

The WSCC covers the costs of a *prosthesis* determined to be medically necessary due to a work-related injury or disease that results in the loss of a limb or other body part.

The WSCC covers the costs of an *orthosis* determined to be medically necessary due to a work-related injury or disease, including, but not limited to, joint braces, spinal or leg braces, splints or elastic stockings. These items may be provided on a one-time basis to enable the worker to overcome the effects of the injury.

In cases where a worker has been disfigured (e.g. facial burn) due to a work-related injury or disease, the WSCC may pay for cosmetic restoration for aesthetic rather than functional purposes in order to alleviate the impact of the disfiguration and promote social and psychological well-being.

### *Special Footwear*

The WSCC covers the costs of special footwear when it is medically necessary due to a work-related injury or disease.

Specialized footwear refers to footwear prescribed or recommended by an appropriate health care provider, and refers to footwear matched or customized to address the specific medical issue of the claimant.

The WSCC typically only covers the costs of special footwear or modifications/alterations to the claimant's own footwear, such as metatarsal bars, heel and sole raises and arch supports. The WSCC covers the most cost-effective option that is available.





**WSSCC** Workers' Safety & Compensation Commission | ᐱᖃᑲᑲᑦ ᐱᐭᖃᑲᑲᑦ ᐱᐭᑲᑲᑦ ᐱᐭᑲᑲᑦ  
 ᐱᐭᑲᑲᑦ ᐱᐭᑲᑲᑦ ᐱᐭᑲᑲᑦ ᐱᐭᑲᑲᑦ ᐱᐭᑲᑲᑦ ᐱᐭᑲᑲᑦ

**MEDICAL DEVICES**

*Assistive Devices*

The WSSCC may cover other assistive devices that it considers reasonably necessary for the health care needs of an injured worker, or that are designed to assist with their activities of daily living. Assistive devices are considered when it is recommended by an appropriate health care provider, and is supported by medical evidence.

Examples of assistive devices include, but are not limited to, personal care devices (e.g. raised toilet seats, reachers, long-handled sponges, lift chairs, bed rails, adjustable beds, etc.), ergonomic equipment, and automatic page turners.

*Miscellaneous*

The WSSCC may approve the purchase of a Medic Alert Bracelet when medically appropriate, or its replacement when necessary.

**LEGISLATIVE AUTHORITIES**

- Northwest Territories *Workers' Compensation Act*: Sections: 34(1-3); 36; 41(3); 47(1-2)
- Nunavut *Workers' Compensation Act*: Sections: 34(1-3); 36; 41(3); 47(1-2)

**POLICY RELATED DOCUMENTS**

- Policy 06.03 Calculation of Permanent Impairment Compensation
- Policy 04.02 Medical Aid and Associated Costs
- Policy 04.07 Medical Examinations





**MEDICAL DEVICES**

**HISTORY**

Policy 04.08 (Apr 8/24)	Medical Devices
Policy 04.08 (Oct 1/19)	Medical Devices
Policy 04.08 (Dec 3/14)	Medical Devices
Policy 04.08 (Mar 16/11)	Medical Devices
Policy 04.08 (Mar 31/08)	Medical Devices
Policy 04.08 (Sep 16/04)	Medical Appliances
Policy 04.08 (Aug 31/01)	Medical Aids
Policy 04.08 (Apr 01/99)	Medical Apparatus
Policy 04.08 (Jan 01/96)	Medical Apparatus
Policy 20-04-03 (Sep 10/93)	Significant Medical Information
Policy 20-04-16 (Sep 10/93)	Prosthetics & Assistive Devices - Hearing
Policy 20-04-17 (Sep 10/93)	Orthopaedic Devices
Policy 20-04-18 (Sep 10/93)	Eye Glasses
Policy 20-04-19 (Sep 10/93)	Special Medical Needs - Apparel

---

Chairperson



**EMPLOYER COST TRANSFER AND RELIEF**

**Injury:** Physical or psychological damage or harm resulting from natural, physical, or human causes during one or over a series of cumulative events.

**Negligence:** “The failure to exercise the standard of care that a reasonably prudent person would have exercised in a similar situation; any conduct that falls below the legal standard established to protect others against unreasonable risk of harm, except for conduct that is intentionally, wantonly or wilfully disregarding of others’ rights.” (*Black’s Law Dictionary*, Eighth Edition)

**Permanent Medical Impairment (PMI):** An impairment which remains after the passage of a sufficient period of time to allow maximum recovery and when further medical or surgical interventions will have negligible impact on restoration of function. The impairment must result from a compensable injury as determined by the WSCC Medical Advisor, using the most recent version of the *American Medical Association Guide to the Evaluation of Permanent Impairment*.

**Pre-existing Condition:** A pathological condition or impairment that pre-dates a work-related injury and is based on a confirmed diagnosis or medical judgement.

**Workers’ Protection Fund:** “...the fund continued by subsection 67(1) for the payment of compensation and other outlays and expenses authorized under this Act.” (per ss. 1(1) of the *Workers’ Compensation Acts*).

**POLICY**

**General**

Prior to the WSCC considering an employer for Cost Transfer or Cost Relief, the employer must meet the following criteria:

- the employer is active and registered with the WSCC; and,



Workers' Safety  
& Compensation Commission

ᐃᖃᑲᐱᐱᖃᑲᑎᐃᑦ ᐃᑦᑕᐱᖃᑲᑎᐃᑦ  
ᐃᑦᑕᐱᖃᑲᑎᐃᑦ ᐃᑦᑕᐱᖃᑲᑎᐃᑦ

## EMPLOYER COST TRANSFER AND RELIEF

- the incident causing or contributing to the compensable injury occurred in the Northwest Territories or Nunavut.

The WSCC initiates Cost Transfers or Cost Relief independently or upon the request of an employer, when appropriate, and informs affected employers, in writing, of any changes to their experience account.

Any employers affected by a Cost Transfer or Cost Relief may request the WSCC to formally review the decision according to Policy 08.01, Reviewing Decisions.

### Cost Transfer

Under the *Workers' Compensation Acts (Acts)*, an eligible claimant cannot sue any employer or worker that is covered under the *Acts*, despite them causing or contributing to the claimant's work-related injury, disease or death. The only course of action possible is for the worker to claim compensation under the *Acts*. In certain circumstances, the WSCC may pursue a civil action on behalf of an eligible claimant to recover damages incurred as a result of an injury, disease or death suffered by a worker due to the fault of a third party (i.e. party not covered under the *Acts*). See Policy 00.06, Third Party Actions, for further details on this.

The WSCC may provide a Cost Transfer when a worker's injury, disease or death is determined to be due to the Negligence of a non-incident employer, or worker of a non-incident employer who is covered under the *Acts*. To initiate a Cost Transfer, the negligent party (employer or worker) must be within the scope or jurisdiction of the WSCC's mandate.

To decide if an employer is eligible for Cost Transfer, the WSCC:

- Investigates to determine whether Negligence was present based on a balance of probabilities. The WSCC identifies and determines Negligence through the use of reasonably available information and evidence related to the incident that contributed to the worker's injury, disease or death.
- If Negligence is determined to have been present, the WSCC then determines the impact of Negligence on the work-related injury, disease or death in order to apportion the claims costs according to the proportion of Negligence of the impacted employers.
- If more than one negligent party is involved, and the proportion of Negligence between them cannot be determined, the claims experience costs are divided equally among the impacted employers.









**EMPLOYER COST TRANSFER AND RELIEF**

**POLICY RELATED DOCUMENTS**

Policy 00.06	Third Party Actions
Policy 03.02	Entitlement
Policy 03.03	Arising Out of and During the Course of Employment
Policy 03.06	Entitlement of Occupational Disease
Policy 03.12	Pre-existing Conditions
Policy 08.01	Reviewing Decisions

**HISTORY**

Policy 04.10 (Dec 4/18)	Employer Cost Transfer and Relief
Policy 04.10 (Jun 12/14)	Employer Cost Transfer and Relief
Policy 04.10 (Dec 07/11)	Employer Cost Transfer and Relief
Policy 04.10 (Apr 01/08)	Cost Relief
Policy 04.10 (Oct 25/04)	Cost Relief
Policy 04.10 (Aug 31/01)	Cost Relief & Pre-Existing Conditions
Policy 04.10 (Oct 20/99)	Cost Relief & Pre-Existing Conditions
Policy 04.10 (Apr 1/99)	Cost Relief & Pre-Existing Conditions
Policy 04.10 (Nov 18/98)	Cost Relief
Policy 04.10 (Feb 19/97)	Cost Relief
Policy 04.10 (Jan 01/96)	Cost Relief
Policy 20-01-33 (Nov 18/94)	Cost Relief
Policy 20-02-22 (Sep 10/93)	Secondary Conditions – From Compensable Disability
Policy 20-02-18 (Dec/81)	Adjudication: Pre-existing Conditions
Policy 20-26-01 (Dec/81)	Second Injury and Enhancement Fund

Chairperson





Workers' Safety  
& Compensation Commission

ΔᶜᵇᵃΔᶜᵇᵃᵇᶜ Δᶜᵇᵃᵇᶜ  
ᵇᶜᵃᵇᶜᵃᵇᶜᵃᵇᶜ

## CLAIMS MANAGEMENT

### POLICY STATEMENT

The Workers' Safety and Compensation Commission (WSCC) facilitates collaboration between workers, their employers, the WSCC, health care providers and where applicable, other parties, to support workers' recoveries, and early, safe and successful return to work.

### DEFINITIONS

Claim Owner	The WSCC employee responsible for adjudicating or managing the worker's claim.
Employability	Being in possession of the skills and abilities that allow a worker to be employed in Suitable Work.
Health Care Provider:	"...a chiropractor, dentist, nurse, occupational therapist, optometrist, physical therapist, physician, psychologist or other class of persons whose qualifications to practice any of the healing professions are accepted by the Commission." (per ss.1(1) of the <i>Workers' Compensation Acts</i> )
Maximum Medical Recovery (MMR)	The point at which further medical or surgical interventions will have a negligible impact on restoration of function.
Medical Advisor:	A health care provider selected by the WSCC who provides medical opinion and advice to WSCC employees regarding a worker's personal injury, disease or death.
Medical Evidence:	Medical information related to the medical condition and treatment of the worker.
Physician:	"...a person who is authorized by law to practice medicine in the place where the person is so practicing;" (per ss. 1(1) of the <i>Workers' Compensation Acts</i> )



Workers' Safety  
& Compensation Commission

ᐃᖃᑲᐱᐃᖃᑲᑎᐃᑦ ᐃᑦᑕᐱᖃᑲᑲᑦ  
ᐃᑦᑕᐱᖃᑲᑲᑦ ᐃᑦᑕᐱᖃᑲᑲᑦ ᐃᑦᑕᐱᖃᑲᑲᑦ

**CLAIMS MANAGEMENT**

Return to Work: A process to help injured workers return to safe, productive and suitable employment as soon as medically possible.

Suitable Work: Is work:
• within the worker’s functional abilities;
• the worker already has the skills to do or can be safely trained to do;
• that does not pose a health or safety risk to the worker, co-workers or the general public;
• that restores pre-injury earnings, where possible, or provides reasonable earnings for an appropriate occupation based on existing regional socio-economic conditions; and,
• that adds value to the employer’s business/organization and promotes the worker's healthy recovery and return to work.

Workers’ Advisor A position appointed under s. 107(3) of the Acts and operates independently of the WSCC. The Workers’ Advisor may provide guidance to workers for navigating the worker’s compensation system, WSCC policies and review process and may act as a workers’ authorized representative for obtaining information from the WSCC.

**POLICY**

**General**

A worker’s likelihood of reaching maximum medical recovery is increased when a team, including the worker, their employer, the WSCC, health care providers and where applicable, other parties, are committed to recovery and coordinate their efforts accordingly.

To increase the likelihood of worker recovery, team members ensure:







Workers' Safety  
& Compensation Commission

ᐱᕐᑲᑲᐱᕐᑲᕐᑲᐱᕐᑲᐱᕐᑲᐱᕐᑲ  
ᐱᕐᑲᕐᑲᕐᑲᕐᑲᕐᑲᕐᑲᕐᑲᕐᑲᕐᑲ

## CLAIMS MANAGEMENT

professionals as needed. Health care providers communicate with workers and the WSCC about workers' symptoms, diagnoses and prognoses. Health care providers set the team's medical expectations and promote workers' recoveries and return to work.

Health care providers are required to follow the reporting requirements outlined in Policy 11.02, Reporting an Injury, Disease or Death. Failure to adhere to the reporting requirements may result in a penalty, as outlined in the policy.

### *Other Parties*

Where applicable, other parties can support workers' recoveries and their return to suitable work.

Other parties may include, but are not limited to:

- Worker's Advisor
- labour association representatives;
- local community representatives;
- Indigenous associations; and
- family or friends of the worker.

Workers must authorize, in writing, the participation of these parties prior to their involvement in the recovery process in accordance with Policy 07.01, Access to Workers' Safety and Compensation Commission Information. The WSCC only communicates with parties authorized by the worker in accordance with Policy 07.01.

## LEGISLATIVE AUTHORITIES

Northwest Territories <i>Workers' Compensation Act</i> :	Sections 30; 34; 35; 36; 46; 141(1)(2);142; 148(1)(2); 156; 166(1)
Nunavut <i>Workers' Compensation Act</i> :	Sections 30; 34; 35; 36; 46; 141(1)(2);142; 148(1)(2); 156; 166(1)
Northwest Territories <i>Human Rights Act</i>	Sections 5; 7(1)(4)
Nunavut <i>Human Rights Act</i>	Sections 7(1); 9(1)(5)
Northwest Territories <i>Access to Information and Protection of Privacy</i>	Sections 6; 24; 40; 41; 42; 48; 49; 52



**CLAIMS MANAGEMENT**

*Act*

Sections 6; 24; 40; 41; 42; 48; 49; 52

*Nunavut Access to Information and  
Protection of Privacy Act*

**POLICY RELATED DOCUMENTS**

- |              |  |
|--------------|--|
| Policy 03.12 | Pre-Existing Conditions  |
| Policy 04.01 | Payment of Compensation  |
| Policy 04.02 | Medical Aid and Associated Costs                                     |
| Policy 04.03 | Choice and Change of Health Care Provider                            |
| Policy 04.04 | Complementary and Alternative Treatment                              |
| Policy 04.07 | Medical Examinations   |
| Policy 04.13 | Conflicting Medical Opinions   |
| Policy 04.14 | Return to Work   |
| Policy 05.01 | Vocational Rehabilitation Eligibility                                |
| Policy 07.01 | Access to Workers' Safety and Compensation<br>Commission Information |
| Policy 10.04 | Preventing and Investigating Abuses and<br>Offences                  |
| Policy 11.02 | Reporting an Injury, Disease or Death                                |

**HISTORY**

- |                          |   |
|--------------------------|---|
| Policy 04.11 (Apr 08/24) | Claims Management                             |
| Policy 04.11 (Oct 03/22) | Claims Management, Non-Substantive<br>Changes |
| Policy 04.11 (Sep 11/18) | Claims Management                             |
| Policy 04.11 (Jun 03/13) | Claims Management                             |
| Policy 04.11 (Nov 24/09) | Claims Management                             |
| Policy 04.11 (Apr 01/99) | Early Intervention                            |
| Policy 04.11 (Feb 14/96) | Early Intervention                            |



Workers' Safety  
& Compensation Commission

ᐃᖃᑲᐱᐃᔭᖃᑲᑲᑲᑲ ᐃᑦᑲᖃᑲᑲᑲᑲ  
ᐃᐸᐸ ᐱᑦᑦᑦᑦᑲᑲᑲᑲ ᖃᑲᑲᑲᑲᑲᑲ

**CLAIMS MANAGEMENT**

---

Chairperson










**Workers' Safety  
& Compensation Commission**

ᐃᖃᖅᐱᐱᖅᐱᖅᐱᖅ ᐱᐱᖅᐱᐱᖅᐱᖅ  
 ᐱᐱᖅ ᐱᐱᖅᐱᐱᖅᐱᖅ

**CONFLICTING MEDICAL OPINIONS**

the worker, monitor their recovery and refer them to specialists and other health care professionals, as needed. Health care providers communicate with workers and the WSCC about workers’ symptoms, diagnoses and prognoses. Health care providers set medical expectations, and promote workers’ recoveries and return to work.

Health care providers must provide written medical evidence to the WSCC pertaining to a worker’s disability or impairment and resulting absence from the workplace. The WSCC is responsible for determining if, in light of the medical evidence, a worker’s absence from work is compensable under legislation and policy.

### **Resolving Conflicting Medical Opinions**

#### *Step One*

If the Medical Advisor disagrees with a health care provider’s medical opinion or vice versa, the Medical Advisor must contact the health care provider to seek clarification and gather further evidence in an to attempt to resolve the conflict. If the health care provider does not respond within 7 business days, the Medical Advisor sends a written request for communication to the health care provider. A copy of the request is also sent to the worker to ensure that processing claims for compensation is as transparent as possible.

If the WSCC does not receive a response from the health care provider, dated to within 15 business days of the WSCC’s written request, the WSCC may withhold payment or charge a penalty to the health care provider until they respond. The WSCC notifies the worker of the non-response and the health care provider is sent a copy of the notification. Because a health care provider’s lack of response may impact the worker’s claim for compensation, the WSCC may suggest that the worker consider changing health care providers. Changes in health care providers are made according to *Policy 04.03, Choice and Change of Health Care Providers*.

#### *Step Two*

If the Medical Advisor and health care provider are unable to resolve the conflict, or the health care provider does not respond within 15 business days of the WSCC’s written request, the matter is referred to an independent medical professional who specializes in the medical area of the conflict. The independent medical professional assists with resolution of the conflict by providing a medical opinion that is final and binding.

The worker’s Claim Owner selects the independent medical professional, and identifies the issues to be considered within 15 business days of when the conflicting medical opinion is confirmed or within 15 days from when the worker’s health care provider has





	<b>Workers' Safety</b> & Compensation Commission	ᐃᖃᑲᐱᐃᖃᑲᑎᐃᑦ ᐃᑦᑕᐱᖃᑲᑦᑕᐱ ᐃᑦᑕᐱ ᐱᑦᑕᐃᑲᑦᑕᐱᐃᑦᑕᐱ ᖃᑲᐃᑲᑲᖃᑲᑦ
<b>CONFLICTING MEDICAL OPINIONS</b>		

**HISTORY**

Policy 04.13 (Jun 14/17)	Conflicting Medical Opinions (Non-substantive Change February 10, 2020)
Policy 04.13 (Jun 03/13)	Conflicting Medical Opinions
Policy 04.13 (Nov 24/09)	Conflicting Medical Opinions
Policy 04.13 (Mar 31/08)	Conflicting Medical Opinions

---

Chairperson



**WSCC** Workers' Safety & Compensation Commission | ᐃᕿᑲᐱᐣᐣᑦᑲᐣᐣ ᐣᑲᑲᑦᑲᑦᑲᑦ  
ᐣᑲᑲᑦᑲᑦᑲᑦ ᐣᑲᑲᑦᑲᑦᑲᑦ ᐣᑲᑲᑦᑲᑦᑲᑦ

**RETURN TO WORK**

Suitable Work:

Includes work:

- within a worker's functional abilities;
- the worker already has the skills to do, or can be safely trained to do;
- that does not pose a health or safety risk to the worker, co-workers or the general public;
- where possible, restores pre-injury earnings, or provides reasonable earnings for an appropriate occupation based on existing regional socio-economic conditions; and,
- that adds value to the employer's business/organization and promotes the worker's healthy recovery and return to work.

## **POLICY**

### **General**

The WSCC makes every effort to work collaboratively with the employer, worker and treating health care provider to enable a worker's return to work with their pre-injury employer. To increase the likelihood of a worker's timely and safe return to work, with the pre-injury employer, the WSCC:

- Manages workers' claims in order to promote an injured worker's recovery;
- Develops strategies, at the earliest opportunity, that are in keeping with a worker's functional abilities, to provide creative return to work solutions in partnership with the worker, employer, health care providers, and any other appropriate parties;
- Assists employers in making suitable work options available (e.g. sharing progress reports on workers' functional abilities and work restrictions, assisting in the identification of complimentary return to work strategies); and,
- Facilitates ongoing communication and collaboration between all parties involved in the management of workers' claims, as per Policy 04.11, Claims Management.

### **Return to Work**

An injured worker participates in the development of a return to work plan when medical evidence confirms that they are able to safely return to work.





Returning to work, as soon as it is safe for an injured worker to do so, is an important part of an injured worker’s rehabilitation process and promotes recovery. The employer, in consultation with the worker and WSCC Adjudicator or WSCC Case Manager, develops a return to work plan. The plan considers functional abilities and skills and outlines the necessary steps to ensure the injured worker participates in timely and safe return to work, ideally with their pre-injury employer. For a successful return to work plan, the injured worker, the employer, the WSCC, health care providers and other parties, where applicable, work together during the return to work process. The parties report any issues with the process to the Case Manager or Adjudicator.

The return to work plan must be appropriate given the worker’s functional abilities and reasonable given the worker’s specific circumstances. The WSCC works with employers in identifying suitable work options. Suitable Work can be created through:

- modified duties;
- alternate duties;
- a graduated return to work;
- worksite/workplace modifications;
- short-term training; or
- other options as appropriate.

Hours of work for suitable work options may vary from the worker’s pre-injury employment position and may depend on the availability of appropriate, meaningful tasks and the worker’s skills and abilities. The WSCC may provide partial disability compensation on a case-by-case basis in these situations.

Valid reasons for workers being unable to co-operate are generally limited to compelling circumstances beyond the worker's control.

*Hierarchy of Return to Work Outcomes*

In developing an injured worker’s return to work plan, the WSCC applies the following Return to Work hierarchy outcomes:



 <b>Workers' Safety</b> & Compensation Commission	ᐃᖃᑲᐱᐃᕐᖃᑲᑲᑦ ᐃᕐᕐᕐᕐᕐᕐ ᐃᕐᕐᕐᕐᕐᕐ ᐃᕐᕐᕐᕐᕐᕐ
<b>RETURN TO WORK</b>	

- Attend medical appointments and follow the prescribed rehabilitation plan; and,
- Provide the WSCC with ongoing information concerning their progress toward returning to work.

A worker's failure to mitigate their disability may result in the termination, suspension or reduction in compensation, as outlined in Policy 04.01, Payment of Compensation.

### *Employer*

Employers have a legal obligation to accommodate disabled and impaired workers, as per the *Human Rights Acts* of the Northwest Territories and Nunavut, and therefore must make reasonable accommodations, up to the point of undue hardship, to assist in injured workers' return to work.

In addition, Employers are expected to:

- Contact the worker as soon as possible after the injury occurs and maintain communication throughout recovery;
- Collaborate with the worker and the WSCC to identify and provide suitable work that is consistent with the worker's functional abilities and, where possible, restores pre-injury earnings;
- Document and submit the worker's return to work plan to the WSCC;
- Monitor the worker's return to work progress and communicate any concerns to the WSCC; and
- Provide the WSCC with any other information concerning the worker's return to work.

An employer's return to work obligations should not cause undue hardship to the employer.

The WSCC does not have jurisdiction to determine whether an employer has met its duty to accommodate. That can only be determined by the Human Rights Commission in the Northwest Territories or the Human Rights Tribunal in Nunavut, upon application by the worker. However, employers are expected to exhaust all reasonable efforts for accommodation before they can claim undue hardship. If the worker is able to return to work with modifications and the employer is not able to provide those accommodations, the WSCC may provide or continue to provide compensation to the worker, until such a time as they are able to return to their full duties or are determined to be eligible for vocational rehabilitation services





The worker must authorize, in writing, the participation of these parties prior to the parties' active involvement.

## **Return to Work Strategies**

By working collaboratively with the employer, worker, and treating health care provider, the WSCC promotes timely and safe return to work, and provides support and resources to help achieve return to work outcomes through one or more of the following return to work strategies: Modified Duties, Alternate Duties, Graduated Return to Work, Workplace/Worksite Modifications, and/or short-term training. Probability of a worker's successful return to work is a key factor when making decisions regarding which return to work strategies are appropriate. Return to work options must align with the worker's functional abilities and be suitable.

### *Modified Duties*

Modified duties pertain to the regular pre-injury work duties, but are modified to ensure that they align with the worker's functional abilities, based on medical evidence, as reported by their Health Care Provider. Modified duties may be temporary or permanent, depending on the nature of the injury. Modification of work can include, but is not limited to, changes to the work environment, work hours, tools and equipment used, and job design and work organization.

Modified work may also include a suitable short-term training opportunity, work which is normally performed by others, or work which has been specifically designed or designated as a modified work strategy. Revisions to the modified work may be made as the worker's medical condition changes, until the worker is determined to be medically fit to return to their full duties from their pre-injury employment or permanent work restrictions are identified.

### *Alternate Duties*

Alternate duties are duties the worker previously did not perform. A worker performs alternate duties when they are unable to return to their pre-injury duties. Alternate duties may require additional short-term training. A Workplace Assessment may also be considered, in accordance to Policy 05.05, Vocational Rehabilitation Program Allowances and Grants. The following criteria may be used to determine the suitability of alternate duties:

- Worker's functional abilities and/or cognitive abilities;



Workers' Safety  
& Compensation Commission

ᐃᖃᑲᐱᐃᕐᖃᑲᑲᑦ ᐃᑦᑲᑲᑦ  
ᐃᑲᑲ ᐱᑦᑦᑲᑲᑲᑲᑲᑲᑲ ᖃᑲᑲᑲᑲᑲᑲᑲ

## RETURN TO WORK

- Duties to be performed;
- Geographic location of the work;
- Claimant's area of residency;
- Level of responsibility and supervision of other employees; and
- Skills, qualifications, and experience required.

### *Graduated Return to Work*

The employer reduces or modifies the worker's work hours or schedule to match the worker's tolerance levels, as reported by their Health Care Provider. The objective is to allow a steady progression of hours to increase the worker's tolerances until the worker completes a full return to work. During graduated return to work, the WSCC tops up compensation benefit to ensure the worker is receiving the equivalent of total disability benefit.

### *Workplace/Worksite Modification*

The employer modifies the workplace/worksites, helping the injured worker return to work and meet employment requirements. Workplace/worksites modifications may include:

- Worksite access and exit changes;
- Work station and equipment modifications;
- Washroom facility modifications; or
- Purchase and installation of special equipment, materials or technology at the worksite and/or work station.

The WSCC may provide financial assistance to the employer in exceptional circumstances to reduce the financial impact of providing workplace/worksites modifications.

### *Short-Term Training for Different Job with Same Employer*

A pre-injury employer may have alternate suitable work available to an injured worker that is different than the worker's pre-injury employment but that requires specific skills and knowledge that the injured worker does not currently have. In order to facilitate a safe and timely return to work, and maintain the injured worker's employment with their pre-injury employer, the WSCC may sponsor the costs associated with completion of any short-term training required for the worker's return to work with the same employer but in a different job.



**RETURN TO WORK**

To be eligible, short-term training must be 16 weeks or less in duration. Examples may include, but are not limited to:

- Technical skills workshops;
- Seminars;
- Distance education courses;
- Apprenticeships;
- On-the-job training; or
- Certifications/re-certification.

If the worker’s pre-injury employer identifies a different job for an injured worker to return to which requires short-term training, the employer will identify the skills and knowledge that the worker is required to develop. Any job identified for an injured worker’s return to work must be suitable work. The employer, worker and WSCC will develop a short-term training plan for the worker. The short-term training plan must be cost-effective, and be within the worker’s ability to achieve. The WSCC will compensate the injured worker for any costs associated with travel, if it is required.

During short term training, the WSCC tops up compensation benefit to ensure the worker is receiving the equivalent of total disability benefit.

**LEGISLATIVE AUTHORITIES**

Northwest Territories <i>Workers’ Compensation Act</i> :	Sections 1.1(a); 34; 35(1); 36; 46
Nunavut <i>Workers’ Compensation Act</i> :	Sections 1.1(a); 34; 35(1); 36; 46
Northwest Territories <i>Human Rights Act</i>	Sections 5; 7(1)(4)
Nunavut <i>Human Rights Act</i>	Sections 7(1); 9(1)(5)

**POLICY RELATED DOCUMENTS**

Policy 04.01	Payment of Compensation
Policy 04.11	Claims Management
Policy 05.01	Vocational Rehabilitation Eligibility
Policy 05.02	Vocational Rehabilitation Services and Programs

	<b>Workers' Safety</b> & Compensation Commission	ᐃᖃᑲᐱᐃᖃᑲᑎᐃᑦ ᐃᑦᑕᐱᖃᑲᑦ ᐃᑦᑕᐱᖃᑲᑦ ᐃᑦᑕᐱᖃᑲᑦ
<b>RETURN TO WORK</b>		

Policy 05.05	Vocational Rehabilitation Program Allowances and Grants
Policy 09.02	Safe Advantage
Policy 11.02	Reporting an Injury, Disease or Death

**HISTORY**

Policy 04.14 (Sep 11/18)	Return to Work (Non-Substantive Change February 10, 2020)
Policy 04.14 (Mar 05/15)	Return to Work
Policy 04.14 (Dec 7/11)	Return to Work
Policy 04.14 (Jun 15/10)	Return to Work
Policy 02.10 (Jun 13/07)	Safe Advantage: Return to Work

---

Chairperson



	<b>Workers' Safety &amp; Compensation Commission</b>	ᐱᓕᐱᓐᐱᓐᐱᓐᐱᓐᐱᓐ ᐱᓐᐱᓐᐱᓐᐱᓐᐱᓐᐱᓐ
<b>SUPPORT SERVICES FOR INJURED WORKERS AND DEPENDANTS</b>		

## POLICY STATEMENT

The Workers' Safety and Compensation Commission (WSCC) may provide support services to eligible workers recovering from a work-related injury or disease to facilitate the worker's recovery or assist the worker to complete their vocational rehabilitation plan. This policy explains the types of support services available to injured workers. All support services for injured workers are considered on a case-by-case basis.

## DEFINITIONS

Child:	“...in respect of a worker, a natural or adopted child of the worker or a person for whom the worker stands or stood in the place of a parent;” (per ss.1(1) of the <i>Workers' Compensation Acts</i> )
Chronic Pain:	Pain that persists beyond the usual healing time for the type of injury that precipitated or triggered the pain, and/or pain that is disproportionate to that expected of the type of injury that precipitated or triggered the pain.  The complaints of pain and pain behaviour are inconsistent with physical findings (i.e. there is a lack of objective, organic/anatomical findings at the site of the injury to indicate that the injury has not healed).
Claim Owner:	WSCC employee responsible for adjudicating or managing the worker's claim.
Dependant:	A worker's spouse, or child of the worker less than 19 years of age, or a dependent child of the worker 19 years of age or over and attending school, or a dependent child of the worker who is of any age and who is physically, functionally, mentally or psychologically incapable of earning their living.
Pain:	Long-term or persistent, lingering pain that results from an identifiable physical condition.



## **SUPPORT SERVICES FOR INJURED WORKERS AND DEPENDANTS**

Vocational Rehabilitation Plan (VR Plan):

A written document that outlines the worker's re-employment goal and the steps the worker will take to achieve this goal. The VR Plan is used to monitor the worker's progress and determine the success of vocational rehabilitation.

### **POLICY**

#### **General**

The WSCC recognizes that not all injured workers require the same level of support, and at times, the provision of additional supports may assist in the worker's recovery and/or completion of their Vocational Rehabilitation Plan (VR Plan). The additional supports available to workers includes pain management services, child care, counselling services, house sitting services, substance use treatment, and special financial assistance.

#### **General Eligibility**

In assessing a worker's eligibility for support services, the WSCC Claim Owner considers whether the support service will assist the injured worker with their recovery or completion of their VR Plan. Medical evidence may be required to support determining the need for support services; however, the injured worker does not require a diagnosis to be eligible for support services.

Eligibility for support services will terminate when the supports are determined no longer necessary because the worker has either reached the maximum medical recovery, completed their VR Plan, or the services are no longer required to reach maximum medical recovery or complete their VR Plan.

Where possible, the WSCC directly pays service providers of an approved support service.

#### **Support Services**

##### *Pain Management*

At times workers may experience pain that interferes with their recovery or their participation in their VR Plan. To support injured workers who are experiencing pain that is long-term or persistent, resulting from an identifiable physical condition, the WSCC may sponsor the worker to participate in pain management services that may include



## **SUPPORT SERVICES FOR INJURED WORKERS AND DEPENDANTS**

medical management, physical conditioning, work conditioning, and/or pain and stress management. Medical evidence is required to demonstrate the need for pain management services. Pain management services educate workers about, and support them with, pain management strategies and may assist in preventing the onset of chronic pain.

Workers are eligible for pain management services if either:

- pain from a work-related injury prevents the worker's return to work or interrupts progress in a WSCC VR Plan; and/or
- surgical procedures or prescribed medication are not effective in controlling the worker's pain.

If the worker has chronic pain as a pre-existing condition prior to the work-related incident, any treatment provided by the WSCC is provided in accordance with Policy 03.12, Pre-Existing Conditions.

### *Child Care*

The WSCC may approve an allowance for all or a portion of child care expenses, to enable a worker to attend medical or vocational rehabilitation appointments. The WSCC is not responsible for child care expenses not directly associated with appointments required by the WSCC. The worker is responsible for all regular, work day, or shift-cycle child care expenses and casual babysitting expenses.

The WSCC may provide child care services to the dependants of a deceased worker, in order to assist in the transition to a life without the deceased worker. This is determined on a case-by-case basis and is at the discretion of the Claim Owner.

The WSCC provides a maximum allowance of \$60/day per child for child care expenses. Exceptions to exceed this limit may be considered on a case-by-case basis by the Claim Owner for extenuating needs. For example, such as a child with a disability or a child that requires a unique level of care. The claimant, or the supplier, is reimbursed up to the daily maximum allowable per child with proof of payment (e.g. receipts, invoices, or reports confirming the provision of services).

### *House sitting*

The WSCC may provide reimbursement for house sitting to enable a worker residing in the Northwest Territories or Nunavut to travel away from their home community for a medical or vocational rehabilitation appointment. An honorarium of \$25 per day may be provided. Documented proof for house sitting needs is required for payment of this honorarium. Examples of acceptable documentation are copies of the owner / tenant



## **SUPPORT SERVICES FOR INJURED WORKERS AND DEPENDANTS**

insurance policy and confirmation that no one other than the claimant resides in the home.

### *Counselling Services*

The WSCC may provide coverage to the worker for counselling services when personal issues delay or jeopardize the worker's recovery from the work-related injury or disease or affects completion of the VR Plan. A diagnosis is not required to be eligible for counselling services. Counselling services may be offered online or in person and may include:

- Personal and Family Counselling: for issues of anger, grief, family conflict, substance use, or non-work related post-traumatic stress;
- Financial Counselling: to address financial situations caused by earning disruption or financial hardship caused by the work-related injury or disease;
- Mental Health Counselling: to reduce the emotional and physical impacts associated with a worker's mental health following the work-related injury; and/or,
- Indigenous Counselling: to provide counselling services that are culturally sensitive and specific in approach.

Each request for counselling services will be considered on a case-by-case basis by the Claim Owner. Counselling will be provided online or in person depending on what option will best aid in the worker's recovery based on the opinion of the worker, Claim Owner, and the counsellor.

The WSCC may also provide counselling services to the dependants of a deceased worker to assist in the transition to a life without the deceased worker.

### *Substance Use Treatment*

The WSCC may provide coverage for substance use treatment to an injured worker when substance use results from the work-related injury or disease or its treatment. Substance use treatment may include but is not limited to behavioral counselling, medication, and/or medical devices used to treat withdrawal symptoms. To be compensable, medical evidence must support that the worker's substance use is affecting the worker's recovery from the work-related injury or disease or affect completion of the worker's VR Plan.

If substance dependency existed prior to the work-related incident, any treatment provided by the WSCC is provided in accordance with Policy 03.12, Pre-Existing Conditions.





## **SUPPORT SERVICES FOR INJURED WORKERS AND DEPENDANTS**

### **LEGISLATIVE AUTHORITIES**

Northwest Territories <i>Workers' Compensation Act</i> :	Section 36; 46; 47 subsections 34(1); 34(2); 34(3); 41(3)
Nunavut <i>Workers' Compensation Act</i> :	Section 36; 46; 47 subsections 34(1); 34(2); 34(3); 41(3);

### **POLICY RELATED DOCUMENTS**

Policy 03.03	Arising Out of and During the Course of Employment
Policy 03.11	Support Services for Severely Injured Workers
Policy 03.12	Pre-Existing Conditions
Policy 04.14	Return to Work
Policy 05.01	Vocational Rehabilitation Eligibility
Policy 05.02	Vocational Rehabilitation Services and Programs
Policy 05.05	Vocational Rehabilitation Program Allowances and Grants
Policy 08.01	Reviewing Decisions
Policy 08.02	Appealing Decisions

### **HISTORY**

Policy 04.15 (Apr 08/24)	Support Services for Injured Workers and Dependants
Policy 04.15 (Jun 14/18)	
Policy 04.15 (Sep 15/17)	Non-substantive change (Special Financial Assistance)
Policy 04.15 (Jun 05/12)	Support Services for Injured Workers
Policy 05.03 (Sep 24/09)	Support Services for Injured Workers
Policy 05.03 (Apr 1/08)	Vocational Rehabilitation: Support Services
	Vocational Rehabilitation: Support Services, Non-substantive changes (New <i>Workers' Compensation Acts</i> )
Policy 05.03 (Apr 27/06)	Rehabilitation Support Services and Programs
Policy 05.03 Aug 31/01	Rehabilitation Support Services and Programs
Policy 05.03 (Apr 1/99)	Rehabilitation Support Services and Programs
Policy 05.03 (Mar 19/96)	Rehabilitation Support Services and Programs
Policy 25-01-05 (Apr 12/90)	Counselling Services



**SUPPORT SERVICES FOR INJURED WORKERS AND DEPENDANTS**

Policy 25-03-02 (Apr 12/90)	Supportive Counselling
Policy 25-03-03 (Apr 12/90)	Social Counselling
Policy 25-03-04 (Apr 12/90)	Financial Counselling
Policy 25-03-05 (Apr 12/90)	Related Services – Substance Abuse
Policy 25-03-08 (Apr 12/90)	Related Services – Family Counselling
Policy 25-03-09 (Apr 12/90)	Related Services – Legal Counselling
Policy 25-03-10 (Apr 12/90)	Related Services – Pain Management
Policy 25-05-04 (Apr 12/90)	Child Care Expenses

---

Chairperson







**VOCATIONAL REHABILITATION ELIGIBILITY**

- existing regional socio-economic conditions; and,
- that adds value to the employer’s business/organization and promotes the worker’s healthy recovery and return to work.

Vocational Rehabilitation Plan (VR Plan):

A written document that outlines the worker’s re-employment goal and the steps the worker takes to achieve this goal. The VR Plan is used to monitor the worker’s progress and determine the success or failure of vocational rehabilitation.

**POLICY**

**General**

Vocational rehabilitation services and programs are offered to workers unable to return to work with their pre-injury employer, but indication of regaining employability with vocational rehabilitation is strong. Vocational rehabilitation is also offered where the employer has not developed a return to work plan. Vocational rehabilitation services and programs are outlined in Policy 05.02, Vocational Rehabilitation Services and Programs.

The WSCC provides vocational rehabilitation to eligible workers as soon as possible, given the nature and impact of their work-related disability.

*Compensation*

Workers participating in vocational rehabilitation services and programs continue to receive any compensation they are entitled to under the *Workers’ Compensation Acts*. The WSCC compensates workers participating in approved vocational rehabilitation services and programs in accordance with Policies 03.07, Calculation of Disability Compensation or 06.03, Calculation of Permanent Impairment Compensation. Workers may also be entitled to allowances and grants as described in Policy 05.05, Vocational Rehabilitation Program Allowances and Grants.







Workers' Safety  
& Compensation Commission

ᐃᖃᐅᐱᐱᖃᐅᐱᐅᐅ ᐃᐅᐅᐱᐅᐅ  
ᐃᐅᐅ ᐱᐅᐅᐅᐅᐅᐅᐅᐅ ᐅᐅᐅᐅᐅᐅᐅᐅ

## VOCATIONAL REHABILITATION ELIGIBILITY

- hours of work;
- location; and
- previous work history.

Suitable work would not normally include excessive work hours (+40 hours/week) or wages earned through secondary employment.

When a worker regains employability, is offered suitable work, completes their VR Plan, or completes job search, the WSCC will discontinue the worker's vocational rehabilitation services, including any allowances to which the worker was previously entitled. The WSCC notifies the worker in writing when vocational rehabilitation services are discontinued and that the WSCC has fulfilled its vocational rehabilitation responsibilities.

In order to mitigate their disability, a worker is required to actively participate in their vocational rehabilitation services. Vocational rehabilitation allowances are dependent on cooperation with the VR Plan. If the WSCC considers that a worker is not taking reasonable steps, it provides a written notice to the worker, as outlined in Policy 04.01, Payment of Compensation, 04.11, Claims Management, and Sections 35 and 142 of the *Acts*.

## LEGISLATIVE AUTHORITIES

Northwest Territories <i>Workers' Compensation Act</i> :	Sections 10; 34; 35; 36; 38; 46; 47(1); 142 subsections 41(3)
Nunavut <i>Workers' Compensation Act</i> :	Sections 10; 34; 35; 36; 38; 46; 47(1); 142 subsections 41(3)

## POLICY RELATED DOCUMENTS

Policy 03.12	Pre-Existing Conditions
Policy 04.01	Payment of Compensation
Policy 04.11	Claims Management
Policy 04.14	Return to Work
Policy 04.15	Support Services for Injured Workers and Dependants
Policy 05.02	Vocational Rehabilitation Services and Programs
Policy 05.05	Vocational Rehabilitation Program Allowances and Grants



Workers' Safety  
& Compensation Commission

ᐃᖃᐅᐱᐃᐅᖃᐅᐱᐃᐅᐱ  
ᐃᐅᐱᐃᐅᐱᐃᐅᐱᐃᐅᐱ

## VOCATIONAL REHABILITATION ELIGIBILITY

### HISTORY

Policy 05.01 (Apr 01/22)	Vocational Rehabilitation Eligibility
Policy 05.01 (Sep 11/18)	Vocational Rehabilitation Eligibility (Non-Substantive Change)
Policy 05.01 (Nov 30/17)	Vocational Rehabilitation Eligibility
Policy 05.01 (Jun 05/12)	Vocational Rehabilitation Eligibility
Policy 05.01 (Sep 24/09)	Vocational Rehabilitation
Policy 05.01 (Apr 1/08)	Vocational Rehabilitation, Non-substantive Change ( <i>New Workers' Compensation Acts</i> )
Policy 05.01 (Apr 27/06)	Vocational Rehabilitation
Policy 05.01 (Aug 1/02)	Vocational Rehabilitation
Policy 05.01 (Sep 5/00)	Vocational Rehabilitation
Policy 05.01 (Apr1/99)	Vocational Rehabilitation
Policy 05.01 (Jan 1/96)	Vocational Rehabilitation
Policy 25-01-01 (Apr12/90)	Statutory Authority
Policy 25-01-02 (Apr 12/90)	Statement of Philosophy
Policy 25-01-03 (Apr 12/90)	Policy Statements Overview
Policy 25-01-04 (Apr 12/90)	Policy Statements Table of Contents
Policy 25-01-06 (Apr 12/90)	Eligibility for Services-Board Policy
Policy 25-01-09 (Apr 12/90)	Board Mandate – Referral for Services
Policy 25-01-10 (Apr 12/90)	Eligibility for Services
Policy 25-01-11 (Apr 12/90)	Discontinuance of Services
Policy 25-01-13 (Apr 12/90)	Preventative Rehabilitation Services
Policy 25-01-14 (Apr 12/90)	Delivery of Services

---

Chairperson



## POLICY STATEMENT

The Workers' Safety and Compensation Commission (WSCC) may provide vocational rehabilitation to workers unable to return to their pre-injury employment. The goal of vocational rehabilitation is to assist workers to regain employability and/or become employed. Vocational rehabilitation does not guarantee employment.

This policy describes vocational rehabilitation programs available to eligible workers.

## DEFINITIONS

Disability:	“means the condition of having temporarily reduced physical, functional, mental or psychological abilities caused by the worker’s personal injury or disease, that results in a loss of earning capacity” (per 1(1) of the Workers’ Compensation Acts)
Employability:	Being in possession of the skills and abilities that allow a worker to be employed in suitable work.
Return to Work:	A process to help injured workers return to safe, productive employment doing suitable work as soon as medically appropriate.
Suitable Work:	<p>Includes work:</p> <ul style="list-style-type: none"> <li>• within the worker’s functional abilities;</li> <li>• the worker already has the skills to do, or can be safely trained to do;</li> <li>• that does not pose a health or safety risk to the worker, co-workers or the general public;</li> <li>• where possible, that restores pre-injury earnings, or provides reasonable earnings for an appropriate occupation based on existing regional socio-economic conditions; and,</li> <li>• that adds value to the employer’s business/organization and promotes the worker's healthy recovery and return to work.</li> </ul>









as deemed necessary. The VR Plan may include temporary paid or unpaid work to be completed by the claimant while enrolled in academic or training programs.

The Case Manager and worker sign the VR Plan, acknowledging agreement to the worker's goals. The Case Manager provides a copy of the VR Plan to the worker. Once completed and signed, the VR Plan is typically not revised. If the VR Plan requires revision, a written addendum is signed by the Case Manager, the worker and appropriate Claims Services Manager.

The Case Manager and vocational rehabilitation counsellor monitor the worker's progress. The WSCC fulfills its vocational rehabilitation obligations to a worker when the worker regains employability, is offered suitable work, or completes their VR Plan.

## **Vocational Rehabilitation Services**

### *Workplace Assessment*

A Workplace Assessment assists the employer, WSCC, worker, and health care provider to assess whether a worker is able to perform alternate duties and if the worker has the capacity to learn a new job. A Workplace Assessment is arranged with employers or training institutions. Worker participation in Workplace Assessment does not mean the employer will hire the worker participating in the program.

A Workplace Assessment may be considered when a worker is unable to return to their pre-injury employment, but may be able to return to an alternate position with the pre-injury employer. The WSCC recognizes that some workers may benefit from completing a workplace assessment when it is unknown whether the worker is unable to return to their pre-injury employment and they have not yet reached maximum medical recovery. Exemptions for eligibility to this program can be made on a case-by-case basis, to assist the worker in achieving their return to work goals.

A Workplace Assessment does not extend beyond four weeks without the approval of the appropriate Claims Services Manager, in consultation with the involved employer or training institution.

### *Job Search Assistance*

The WSCC may offer Job Search Assistance services to eligible workers to assist them in developing a résumé and prepare for job interviews. Job Search Assistance is provided for a maximum of two weeks prior to the commencement of the Job Search program. The



**WSCC Workers' Safety & Compensation Commission** | ᐃᖅᑲᐱᐃᖅᑲᐃᑦ ᐃᑦᑲᐱᐃᑦᑲᐱᐃᑦ  
ᐃᑦᑲᐱᐃᑦᑲᐱᐃᑦ ᐃᑦᑲᐱᐃᑦᑲᐱᐃᑦ ᐃᑦᑲᐱᐃᑦᑲᐱᐃᑦ ᐃᑦᑲᐱᐃᑦᑲᐱᐃᑦ

**VOCATIONAL REHABILITATION SERVICES AND PROGRAMS**

appropriate Claims Services Manager, approves any extension of services beyond two weeks.

### *Job Search*

Job Search may be provided to assist the worker to find suitable employment opportunities. This service is used to assist workers re-entering the labour market. The duration of the Job Search services is a cumulative total 13-week maximum, regardless of whether Job Search is used consecutively or at different times during the course of a worker's claim. During the Job Search, workers continue to be paid their entitled Vocational Rehabilitation Allowance.

Eligibility for Job Search and its continuation is conditional upon the worker's active cooperation and participation. The WSCC expects the worker using Job Search to apply for a set number of jobs per week, as determined in their VR Plan. Workers must record and report the number of job applications submitted before the WSCC provides a Vocational Rehabilitation allowance.

Workers in academic or training programs may participate in Job Search services during school breaks for up to four weeks at a time without depleting their 13-week allowance for Job Search.

### **Job Search Incentive**

The WSCC provides workers using Job Search with an incentive to accept suitable work before the end of the 13-week maximum allowed for Job Search. The incentive is not paid to workers using Job Search who are currently enrolled in a training or academic program and searching for jobs during academic breaks.

The incentive is provided to workers who accept suitable work prior to 13 weeks. The incentive is a percent of the 13-week maximum allowance paid to an eligible worker during Job Search and is calculated based on the following criteria.

If suitable work is accepted within:

- 0 - 21 days of Job Search: 40 percent of remaining allowance not yet paid;
- 22 - 49 days of Job Search: 25 percent of remaining allowance not yet paid;
- 50 - 70 days of Job Search: 15 percent of remaining allowance not yet paid; or
- 71 - 91 days of Job Search: no incentive provided



The incentive is a one-time payment. The WSCC fulfils its vocational rehabilitation obligation to the worker when they accept suitable work, or complete the Job Search with or without securing suitable work.

## Vocational Rehabilitation Programs

### *Training on the Job*

When a worker's skills are applicable to employment other than their pre-injury employment, the WSCC may provide Training on the Job. The Case Manager and vocational rehabilitation counsellor negotiate program duration and cost sharing agreements with the employer participating in Training on the Job. The worker becomes an employee of the employer at the start of the program. Under Training on the Job, the worker and the employer agree and set realistic expectations of the skills the worker will gain through the program. The WSCC fulfils its vocational rehabilitation obligation to the worker when Training on the Job is complete.

### *Academic Programs*

A worker's Case Manager may approve a worker's registration in an academic program when:

- Job Search and Training on the Job were considered and deemed inappropriate for the worker;
- The work-related disability or impairment prevents the worker from working in employment similar to their pre-injury employment;
- The academic program aligns with the worker's transferable skills and training, when possible;
- The worker shows an ability to complete and benefit from an academic program; and
- There is an expectation that employment earnings upon completion of the academic program are comparable to pre-injury employment earnings, where possible.

### *Self-Employment Assistance Program*

In limited circumstances, a worker may request self-employment as a Vocational Rehabilitation option. Workers may receive assistance with self-employment, only after Vocational Exploration is complete and all other vocational rehabilitation options have been explored and considered inappropriate. The Case Manager determines whether a worker might be eligible to receive assistance with self-employment.

A worker interested in the Self-Employment Assistance Program must present a business plan, in addition to a feasibility study, to the Case Manager within four weeks of



completing Vocational Exploration. The four week period may be extended to accommodate a worker's special circumstances with the approval of the appropriate Claims Services Manager. A feasibility study and review of the worker's Business Plan, including realistic financial projections and the worker's anticipated income, is completed by a financial advisor who is:

- A person with a professional accounting or certified financial planning designation such as a CA, CMA or CGA, CFA or CAFM;
- A qualified officer from a financial institution; or
- A person with a minimum experience of five years as a Financial Planning Consultant.

The WSCC requires confirmation of the independent financial advisor's qualifications. The Case Manager will evaluate the feasibility study and use the following guiding questions to determine whether Self-Employment Assistance Program is a suitable vocational rehabilitation option for the worker:

- Are the self-employment plan and financial projections viable?
- Is the work (including probable hours of work) suitable for the worker's functional abilities?
- Does the worker have the necessary skills and abilities to successfully operate the business?
- Does the business opportunity make use of the worker's transferable skills?
- Will the self-employment venture maximize the worker's earning capacity?

The Self-Employment Assistance Program is approved by the appropriate Claims Services Manager. To receive approval, the cost of the Self-Employment Assistance Program must be equal to or less than the WSCC's average financial contribution for a VR Plan.

The Self-Employment Assistance Program results in a one-time payment to the worker. The WSCC fulfils its vocational rehabilitation commitment to the worker when the Self-Employment Assistance Program payment is made.

### *Retirement Transition*

The Retirement Transition is intended for workers where they are already eligible, or are approaching eligibility for the Government of Canada Old Age Security (OAS) pension prior to, or shortly after completing their VR Plan.



A worker may be eligible for the Retirement Transition if the worker is:

- Eligible for vocational rehabilitation services; and
- The Vocational Exploration and VR Plan has determined that the duration of time to complete the plan, and secure a minimum of 2 years of suitable work, cannot reasonably be completed before the worker becomes eligible for an OAS pension.

If a worker is determined to be eligible for the Retirement Transition, the worker is given the choice of receiving the following, up until they are eligible for an OAS pension, or 24 months; whichever comes later:

- Pursuing their VR Plan while receiving appropriate Vocational Rehabilitation Allowances; or
- Receiving the equivalent of total disability compensation, less any awards for partial disability or partial impairment.

If the worker is eligible for an OAS pension at the time that their claim is accepted, and can reasonably confirm their employment would have continued, they may be eligible for the Retirement Transition. The payment amount is equivalent to their total disability compensation, less any award for partial disability or partial impairment, to a maximum of 24 months from the time they are determined to be eligible for vocational rehabilitation services.

### ***Vocational Rehabilitation Extension***

Workers may seek extensions to their VR Plan by written request. The request must explain the reason for the extension, the cause of delays in the VR Plan's completion, and the extension period required. The appropriate Claims Services Manager, will approve requests for a program extension when one of the following situations occurs:

- Prescribed medical treatment for the work-related disability or impairment delays or interrupts the worker's progress; or,
- The worker's disability or impairment results in slower than expected progress.

Other reasons, if determined justifiable, will be considered and may be approved on a case-by-case basis.



## LEGISLATIVE AUTHORITIES

Northwest Territories <i>Workers' Compensation Act</i> :	Sections 10; 34; 35; 36; 38; 46; 47 subsections 41(3)
Nunavut <i>Workers' Compensation Act</i> :	Sections 10; 34; 35; 36; 38; 46; 47 subsections 41(3)

## POLICY RELATED DOCUMENTS

Policy 03.03	Arising Out of and During the Course of Employment
Policy 04.11	Claims Management
Policy 04.14	Return to Work
Policy 04.15	Support Services for Injured Workers and Dependents
Policy 05.01	Vocational Rehabilitation Eligibility
Policy 05.05	Vocational Rehabilitation Program Allowances and Grants
Policy 06.01	Pension Entitlement

## HISTORY

Policy 05.02 (Apr 01/22)	Vocational Rehabilitation Programs
Policy 05.02 (Feb 10/20)	Vocational Rehabilitation Programs (Non-Substantive Change)
Policy 05.02 (Sep 11/18)	Vocational Rehabilitation Programs (Non-Substantive Change)
Policy 05.02 (Nov 30/17)	Vocational Rehabilitation Programs
Policy 05.02 (Jun 05/12)	Vocational Rehabilitation Programs
Policy 05.02 (Sep 24/09)	Vocational Rehabilitation: Re-Employment Programs
Policy 05.02 (Apr 01/08)	Vocational Rehabilitation: Re-Employment Programs, Non-substantive Changes (New <i>Workers' Compensation Acts</i> )
Policy 05.02 (Apr 27/06)	Vocational Rehabilitation: Re-Employment Programs
Policy 05.02 (Mar 27/02)	Vocational Rehabilitation: Re-Employment Programs
Policy 05.02 (Aug 31/01)	Vocational Rehabilitation: Re-Employment Programs
Policy 05.02 (Jun 2/01)	Vocational Rehabilitation: Re-Employment Programs
Policy 05.02 (Apr 11/99)	Vocational Rehabilitation: Re-Employment Programs
Policy 05.02 (Sep 20/96)	Vocational Rehabilitation: Re-Employment Programs
Policy 05.02 (Jan 17/96)	Vocational Rehabilitation: Re-Employment Programs



**Workers' Safety** | ᐃᖅᑲᐱᐃᖅᑲᑦᑲᑦᑯᑦ ᐅᑦᑲᑦᑲᑦᑲᑦ  
& Compensation Commission | ᐃᐱᐱ ᐱᐱᐱᐱᐱᐱᐱᐱᐱ ᐱᐱᐱᐱᐱᐱᐱᐱᐱ

**VOCATIONAL REHABILITATION SERVICES AND PROGRAMS**

Policy 25-01-07 (Apr 12/90)	Employment Placement Services
Policy 25-03-01 (Apr 12/90)	Vocational Counselling
Policy 25-03-06 (Apr 12/90)	Related Services - Educational
Policy 25-03-07 (Apr 12/90)	Related Services - Employment and Job
Policy 25-04-01 (Apr 12/90)	Assessment Services
Policy 25-04-02 (Apr 12/90)	Job Search Assistance
Policy 25-04-03 (Apr 12/90)	Re-Employment Assistance
Policy 25-04-04 (Apr 12/90)	Work Assessment Program
Policy 25-04-05 (Apr 12/90)	Training on the Job Program
Policy 25-04-06 (Apr 12/90)	Academic Training Program
Policy 25-04-08 (Apr 12/90)	Program Absence
Policy 25-04-09 (Apr 12/90)	Program Extension
Policy 25-04-11 (Apr 12/90)	Alternate Program Assistance
Policy 25-04-12 (Apr 12/90)	Retraining Allowance
Policy 25-04-13 (Apr 12/90)	Tuition, Books and Supplies
Policy 25-04-14 (Apr 12/90)	Subsistence Allowance
Policy 25-04-15 (Apr 12/90)	Interim Program Allowance
Policy 25-04-16 (Apr 12/90)	Transportation Allowance
Policy 25-04-18 (Apr 12/90)	Tools and Equipment
Policy 25-04-19 (Apr 12/90)	Relocation Assistance
Policy 25-04-20 (Apr 12/90)	Workplace Modification

\_\_\_\_\_  
Chairperson







	<b>Workers' Safety</b> & Compensation Commission	ᐱᓐᑲᐱᓐᑲᐱᓐᑲᐱᓐᑲᐱᓐᑲ ᐱᓐᑲᐱᓐᑲᐱᓐᑲᐱᓐᑲᐱᓐᑲᐱᓐᑲ
<b>VOCATIONAL REHABILITATION PROGRAM ALLOWANCES AND GRANTS</b>		

## POLICY

### General

A worker may be eligible for a vocational rehabilitation allowance and/or grant if they are participating in vocational rehabilitation. The vocational rehabilitation allowances and grants that a worker may be eligible include:

- Supplementary Living Allowance;
- Transportation Allowance;
- Interim Program Allowance;
- Academic Program Allowances;
- Tuition, Books and Supplies Allowance;
- Relocation Grant;
- Tools and Equipment Grant; and
- Workplace/Worksite Modification Grant.

### Program Allowances and Grants

#### *Supplementary Living Allowance*

The WSCC makes best efforts to place a worker in a vocational rehabilitation program in the community where their primary place of residence is located. However, it is not always possible to do so. The Supplementary Living Allowance is intended to offset the additional costs of maintaining a secondary residence for the purpose of attending a vocational rehabilitation program, and is provided for a maximum duration of 16 weeks.

The WSCC provides a Supplementary Living Allowance to workers who:

- Attend a vocational rehabilitation program located outside reasonable commuting distance of their place of primary residence; and
- Continue to make significant financial contributions to their primary residence for the duration of the program. Ongoing financial contributions to a worker's primary residence may include, but is not limited to, contributions to rent or mortgage payments, insurance, utilities, and day to day maintenance costs. Acceptable proof of the worker's ongoing financial contribution to their primary residence must be provided.

The WSCC may also provide a Supplementary Living Allowance when a worker:

- Attends a WSCC-approved vocational rehabilitation appointment; or
- Receives a relocation grant and while travelling to their destination is required to obtain overnight accommodations.



The Supplementary Living Allowance includes:

- Reimbursement for commercial or private accommodations; and
- A meal and incidental allowance. The meal and incidental allowance is based on the Medical Subsistence Allowance per diems outlined in Section 6 of the Workers' Compensation General Regulations for the Northwest Territories and Nunavut.

If the worker is staying in a commercial or private accommodation with a suitable kitchen, they are entitled to 75% of the meal and incidental allowance for the first 30 days, for the remaining duration up to and including 16 weeks, they are entitled to 50% of the meal and incidental allowance. If a worker is staying in a residence at a training centre or education institution, they will be reimbursed the cost of a standard meal plan with the provision of a receipt. The WSCC makes best efforts to secure accommodations with a suitable kitchen when possible.

Eligible workers who are attending a vocational rehabilitation program that is longer than 16 weeks will only receive the Supplementary Living Allowance for 16 weeks. For the remaining duration of the program workers will be reimbursed the cost of private or commercial accommodations.

### *Transportation Allowance*

The WSCC provides a Transportation Allowance for workers required to attend WSCC-approved training, academic programs or appointments outside of their home community. The allowance pays for travel by the most appropriate, direct and economical means of transportation available.

The allowance includes:

- Personal vehicle commuting costs and parking fees, if use of a worker's vehicle is the most direct and economical means of transportation;
- Public transportation costs, including air transportation, if required;
- Hiring an accessible vehicle or taxi for those with a disability or impairment impacting their mobility; and
- Cost of overnight commercial or non-commercial accommodations during travels.

The appropriate Claims Services Manager, may approve Travel Allowances for return transportation to a worker's home community in the event of a family emergency or compensable medical appointment in the home community.



### Limits to WSCC Transportation Payments

The WSCC does not normally pay for transportation costs when the WSCC approved vocational rehabilitation training, academic programs or appointments are located within 50 kilometres (each way) of the worker's place of residence, with exception to when the worker's travel was pre-authorized by the Claim Owner for paid travel within the 50 kms limit.

The WSCC covers the worker's travel expenses when attending WSCC approved vocational rehabilitation training, academic programs or appointments more than 50kms from the worker's place of residence according to rates established in ss.4(3), Workers' Compensation General Regulations.

### *Relocation Grant*

The WSCC provides a Relocation Grant to cover the costs of moving a worker's household belongings if:

- Suitable work is not available in the worker's home community and employment at the new community is confirmed, prior to relocation;
- The total cost for the applicable allowances and relocation costs are less than having the worker travel to their VR Program; or
- The worker, living outside of their home community, successfully completes schooling and moves back to their home community or to a new community with confirmed employment.

The Relocation Grant is calculated according to crate charges. The maximum weight paid by the WSCC, including the crate weight is:

- Worker without dependants – maximum 1,814 kilograms (4,000 pounds)
- Worker with dependants – maximum 6,804 kilograms (15,000 pounds)

The WSCC does not pay to move all-terrain vehicles, motor vehicles, organic material, or pets.

A worker receiving relocation assistance from a new employer, a government agency or another third party does not receive the Relocation Grant if the third party's relocation assistance is equal to or in-excess of what the WSCC covers. A reduced Relocation Grant is provided to a worker when third party moving assistance is less than what the WSCC covers. The reduced Relocation Grant ensures that a worker receives relocation funds equal to what the WSCC would otherwise provide.



 <b>Workers' Safety &amp; Compensation Commission</b>	ᐃᓐᓐᓐᓐᓐᓐ ᐃᓐᓐᓐᓐ ᐃᓐᓐᓐᓐᓐᓐ ᐃᓐᓐᓐᓐᓐᓐ
<b>VOCATIONAL REHABILITATION PROGRAM ALLOWANCES AND GRANTS</b>	

To receive an Academic Program Allowance for work in between academic studies the worker must provide a letter from the employer confirming the worker's employment and earnings. The WSCC may also contact the employer at any time to discuss the worker's work.

If courses required by a worker's academic program are offered during Spring and Summer terms, the worker will be expected to enrol in and complete them.

### *Interim Program Allowance*

The WSCC understands that participation in the VR Plan may create financial challenges for the worker. The WSCC may provide an Interim Program Allowance when the worker is accepted to a WSCC approved academic or training program as described in Policy 05.02, Vocational Rehabilitation Services and Programs. A worker is eligible for an Interim Program Allowance if the worker:

- Requires assistance to remain financially secure between the end of one program and the beginning of another; or
- Will not receive applicable allowances until the beginning of the program.

If the Interim Program Allowance is to be continued beyond one month, the Manager of Case Management, must approve the extension.

### *Tools and Equipment Grant*

The WSCC may provide a Tool and Equipment Grant to workers who complete their VR Plan to purchase tools and equipment if required to gain employability or employment. The WSCC may provide a grant to purchase tools and equipment, such as, but not limited to:

- Safety equipment and apparel;
- Aids for visually impaired or hearing-impaired workers;
- Business clothing required for interviews; or
- Tools required for work.

Workers must provide receipts for all applicable tools or equipment purchased and provide the WSCC with a signed note from the employer stating the items are required for work.

Workers are responsible for the repair, maintenance, and replacement of all items paid for by the WSCC Tools and Equipment Grant.



*Workplace/Worksite Modification Grant*

The Workplace/Worksite Modification Grant assists an employer who hires a worker that completes vocational rehabilitation with the duty to accommodate, mandated in the Northwest Territories and Nunavut *Safety Acts* and *Human Rights Acts*.

The WSCC may assist with the modification of a workplace/worksites when the modification allows a worker access the workplace/worksites and accommodates the worker's functional abilities in order to meet employment requirements. Worksite modifications are made with the employer's written consent, including confirmation that the modifications result in the worker's employment. The specific modifications must be the most-cost effective options available while still overcoming the worker's barrier to become employed at the worksite.

The Workplace/Worksite Modification Grant is provided to first-time employers of workers who have recently completed the VR Plan.

**LEGISLATIVE AUTHORITIES**

Northwest Territories *Workers' Compensation Act:* Section 46; 47

Nunavut *Workers' Compensation Act:* Section 46; 47

Northwest Territories *Workers' Compensation General Regulations:* Section 6

Nunavut *Workers' Compensation General Regulations:* Section 6

Northwest Territories *Safety Act:* Sections 4; 5

Nunavut *Safety Act:* Sections 4; 5

Northwest Territories *Human Rights Act:* Section 10

Nunavut *Human Rights Act:* Section 10



**Workers' Safety**  
& Compensation Commission

ᐃᑦᑲᐱᐃᑦᑲᑦᑲᑦᑲᑦ ᐃᑦᑲᑦᑲᑦᑲᑦᑲᑦ

ᐃᑦᑲᑦᑲᑦᑲᑦᑲᑦ ᐃᑦᑲᑦᑲᑦᑲᑦᑲᑦ

**VOCATIONAL REHABILITATION PROGRAM ALLOWANCES AND GRANTS**

## POLICY RELATED DOCUMENTS

Policy 03.11	Allowances and Services for Severely Injured Workers
Policy 04.14	Return to Work
Policy 04.15	Support Services for Injured Workers and Dependents
Policy 05.01	Vocational Rehabilitation Eligibility
Policy 05.02	Vocational Rehabilitation Services and Programs

## HISTORY

Policy 05.05 (Jan 1/25)	Vocational Rehabilitation Program Allowances and Grants
Policy 05.05 (Jan 16/23)	Vocational Rehabilitation Program Allowances and Grants
Policy 05.05 (Apr 01/22)	Vocational Rehabilitation Program Allowances and Grants
Policy 05.05 (Feb 10/20)	Vocational Rehabilitation Allowances and Grants (Non-Substantive Change)
Policy 05.05 (Sept 11/18)	Vocational Rehabilitation Allowances and Grants (Non-Substantive Change)
Policy 05.05 (Nov 30/17)	Vocational Rehabilitation Allowances and Grants
Policy 05.05 (Jun 05/12)	Vocational Rehabilitation Allowances and Grants
Policy 05.05 (Sep 24/09)	Vocational Rehabilitation: Allowances and Grants

---

Chairperson



 <b>W</b> <b>S</b> <b>C</b> <b>C</b>	<b>Workers' Safety</b> & Compensation Commission	
<b>VOCATIONAL REHABILITATION PROGRAM ALLOWANCES AND GRANTS</b>		

## PENSION ENTITLEMENT

### POLICY STATEMENT

The Workers' Safety and Compensation Commission (WSCC) provides pensions to permanently impaired workers whose injury or disease arose out of and during the course of employment or a worker's spouse or dependants in the case of a workplace death.

This policy establishes how a pension for the workers with a permanent injury or disease or a worker's spouse or dependants are entitled.

### DEFINITIONS

Child:	"...in respect of a worker, a natural or adopted child of the worker or a person for whom the worker stands or stood in the place of a parent;" (per ss.1(1) of the <i>Workers' Compensation Acts</i> )
Compensation:	"...any medical aid, payment, money, pension, vocational rehabilitation, counselling or other benefits payable or provided under this Act as a result of a worker's personal injury, disease or death;" (per ss.1(1) of the <i>Workers' Compensation Acts</i> )
Dependant:	A worker's spouse, or child of the worker less than 19 years of age, or a dependent child of the worker 19 years of age or over and attending school, or a dependent child of the worker who is of any age and who is physically, functionally, mentally or psychologically incapable of earning their living.
Disability:	"means the condition of having temporarily reduced physical, functional, mental or psychological abilities caused by the worker's personal injury or disease, that results in a loss of earning capacity;" (per 1(1) of the <i>Workers' Compensation Acts</i> )
Family Member:	"...in respect of a person <ul style="list-style-type: none"> <li>a) a brother, sister, half-brother, or half-sister of the person;</li> <li>b) a parent, step-parent, or grandparent of the</li> </ul>



Workers' Safety  
& Compensation Commission

ᐃᖃᑲᐱᐃᕐᖃᑲᑲᑦ ᐃᑦᑕᐱᖃᑲᑲᑦ  
ᐃᑦᑕᐱᕐᑕᐃᑦᑲᑲᑦ ᖃᑲᐃᕐᕐᕐᑲᑲᑦ

## PENSION ENTITLEMENT

person; and

- c) a person who stands or stood in the place of a parent for the person;" (per ss. 1(1) of the *Workers' Compensation Acts*)

Impairment:

"means the condition of having a permanent physical, functional, mental or psychological abnormality or loss, caused by the worker's personal injury or disease" (per 1(1) of the *Workers' Compensation Acts*)

Net Annual Remuneration:

"...the amount of the worker's annual remuneration minus the amount of the worker's annual deductions, determined in accordance with the regulations." (per S. 59 of the *Workers' Compensation Acts*)

Permanent Medical Impairment (PMI):

An impairment which remains after the passage of a sufficient period of time to allow maximum medical recovery, which is when further medical or surgical interventions will have negligible impact on restoration of function. The impairment must result from a compensable injury as determined by a WSCC Medical Advisor, using the most recent version of the *American Medical Association Guide to the Evaluation of Permanent Impairment*.

Partial Impairment (PI):

A partial reduction in physical, functional, mental or psychological abilities. The WSCC determines PI using the most recent version of the *American Medical Association Guide to the Evaluation of Permanent Impairment*.

Total Impairment (TI):

A total reduction in physical, functional, mental or psychological ability. The WSCC determines TI using the most recent version of the *American Medical Association Guide to the Evaluation of Permanent Impairment*. Subsection 41(4) of the *Workers' Compensation Acts* defines TI as:

- a) total and permanent loss of sight of both eyes;







Workers' Safety  
& Compensation Commission

ᐃᖃᑲᐱᐃᖃᑲᑎᐃᐅᐅ ᐃᐅᐅᐱᖃᑲᑎᐅ  
ᐃᐅᐅ ᐱᐅᐅᐅᐅᐅᐅᐅᐅ ᐅᑲᐅᐅᐅᐅᐅᐅᐅ

## PENSION ENTITLEMENT

The WSSCC pays an additional one time lump sum payment equal to 30 percent of the YMIR in the year of the worker's death, to assist a spouse immediately following a worker's death.

### *Additional Compensation for a Spouse Incapable of Earning a Living*

In accordance to subsection 48(1)(c) of the *Acts*, if a spouse is physically, functionally, mentally or psychologically incapable of earning a living, they may be entitled to additional compensation as considered appropriate by the WSSCC.

Circumstances that may create a need for additional compensation include but are not limited to:

- a surviving spouse who requires hospitalization and whose children require care in their absence; or
- a surviving spouse with a deteriorating medical condition.

All additional compensation is provided for goods or services and is not considered part of the existing pension. The WSSCC takes into account the financial loss caused by the worker's death as well as the medical requirements of the spouse when providing additional compensation.

Requests for additional compensation may be approved at the discretion of the Manager, Claims Services on a case-by-case basis. The Manager may consult with the WSSCC Medical Advisor, as necessary.

### *Entitlement for Multiple Spouses*

In accordance to subsection 48(4)(a) of the *Acts*, the primary surviving spouse is entitled to all compensation which a surviving dependent spouse is entitled under the relevant provisions in the *Acts*. The primary surviving spouse is the person considered to be a spouse in accordance to section 7 of the *Acts* on the day immediately preceding the day of the worker's death.

Any other surviving dependent spouse, in accordance to 48(4)(b) of the *Acts*, is entitled to a monthly pension equal to 3.08 percent of YMIR in the year of the worker's death, for a maximum of five years after the date of the worker's death or until that surviving spouse dies, whichever is earlier.

**PENSION ENTITLEMENT****Entitlement for a Deceased Worker's Dependent Children**

The child of a deceased worker who is under 19 years of age, receives a monthly pension equal to 0.625 percent of the YMIR in the year of the worker's death.

The monthly pension continues until the child is 19 years of age.

***Criteria for Continuation of a Pension for Child Enrolled in an Academic Institution***

The monthly pension may continue after the age of 19 as long as the child is enrolled in an academic institution and meets the requirements of the academic institution they are attending or are enrolled in full-time studies as established by the academic institution.

The WSCC will terminate entitlement to a child's pension once the child is granted a university degree or college diploma for the first time or completes a course of technical or vocational training, whichever occurs first.

Dependent children 19 years of age or older who withdraw from school may re-establish entitlement to compensation if they return to school after an absence of one semester or less.

The WSCC may, at any time, request confirmation of academic progress and enrollment in an academic institution.

***A Child Incapable of Earning a Living***

In accordance to subsection 11(1)(d), a dependent child, of any age, of the deceased worker is provided a pension for as long as they are not physically, functionally, mentally or psychologically capable of earning a living. The WSCC may provide additional compensation in addition to their base pension.

Circumstances that may create a need for additional compensation include but are not limited to:

- increased medical costs in relation to their functional abilities;
- deterioration in medical condition;
- equipment costs;
- need for specialized aids, such as hearing aids, wheelchairs, leg and arm braces, or voice amplifiers;
- need for special services such as tutors or sign language interpreters; or

**PENSION ENTITLEMENT**

- need for the services of an attendant or placement in an institution.

Requests for additional compensation are approved at the discretion of the Manager, Case Management and Pensions, on a case-by-case basis. The Manager may consult with the WSCC Medical Advisor, as necessary.

**Entitlement to a Person Responsible for a Child**

The WSCC shall pay a monthly pension to any person who assumes full or shared responsibility for a child of a deceased worker where there is no surviving dependent spouse or the surviving dependent spouse is deemed to be not properly caring for the child. The amount of the pension is equal to the amount the dependent spouse would have received.

If two or more persons assume full or shared responsibility for a child of the deceased worker, compensation is divided among them in proportion to their share of responsibility for the child. The person responsible for the child of the deceased worker will continue to be entitled to a monthly pension until the child reaches 19 years of age.

**Entitlement for Dependent Family Members**

Dependant family members of a deceased worker may be entitled to a pension when there is no entitlement for compensation from:

- a dependent spouse;
- a child; or
- the person who assumes full or shared responsibility for the deceased worker's dependent child.

Pension entitlement to a dependent family member is based on the financial support the dependent family member would have expected to receive had the worker not suffered the workplace fatality, up to a maximum of 3.08% of YMIR for the year in which the fatality took place.

**Entitlement to Other Expenses**

The WSCC pays for the funeral expenses in accordance to the amount outlined in the Northwest Territories and Nunavut *Workers' Compensation General Regulations*. If the death of a worker occurred away from their last usual place of residence within Canada, the WSCC will cover the expense of transporting the worker's body back to their usual place of residence.





**Workers' Safety  
& Compensation Commission**

ᐃᖃᐅᐱᐱᖃᐅᐱᐅᐅ ᐃᐅᐅᐱᐅᐅᐅᐅ  
ᐃᐅᐅ ᐱᐅᐅᐅᐅᐅᐅᐅᐅ ᐅᐅᐅᐅᐅᐅᐅᐅᐅ

## **PENSION ENTITLEMENT**

### **Pre-1977 Claims**

Prior to January 1, 1977, private insurers provided workers' compensation to employers operating in the Northwest Territories. Insurers operating from 1953 to 1976 provided coverage up to the maximum established under legislation. In cases where the claim costs exceeded this maximum, legislation required the employer to assume the extra costs.

Costs of a worker's pension are paid by the Workers' Protection Fund when a worker is entitled to pre-1977 benefits and their employer no longer operates and cannot pay the costs of the pension.

### **Lump Sum Payments to Pre-1985 Surviving Spouses**

A surviving dependent spouse whose pension was terminated upon marriage is eligible for a one-time lump sum special payment if they:

- received or were entitled to receive compensation for the death of a spouse prior to April 17, 1985;
- married after the death of a spouse in a pre-April 17, 1985 work-related incident;
- are living on the date the application for a one-time lump sum special payment is made to the WSSCC;
- discontinue or consent to discontinue any application challenging the constitutionality of section 85.1 of the *Workers' Compensation Acts* R. S.N.W.T. 1988, c.w.6 as amended.;
- apply to the WSSCC for the lump-sum payment;
- provide a statutory declaration stating that they are a surviving spouse of a deceased worker and that they previously received or were entitled to receive compensation for the death of the worker; and
- provide a release to the WSSCC acknowledging the lump-sum payment is in lieu of any other compensation to which the spouse may be entitled.

The one time lump-sum payment is calculated using the following formula:

**Lump-Sum Payment = (Surviving Spouse's Claims Costs from April 17, 1985 to Date of Lump-Sum Payment Application + Capitalized Future Claims Costs) x 0.355.**









## **PENSION CONVERSIONS AND ADVANCES**

### ***Pension Conversions for Workers with Impairments Greater Than 10 Percent***

A worker can request a full or partial pension conversion when their impairment is greater than 10 percent. A monthly pension totalling the remainder of the pension is paid to the worker when a partial conversion is approved. A worker stops receiving a monthly pension and any future increases to that pension when a full conversion is approved.

Pension conversions are permanent and cannot be converted back to a monthly pension.

The Vice President WSCC Northwest Territories may approve an application for a full or partial pension conversion when:

- the conversion does not put the worker's ability to pay for every-day expenses and on-going financial obligations at risk;
- the worker has a viable and stable source of income, such as investments, a business venture or earnings from other employment. If the stable source of income is from other employment, the worker must:
  - have at least at least five years stable employment history;
  - be in good health considering present age, occupation and employment; and
  - not have an injury that physically prevents the worker from continuing employment; and
- the worker identifies a specific purpose for the conversion. Applicants may request for conversions to be paid directly to the supplier of goods and services; and
- the worker provides documentation supporting their long-term financial viability.

### ***Reporting Pension Conversions***

The President reports all approved pension conversions for impairments greater than 10 percent to the Governance Council quarterly.

### ***Additional Impairment***

If an additional impairment has been awarded for the same injury or disease, requests for conversions are automatically granted up to a total impairment of 10 percent or less. Any additional impairment over 10 percent is subject for approval as outlined in the section *Pension Conversions for Workers with Impairments Greater Than 10 Percent*.



**PENSION CONVERSIONS AND ADVANCES**

**Pension Advances**

The WSCC may advance sums against a worker’s pension, to a maximum of one year’s pension income. The Manager, Case Management and Pensions approves pension advances.

The WSCC reviews requests for pension advances and ensures the advance does not jeopardize the worker’s ability to meet day to day expenditures or on-going financial obligations.

The WSCC does not advance a sum against a worker’s pension if they are currently paying back a previous advance.

Advances are for the purchase of specified goods or services. Advances may be requested to be paid directly to the supplier of goods and services. When an advance is approved and paid, the worker’s pension payments are put on hold until the advance is recovered.

If a worker dies before repaying an advance, the WSCC may recover all monies advanced past the date of death from the estate. The Vice President WSCC Northwest Territories considers the recovery amount and cost before seeking monies from the estate.

**LEGISLATIVE AUTHORITIES**

- |   |                    |
|---|--------------------|
| Northwest Territories <i>Workers’ Compensation Act:</i> | Section 43; 55; 56 |
| Nunavut <i>Workers’ Compensation Act:</i>               | Section 43; 55; 56 |

**POLICY RELATED DOCUMENTS**

- |              |  |
|--------------|--|
| Policy 06.01 | Pension Entitlement                    |
| Policy 06.03 | Calculation of Impairment Compensation |

**HISTORY**

- |                          |   |
|--------------------------|---|
| Policy 06.02 (Feb 10/20) | Pension Conversions and Advances (Non-Substantive Change) |
| Policy 06.02 (Jun 13/14) | Pension Conversions and Advances (Non-Substantive Change) |
| Policy 06.02 (Mar 27/12) | Pension Conversions and Advances                          |



Workers' Safety & Compensation Commission

ᐃᖃᑲᐱᐃᖃᑲᑎᐃᑦ ᐃᑦᑕᐱᖃᑲᑦ  
ᐃᑦᑕᐱᖃᑲᑦ ᐃᑦᑕᐱᖃᑲᑦ ᐃᑦᑕᐱᖃᑲᑦ

**PENSION CONVERSIONS AND ADVANCES**

Policy 06.02 (Sep 25/08)	Pension Conversions and Advances
Policy 06.02 (Dec 5/03)	Lump Sum Payments and Advances on Pensions
Policy 06.02 (Aug 31/01)	Lump Sum Payments and Advances on Pensions
Policy 06.02 (Jan 18/01)	Lump Sum Payments and Advances on Pensions
Policy 06.02 (Oct 26/95)	Lump Sum Payments and Advances on Pensions
Policy 3.003 (Dec 15/93)	Commutation of Pensions and Lump Sum Payments

\_\_\_\_\_  
Chairperson









## CALCULATION OF PERMANENT IMPAIRMENT COMPENSATION

**Total Impairment (TI):** A total reduction in physical, functional, mental or psychological ability. The WSCC determines TI using the *American Medical Association Guide to the Evaluation of Permanent Impairment*.

Subsection 41(4) of the *Workers' Compensation Acts* deems the following conditions as TI:

- total and permanent loss of sight in both eyes;
- the loss of both feet at or above the ankle;
- the loss of both hands at or above the wrist;
- the loss of one hand at or above the wrist and one foot at or above the ankle;
- the permanent and complete paralysis of both legs or both arms or one leg and one arm; or
- any injury to the head resulting in an incurable and incapacitating reduction of mental abilities.

**Year's Maximum Insurable Remuneration:**

“... a prescribed maximum remuneration for any year for the purposes of determining:  
(a) the compensation payable to workers or to a harvester of wildlife deemed to be a worker under section 5(1), and  
(b) the assessable payroll of employers for the year.” (per ss. 1(1) of the *Workers' Compensation Acts*).

## POLICY

### General

There are two categories of impairment compensation:

- partial impairment (PI); and
- total impairment (TI).



The WSCC considers an injury or disease an impairment if permanent physical, functional, mental or psychological abnormality or loss remains once the worker reaches maximum medical recovery.

## Calculation of Impairment Compensation

The calculation of impairment compensation requires a worker's annual and net remuneration, which are determined in accordance to Policy 00.10, Determining Annual Remuneration. A Stage Two wage calculation must be carried out for a seasonally or partially employed worker.

### *Total Impairment Compensation*

The WSCC pays a Basic Pension Benefit to a worker who suffers Total Impairment (TI) based on 90% of the worker's Net Monthly Remuneration and is calculated as follows:

$$\text{Basic Pension Benefit for TI} = 90\% \times \text{Net Monthly Remuneration},$$

If a worker's monthly TI pension is less than 2.75% of the YMIR for the year of their injury, the WSCC increases their compensation payment to the lower of either 100% of the worker's Net Monthly Remuneration, or 2.75% of YMIR.

### *Partial Impairment Compensation*

The WSCC pays a Basic Pension Benefit to a worker who suffers a Partial Impairment (PI) based on 90% of the Worker's Net Monthly Remuneration multiplied by their PMI Rating. The WSCC determines and assigns the worker's PMI Rating using the *American Medical Association Guide to the Evaluation of Permanent Impairment (AMA)*.

$$\text{Basic Pension Benefit for PI} = 90\% \times \text{Net Monthly Remuneration} \times \text{PMI Rating}$$

### *Impairment Adjustment*

The WSCC may adjust a TI or PI to reflect a change in the worker's compensable condition if medical evidence supports either an improvement or deterioration. This may increase or decrease the Basic Pension Benefit amount.

## **CALCULATION OF PERMANENT IMPAIRMENT COMPENSATION**

### **Additional Compensation**

#### *Criteria*

In accordance to subsection 43 (a) and (b) of the *Workers' Compensation Acts* (the *Acts*), the WSCC may pay an injured worker additional compensation if the WSCC determines the Basic Pension Benefit is significantly inadequate because:

- the worker's injury or disease results in a loss of earning capacity that is greater than the permanent impairment compensation the worker is entitled to; or
- the worker's Net Annual Remuneration before their injury did not fairly represent the worker's probable earning capacity.

The WSCC may request a worker participate in a vocational rehabilitation program to develop or redevelop employment capabilities before the WSCC considers additional compensation.

When there is a change in the worker's condition, the WSCC may review, reassess, or terminate an injured worker's additional compensation. The WSCC will review the worker's entitlement to additional compensation at least once every 24 months.

Additional compensation is available until the worker is eligible for a Government of Canada Old Age Security (OAS). If the worker is approved for additional compensation when they are already eligible for OAS, or two or less years before their eligibility, additional compensation is available for up to 24 months.

Additional compensation is approved by the Vice President WSCC Northwest Territories. Each case will be judged on its own merits and justice.

#### *Calculating Adjusted Pension*

Adjusted pensions are calculated for workers approved for additional compensation.

The worker's adjusted pension is calculated through adjustments to the worker's assigned PMI Rating. Adjustments to the PMI Rating are dependent on the worker's employment once they reach MMR and are calculated as follows:



## CALCULATION OF PERMANENT IMPAIRMENT COMPENSATION

The worker has Partial Impairment and is unable to fully return to pre-injury or other comparable employment because of their impairment, but is able to return to suitable employment:

$$\text{Adjusted PMI Rating} = \text{Assigned PMI Rating} \times 1.5$$

The worker has Partial Impairment, but they are not employable in any capacity in the future, as confirmed by the AMA Guide:

$$\text{Adjusted PMI Rating} = \text{Assigned PMI Rating} \times 2.0$$

Additional adjustment to the PMI Rating, for the purposes of calculating the adjusted pension payable, may be considered in exceptional circumstances by the VP WSCC Northwest Territories. Each case will be judged on its own merits and justice.

The Adjusted PMI Rating for the purposes of calculating the Adjusted Pension Benefit cannot exceed 100%.

The calculation of the Adjusted Pension Benefit is as follows:

$$\text{Adjusted Pension Benefit} = \frac{90\% \times \text{Net Monthly Remuneration}}{\text{Adjusted PMI Rating}}$$

The combined total of the worker's pension benefits, and any other form of remuneration cannot exceed 90% of the worker's Net Monthly Remuneration.

### Supplementary Pension Increase (SPI)

The Supplementary Pension Increase (SPI) is an adjustment the WSCC makes to an existing pension to maintain the purchasing power of that pension. The increase is indexed to the average Canadian Consumer Price Index (CPI) from July to June of each year.

The SPI is calculated as follows and is capped at a 4% increase annually. The Governance Council maintains the discretion to exceed the cap up the full CPI increase as calculated below.

$$\text{SPI for January of year } X = \left[ \left( \frac{12 \text{ month average CPI [July of year (X - 2) to June of year (X - 1)]}}{12 \text{ month average CPI [July of year (X - 3) to June of year (X - 2)]} \right) - 1 \right] \times 100$$

Where: X = Year for Determination

 <b>Workers' Safety</b> & Compensation Commission	ᐱᓕᓕᓕᐱᓕᓕᐱᓕᓕᐱᓕᓕ ᐱᓕᓕᓕᐱᓕᓕᐱᓕᓕᐱᓕᓕ
<b>CALCULATION OF PERMANENT IMPAIRMENT COMPENSATION</b>	

The WSCC rounds a positive value SPI to the nearest hundredth of a percentage and it considers a negative value to be zero (0). When the SPI is zero (0), the pension payment amount does not increase.

Increases are applied to all existing pensions on January 1<sup>st</sup> annually.

## Other Considerations

### *Disability Compensation for Recurrence of Original Injury or Disease*

A worker receiving a partial impairment pension that suffers a recurrence of the original injury, and results in either a partial disability (PD) or total disability (TD), may be entitled to additional compensation. The compensation amount is equal to the compensation payable for their PD or TD less their monthly partial impairment pension adjusted for the SPI.

The WSCC determines disability compensation for the recurrence of an original injury or disease using the net monthly remuneration in either the year the original injury or disease occurred, or the year the worker suffered the disability, whichever is greater.

In the case of workers who chose a lump sum pension payment rather than receiving a monthly pension, the WSCC:

- calculates the amount the lump sum would be as a monthly payment;
- includes all SPI's applied to the monthly payment in the adjustment; and
- deducts the monthly payment amount from the disability compensation.

## LEGISLATIVE AUTHORITIES

Northwest Territories <i>Workers' Compensation Act</i> :	Sections 41; 42; 43; 44; 45
Nunavut <i>Workers' Compensation Act</i> :	Sections 41; 42; 43; 44; 45
Northwest Territories <i>Workers' Compensation General Regulations</i> :	Sections 1; 10
Nunavut <i>Workers' Compensation General Regulations</i> :	Sections 1; 10





Workers' Safety  
& Compensation Commission

ᐱᖃᑲᐱᐱᓴᖃᑲᑲᐱᓄᑦ ᐱᑦᑕᑕᐱᖃᑲᑲᑲᑲ  
ᐱᓴᓴ ᐱᑦᑕᑕᐱᖃᑲᑲᑲᑲᑲ ᖃᑲᐱᑲᓴᖃᑲ

**CALCULATION OF PERMANENT IMPAIRMENT COMPENSATION**

Policy 06.03 (Jan 1/04)	Calculation of Permanent Compensation, Non-substantive changes (Governance Council)
Policy 06.03 (Oct 23/03)	Calculation of Permanent Compensation
Policy 03.07 (Oct 31/02)	Calculation of Compensation Benefits
Policy 03.07 (Apr 19/01)	Calculation of Compensation Benefits
Policy 03.07 (Apr 21/99)	Calculation of Compensation Benefits
Policy 03.07 (Jul 16/98)	Calculation of Compensation Benefits
Policy 03.07 (Oct 1/95)	Calculation of Compensation Benefits
Policy 06.01 (Aug 31/01)	Pension Entitlement
Policy 06.01 (Apr 21/99)	Pension Entitlement
Policy 06.01 (Jan 1/96)	Pension Entitlement
Policy 2.002 (Sep 15/94)	Supplementary Pension Increase
Policy 20-07-02 (Jan 87)	Compensation Calculation (Y.M.I.R.)
Policy 20-07-03 (Feb 21/90)	Minimum Compensation
Policy 20-07-04 (Dec/81)	Temporary Rates
Policy 20-07-05 (Dec/81)	Casual Worker
Policy 20-07-06 (Dec/81)	Concurrent Employment
Policy 20-07-07 (Dec/81)	Calculations for Two or More Jobs
Policy 20-07-10 (Dec/81)	Deductions from TTD Re: Maximum Compensation
Policy 20-07-11 (Dec/81)	Temporary Partial Disability
Policy 30-03-13a (Aug 03/93)	Acceptance of Personal Optional Coverage
Policy 5.001 (Jan 20/93)	Board and Lodging
Regulation C-16 (Nov 5/79)	Calculation – Total Disability Benefits
Directive D-5 (Mar 28/77)	Workers Injured While Employed on Tour of Duty

Chairperson





## POLICY STATEMENT

Information obtained by the Workers' Safety and Compensation Commission (WSCC) about employers, and workers or their dependents through the administration of legislation and workplace inspections and investigations is confidential. The WSCC may release information under the authority of the Northwest Territories and Nunavut *Workers' Compensation Acts*, and in accordance with the Northwest Territories and Nunavut *Access to Information and Protection of Privacy (ATIPP) Acts*.

## DEFINITIONS

- Claimant: "... a person claiming compensation;" (per ss. 1(1) of the Workers' Compensation Act(s)).
- Claim File: A claimant's complete electronic and paper file maintained by the WSCC.
- Confidential Information: Any information acquired under the legislation administered by the WSCC.
- Employer: "...  
(a) any person or entity that employs one or more other persons under a contract of service;  
(b) any person or entity whom the Commission determines is responsible for performing the obligations of an employer under paragraph 6(2)(d)." (ss. 8(1) and 8(1.1) of the *Workers' Compensation Act(s)*).
- Personal Information: "... information about an identifiable individual, including  
a) the individual's name, home or business address or home or business telephone number,  
b) the individual's race, colour, national or ethnic origin or religious or political beliefs or associations,  
c) the individual's age, sex, sexual orientation, marital status or family status,  
d) an identifying number, symbol or other particular assigned to the individual,

	<b>Workers' Safety</b> & Compensation Commission	ᐃᖃᑲᐱᐃᖃᑲᑎᐃᑦ ᐃᑦᑕᐱᖃᑲᑦ ᐃᑦᑕᐱᖃᑲᑦ ᐃᑦᑕᐱᖃᑲᑦ
<b>ACCESS TO WORKERS' SAFETY AND COMPENSATION          COMMISSION INFORMATION</b>		

- e) the individual's fingerprints, blood type or inheritable characteristics,
- f) information about the individual's health and health care history, including information about a physical or mental disability,
- g) information about the individual's educational, financial, criminal or employment history
- h) anyone else's opinions about the individual,
- i) the individual's personal opinions, except where they are about someone else" (s. 2 of the *Access to Information and Protection of Privacy Acts*).

Relevance

Having some reasonable connection with, and some value or tendency to prove or disprove a matter of fact significant to an issue.

Representative:

An individual or entity acting on behalf of a claimant, employer or other related party. Includes:

- a claimant's legal counsel;
- the Workers' Advisor;
- a union or workers' association official; and
- any other person a claimant or employer designates to represent them.

## **POLICY**

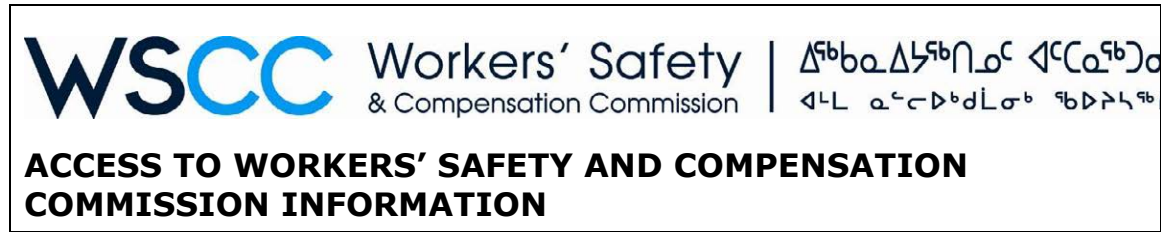
### **General**

The WSCC provides information to claimants, employers and other applicants, under the authority of the Northwest Territories and Nunavut *Workers' Compensation Acts* and the *Access to Information and Protection of Privacy Acts*.

Requests for information in the custody and control of the WSCC must be made in writing and must be signed by the person requesting the information.

This policy describes when and how the WSCC provides information to claimants, employers, and other individuals without needing to submit an access to information request under authority of the *ATIPP Acts*. This policy also outlines situations where individuals or employers must submit an access to information request under the





Employers may authorize representatives to make information requests on their behalf. Authorizations for representative access must be made in writing and signed by the employer. Authorizations for representative access will remain in effect until the employer writes to the WSCC requesting that the representative no longer have access.

### *Employer Access to Claimant Information*

Section 25(5) of the *Workers' Compensation Acts* permits the employer to receive reports about their workers' progress. This information is provided to the employer in the form of a progress report, such as a *Functional Abilities Form*.

Section 164 of the *Workers' Compensation Acts* requires the WSCC to provide certain information to an employer upon request. This information includes information related to the cause of a claim for compensation (e.g. what incident caused a workplace injury), the disposition of that claim (e.g. if a claim is open or closed), the recovery of the worker (e.g. updates regarding a worker's functional abilities or expected duration of disability) and any vocational rehabilitation of the worker.

### *Employer Access to Employer Information*

Employers may access all information that is generated by the WSCC in the management of their payroll and assessment accounts, with the exception of any third party personal information or any information of a third party as listed in section 24 of the *ATIPP Acts*. Employers may access this information by sending a written request to the WSCC.

If an employer wishes to obtain third party personal information or any information as listed in section 24 of the *ATIPP Acts*, the employer must submit an access to information request to the ATIPP Coordinator.

### *Employer Access to Information Pertaining to a Review or Appeal*

The WSCC will disclose any information that it considers relevant to an issue under review by the WSCC Review Committee when the employer is a party to the review. The process for an employer or claimant to request a review of a decision is outlined in Policy 08.01, Reviewing Decisions.

The Appeals Tribunal will disclose information that it considers relevant to an appeal when the employer is a party to the appeal.



## **Safety Inspection and Investigation Report Information Disclosure**

All information contained in Inspection and Investigation Reports made under the *Safety Acts* is confidential. Any request for Inspection and Investigation Reports made under the *Safety Acts* must be submitted through an access to information request to the ATIPP Coordinator. Confidential information contained within Inspection Reports is managed according to relevant legislation, including the *Safety Acts*.

## **Disclosure to Government Departments and Agencies**

The WSCC may enter into agreements with government departments or agencies as required by federal or territorial legislation, to access relevant information. Section 48 of the *ATIPP Acts* and Section 95 of the *Workers' Compensation Act(s)* detail the authorities allowing for the provision of this information.

## **Disclosure Requests from Other Individuals**

In addition to claimants, employers, and government bodies and agencies that may request information, other individuals may also request disclosure of information that is in the custody and control of the WSCC. This section details specific instances that the WSCC regularly encounters. All other scenarios not contemplated here are managed according to relevant legislation.

### *Media*

Any media requests that include the WSCC releasing personal information or the identification of business information, must be submitted through an access to information request to the ATIPP Coordinator.

### *Auditors*

The WSCC may disclose personal information to the Auditor General of Canada (OAG) or other prescribed person for audit purposes, in accordance to the ATIPP Acts.

### *Contracted Legal Counsel*

Under the authority of the *ATIPP Acts*, the WSCC may release information to its legal counsel for the provision of legal advice and other services. Any opinions resulting from such counsel is privileged and confidential.





 <b>Workers' Safety</b> & Compensation Commission	ᐃᖃᑲᐱᐃᕐᖃᑲᑲᑦ ᐃᕐᕐᕐᕐᕐ ᐃᕐᕐᕐᕐ ᐱᕐᕐᕐᕐᕐᕐᕐᕐ ᕐᖃᕐᕐᕐᕐᕐ
<b>ACCESS TO WORKERS' SAFETY AND COMPENSATION COMMISSION INFORMATION</b>	

Board Directive 1.004D (Jul  
22/92)

Authorization of Representatives

---

Chairperson











## Personal Information Privacy Protection

### *Principle 9 - Individual Access*

Upon request, an individual must be informed of the existence, use, and disclosure of their personal information and be given access to that information. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

### *Principle 10 - Challenging Compliance*

An individual shall be able to challenge an organization's compliance with the above principles.

## Protection of Privacy

The WSCC requires all staff and stakeholders to protect the privacy of personal information acquired under the legislation that the WSCC administers. Any collection, use or disclosure of information contrary to this Policy is prohibited. Parties required to protect privacy of personal information under the Acts include, but is not limited to: WSCC employees, Governance Council directors, Employers, Authorized Representatives of claimants or employers, and Contractors that the WSCC has entered into contractual relations with.

### *Safeguards*

The WSCC will protect the personal information it collects and uses by making reasonable security arrangements, which include technical, administrative and physical safeguards to mitigate risks such as loss, theft or unauthorized access, collection, use, disclosure, disposal or modification of personal information.

The WSCC determines when it is appropriate to verify personal information through identification measures. The WSCC is responsible for retaining, transferring and disposing of personal information in accordance with the Archives Acts of the Northwest Territories and Nunavut.

The WSCC has internal policies and procedures to ensure effective management of privacy matters covering topics such as breach management, file transfers, records management, and information security.

The WSCC is responsible for making reasonable efforts to ensure that WSCC staff, claimants, employers, health care providers, and authorized representatives are aware of the legislation, this policy, and procedures that provide the foundation for protecting personal information.





Workers' Safety  
& Compensation Commission

ᐃᕐᑲᑲᑦ ᐃᕐᕐᕐᑲᑲᑦ ᐃᕐᕐᕐᑲᑲᑦ  
ᐃᕐᕐᕐᑲᑲᑦ ᐃᕐᕐᕐᑲᑲᑦ ᐃᕐᕐᕐᑲᑲᑦ

## Personal Information Privacy Protection

- In instances, where collection from the individual may not result in accurate information being received to verify the eligibility of an individual to participate in a program or receive a benefit established under the Acts, the WSCC may collect this information from a third party; or,
- The information is collected for the purpose of investigating an offence under the Acts, or other law enforcement purpose; or,
- The information is collected for the purpose of collecting a fine or a debt owed to the WSCC.

Examples of the types of personal information that the WSCC collects include, but are not limited to:

- An injured worker's name, phone number, and address;
- Description of incident;
- Employer information;
- Earnings information;
- Medical information specific to the work-related injury/disease; and/or
- Medical information specific to other conditions that may impact the work-related injury/disease.

The stakeholder is required to cooperate with the WSCC in order to ensure that the required information is provided or made available through authorized consents or other means of requesting the required information.

If a claimant is considered to have willfully failed to provide information that the WSCC requires in order to decide a matter related to their claim, the WSCC may reduce, suspend or terminate compensation to the claimant, in accordance with Policy 04.01, Payment of Compensation.

If an employer fails to provide information that the WSCC requires, the employer may be subject to a penalty.

## Notification to Claimant

The ATIPP Acts permit the WSCC to collect, use and disclose personal information necessary to administer the Workers' Compensation Acts. When the WSCC requires the collection of personal information, it will inform the individual who the information is about of the following:

- the purpose for collecting the information;
- the specific legal authority that allows the WSCC to collect the information; and,







Workers' Safety  
& Compensation Commission

ᐃᕐᕐᕐᕐᕐᕐᕐᕐᕐᕐᕐᕐ  
ᐃᕐᕐᕐᕐᕐᕐᕐᕐᕐᕐᕐᕐ

## Personal Information Privacy Protection

The WSCC will promptly remove any irrelevant or inaccurate unsolicited information identified on a stakeholder's file, and will destroy unsolicited information and dispose of it in accordance with WSCC's records management policies when:

- the unsolicited information is determined to be inaccurate;
- the accuracy of the unsolicited information cannot be determined; or
- the unsolicited information is determined to be irrelevant to the administration of the stakeholder's file.

Where unsolicited information includes accurate and relevant information, as well as information that is either inaccurate or irrelevant, only the relevant and accurate information is retained.

Where unsolicited information is obtained from an identifiable source, the identified source will be advised that the information may be disclosed to the stakeholder. If the identified source wishes to remain anonymous, the information will be treated as anonymous information.

## Use of Personal Information

The WSCC may use personal information:

- only for the purposes for which that information was collected or compiled or for a use consistent with that purpose;
- if the individual the information is about has consented to its use; or,
- for a purpose for which the information was lawfully disclosed to the WSCC under the ATIPP Act.

Where the WSCC uses an individual's personal information to make a decision that directly affects that individual (e.g. a decision regarding claim entitlement), the WSCC will make every reasonable effort to ensure that the information is accurate and complete. In addition, the WSCC will retain that information in accordance with established retention schedules, and for at least one year after collection to provide the individual a reasonable opportunity to access the information.

Personal information provided to the WSCC will only be available to, and used by, those who require access to a particular person's personal information for the purpose of administering that person's file. Note that persons other than the decision maker assigned to an individual's file may require access to that individual's personal information from time to time, as necessary in accordance with their job duties. For example, the ATIPP Coordinator in the case of a privacy breach, an Internal Auditor with respect to an audit, or a Claims Supervisor/Manager for purposes of verification or quality assurance, etc.



## **Personal Information Privacy Protection**

WSCC employees who access or use personal information (e.g. unauthorized viewing) while not having formal authorization will be subject to disciplinary action.

### *Confidentiality and Conflicts of Interest*

A claimant or employer may request that the WSCC assign their file to another WSCC employee if there are confidentiality or conflicts of interest concerns with the person assigned to their file (e.g. decision maker is related to the claimant), which has not been already addressed by the WSCC employee in question.

Claimants/employers should direct their concern to a manager in the division that is making a decision on their file

### **Right of Correction**

Individuals have a right of access to, and a right to request correction of, personal information about themselves held by the WSCC.

### **Disclosure of Personal Information**

The disclosure of personal information collected by the WSCC will be done in accordance with Policy 07.01, Access to Workers' Safety and Compensation Commission Information, and/or the Access to Information and Protection of Privacy Act.

### **Complaints, Compliance, and Review**

The WSCC follows this policy, applicable legislation, and internal procedures to effectively manage and secure personal information.

If a stakeholder identifies an error or privacy breach regarding their personal information, or has a concern with the way the WSCC has their handled personal information, the stakeholder should notify the WSCC immediately so that the matter can be addressed.

The WSCC takes privacy matters very seriously, and, where appropriate, will address any concerns/complaints in a timely fashion.

The WSCC must report any serious privacy breaches to the applicable Territorial ATIPP Office, and the Information and Privacy Commissioner.


**Personal Information Privacy Protection**

An individual may request the Information and Privacy Commissioner of the Northwest Territories, or Nunavut, whichever is most applicable and/or appropriate, to review whether the WSCC has collected, used, or disclosed their personal information in contravention of the Access to Information and Protection of Privacy Act.

**LEGISLATIVE AUTHORITIES**

Northwest Territories, <i>Health Information Act</i>	Section 1(1)
Northwest Territories, <i>Access to Information and Protection of Privacy Act</i>	Sections 2; 40; 41; 42, 43
Nunavut, <i>Access to Information and Protection of Privacy Act</i>	Sections 2; 40; 41; 42, 43
Northwest Territories, <i>Workers' Compensation Act</i>	Sections 25; 30; 1(1); 72(3)(d); 73(c); 81; 142(2)(b); 161; 162; 164(2); 166; and 167
Nunavut, <i>Workers' Compensation Act</i>	Sections 25; 30; 1(1); 72(3)(d); 73(c); 81; 142(2)(b); 161; 162; 164(2); 166; and 167
Northwest Territories, <i>Archives Act</i>	Sections 1, 5, 9
Nunavut, <i>Archives Act</i>	Sections 1, 5, 9
Northwest Territories, <i>Safety Act</i>	Section 11
Nunavut, <i>Safety Act</i>	Section 11

**POLICY RELATED DOCUMENTS**

Policy 07.01	Access to Workers' Safety and Compensation Commission Information
--------------	--

**HISTORY**

New Policy

---

 Chairperson







compensation will be handled in accordance with the provisions of Policy 04.01, Payment of Compensation.

Review Requestors dissatisfied with the Review Committee's decision may appeal to the Appeals Tribunal. Decisions of the Review Committee are considered final, unless reversed or varied by the Appeals Tribunal. The Appeals Tribunal is governed by the *Acts*, and the *Appeals Tribunal Rules of Procedure* when the appeal is submitted to the Northwest Territories' Appeals Tribunal.

### *Workers' Advisor*

The Workers' Advisor or Deputy Workers' Advisor, appointed under section 107(3) of the *Acts* operates independently of the WSCC. The Workers' Advisor may make representations on behalf of a claimant in support of their request for a review. The Workers Advisor is also able to provide advice or guidance to them on matters related to WSCC Policies, the review process, or the issues under review and make inquiry as to the status of any matter being reviewed, where the Workers' Advisor is acting as an authorized representative.

It is the Review Requestor's responsibility to contact the Office of the Workers' Advisor for assistance with their review and/or are requesting the Workers' Advisor to make a representation on their behalf.

### *Costs of a Review*

Any legal and/or professional fees related to a review are the review participant's responsibility.

Upon approval by the WSCC, the WSCC provides document translation and pays for required language interpretation at oral hearings.

## **Review Committee**

### *Requesting a Review*

The Review Committee is an internal committee established by the WSCC to conduct an impartial review of decisions made by the WSCC. All requests for review must be received, in writing, within three years of the date of the WSCC's original decision. If there is a justifiable reason for the delay, the Review Committee may grant an extension for the review request. A request for a review of a decision after three years from the date of decision, must also include the reason(s) why the request for review has





**REVIEWING DECISIONS**

- provide the new evidence to the WSCC employee who made the original decision, or the WSCC employee currently responsible for decision making on the account or file if the original decision-maker is no longer available, and ask that employee to reconsider the original decision.

New evidence must meet two basic criteria:

- it must be credible and relevant to the issue in question; and
- it must give new substantive information not previously available to the decision-maker that could affect the outcome of the decision.

Evidence is not new when it summarizes or reformats information previously considered by the previous decision maker.

The Review Committee member conducting a review is responsible for determining whether evidence, submitted as new evidence, is relevant, credible and substantive.

The Review Committee may accept any evidence, in any form, if it is determined to be relevant or have value in deciding on the issue under review. When new evidence is submitted during a review, the Review Committee member will share that evidence with all the participants of the review.

Participants in a review, or their authorized representatives, must present evidence and make submission that are directly relevant to the issue under review.

### *Hearing*

The Review Committee holds a documentary review, unless the Review Requestor indicates preference for an oral hearing. Participation in oral hearings may occur in person, by teleconference, or by videoconference. An in-person hearing may occur in Yellowknife or Iqaluit. The Review Committee chooses between these options in discussion with the review participants. The WSCC pays for the costs of teleconferencing or videoconferencing for an oral hearing. The WSCC does not reimburse Review Requestors, witnesses or other parties to the review for expenses incurred as a result of their participation in the Review Committee hearing, including, but not limited to: travel costs or lost wages due to time missed from work.

### *Medical Examination*

The Review Committee may require a Review Requestor to undergo a medical examination in order to reach a decision. The WSCC compensates workers who attend





medical examinations at the Review Committee's request for lost wages due to time missed from work. Compensation is at an amount equal to Total Disability benefits according to Policies 03.07, Calculation of Disability Compensation. This compensation is equal only to the time required in order to undergo the required medical examination.

The WSCC may also reimburse pre-approved costs for travel, meals and accommodation related to the required medical examination, as prescribed in the *General Regulations*, and Policy 04.02, Medical Aid and Associated Costs.

### *Decision*

When rendering a decision, the Review Committee applies the *Acts*, associated *Regulations* and WSCC polices that relate to the issue(s) under review.

The Review Committee's decisions are made according to the justice and the merits of the case, without being bound by its previous decisions.

The Review Committee provides a written decision to the Review Requestor within 50 business days of receiving the original request for review.

After reviewing documentary and oral evidence related to the issue under review, and applying relevant legislation and/or policy, the Review Committee renders a decision on the issue.

The Review Committee may confirm, reverse or vary the WSCC's original decision. Written decisions will include the reasons for the decision. When the Review Committee confirms an original decision, it results in the original decision being upheld. A reversal, results in the original decision being overturned. The Review Committee's decision may also vary the original decision, resulting in an outcome that differs from the original decision being confirmed or reversed.

Once the Review Committee releases its written decision of a review, the decision will be implemented as soon as is reasonably possible by the operating until but not longer than 10 business days from the date of the decision.

### *Deferrals*

A member of the Review Committee, or any other party to the review, may defer the review when reasonable, including but not limited to the following circumstances:

## **REVIEWING DECISIONS**

- substantive new information brought forward by a party to the review which requires an extension of time for review and response by other parties; clarification of issue(s) required by the Review Committee;
- resolution of preliminary issue(s) identified by the Review Committee;
- additional information required by the Review Committee; and
- Review Requestor indicates they are not ready to proceed with the review.

The deferral of a review may not be limited to a single occurrence, but may occur multiple times throughout the review process, if required.

When a review is deferred, the review process is interrupted. As a result, the 50 working-day timeline for the completion of a review will be suspended for the duration of the deferral(s).

If a deferral occurs, the reason for the deferral will be communicated to all the parties participating in a review.

### *Reconsidering a Review Committee Decision*

The Review Committee may initiate a reconsideration of a Review Committee decision on its own initiative, or by request by a claimant, employer or any other person. Each request for reconsideration is evaluated on a case by case basis taking into account:

- any new evidence;
- whether there were errors or omissions in the evidence considered in the previous decision;
- whether the previous decision was consistent with legislation and WSCC policy;
- whether the requestor has a direct interest in the subject matter of the previous decision; and
- whether the party requesting the reconsideration is dealing with the WSCC in good faith and is providing accurate, timely and complete information to the best of their ability when the request for a reconsideration of a decision is made.

Requests for reconsideration must be received by the Review Committee within 3 months from the date that the review decision was made. If a request for reconsideration is due to new evidence, the Review Committee member responsible for making the decision may exercise their discretion to accept the request for reconsideration beyond 3 months from



**W**SCC Workers' Safety & Compensation Commission | ᐃᖃᑲᐱᐃᖃᑲᑲᑲᑲ ᐃᑲᐱᖃᑲᑲᑲ  
ᐃᑲᐱ ᐱᑲᑲᑲᑲᑲᑲᑲᑲ ᖃᑲᑲᑲᑲᑲᑲ

**REVIEWING DECISIONS**

Policy 08.01 (Jun 10/16)	Reviewing Decisions
Policy 08.01 (Sep 11/12)	Reviewing and Appealing Decisions
Policy 08.01 (Sep 24/09)	Reviewing and Appealing Decisions
Policy 08.01 (Sep 25/08)	Reviewing and Appealing Decisions
Policy 08.01 (Feb 19/04)	Reviewing and Appealing Decisions
Policy 08.01 (Apr 01/99)	Decision Review
Policy 08.01 (Jul 24/97)	Decision Review
Policy 08.02 (Feb 14/96)	Decision Review: Appeals Tribunal
Policy 08.01 (Feb 14/96)	Decision Review: Review Committee
Policy 25-07-01 (Apr 04/91)	Provision of Right of Review
Policy 30-01-01 (May 1/89)	Employer Appeals
Policy 9.001 (Apr 21/93)	Re-imburement of Expenses/Wage Loss
Policy 20-03-02( Apr 21/93)	Re-imburement of Expenses/Wage Loss
Policy 25-08-02 (Apr 21/93)	Re-imburement of Expenses/Wage Loss

---

Chairperson



**W****S****C****C** Workers' Safety | ᐃᓴᑲᐱᐃᓴᑲᑲᑲᑲ ᐃᑲᑲᑲᑲᑲᑲ  
& Compensation Commission | ᐃᑲᑲ ᐱᑲᑲᑲᑲᑲᑲᑲᑲᑲ ᐃᑲᑲᑲᑲᑲᑲᑲᑲᑲᑲ

**SAFETY TRAINING**

## **POLICY STATEMENT**

The Workers' Safety and Compensation Commission (WSCC) is committed to eliminating workplace diseases and injuries by promoting workplace health and safety. The WSCC works to achieve this vision by ensuring that training required by Occupational Health and Safety (OHS) legislation meets the requirements of the WSCC, and that employers understand their responsibility for worker training.

## **DEFINITIONS**

Approved Agency:	An agency, or safety training provider, approved by the WSCC Chief Safety Officer to deliver specific safety training courses regarding the Northwest Territories and Nunavut <i>Occupational Health and Safety Regulations</i> .
Approved Course:	A safety training course that is either provided by an Approved Agency; approved by a certificate of the WSCC Chief Safety Officer; or, approved in a code of practice by the WSCC Chief Safety Officer and issued under subsection 18(3) of the <i>Safety Acts</i> .
Chief Inspector of Mines:	The person appointed by the WSCC to be the Chief Inspector of Mines under the authority of the <i>Mine Health and Safety Act(s)</i> .
Chief Safety Officer:	The person appointed by the WSCC to be the Chief Safety Officer under the authority of the <i>Safety Acts</i> .
Occupational Health and Safety Legislation:	The Acts and Regulations administered by the WSCC that concern occupational health and safety including the <i>Mine Health and Safety Act(s)</i> , <i>Safety Act(s)</i> , and <i>Explosives Use Act(s)</i> , and associated regulations.

 <b>Workers' Safety &amp; Compensation Commission</b>	
<b>SAFETY TRAINING</b>	

OHS Service Provider: A for-profit or non-profit organization providing OHS services to communities in the Northwest Territories or Nunavut.

Training: Training is instruction of how to do something. Training includes the application of knowledge in practical settings. Training ensures workers gain specific skills and are able to perform certain tasks.

## POLICY

### General

Under the authority of Occupational Health and Safety (OHS) legislation, the Chief Safety Officer and Chief Inspector of Mines approve specific training courses on behalf of the WSCC. The WSCC works with employers and third-party training providers to ensure that training required by OHS legislation is available.

### WSCC Approved Safety Training

Approved safety training has a practical purpose and ensures that workers obtain specific occupational health and safety skills and/or knowledge that are required by OHS legislation. The completion of required safety training courses ensures that workers gain specific skills and/or knowledge and are able to perform their work, and/or supervise the work of others safely.

Under OHS legislation, the WSCC is responsible for designating specific safety training courses as an Approved Course and/or specific providers as an Approved Agency. The WSCC Chief Safety Officer and Chief Inspector of Mines are required to approve the following under the regulations.

#### *Courses Approved Under the Occupational Health and Safety Regulations*

Courses requiring Chief Safety Officer approval under the *Occupational Health and Safety Regulations* include the following.

- First Aid Qualification
  - Level 1 Qualification
  - Level 2 Qualification



- Emergency Medical Technologist Training
- Supervisor Regulatory Familiarization

### **Approving Agencies and Courses**

In order to obtain status as an Approved Agency, or to have a course listed above designated as an Approved Course, a training service provider must apply to the Chief Safety Officer.

The WSCC maintains standards and processes that an organization or individual must meet before becoming an Approved Agency, or before a course becomes an Approved Course.

### **Monitoring and Auditing**

The WSCC reserves the right to undertake quality assurance monitoring or a quality assurance audit of an Approved Agency or an Approved Course to ensure that it meets the standards and processes required by the WSCC at the time the Agency or Course was originally approved.

### **Suspending or Removing Approval**

The Chief Safety Officer may suspend or remove approval of an Approved Agency or an Approved Course based on the results of monitoring or an audit showing that the Approved Agency or the Approved Course is not meeting the standards set by the WSCC.

### ***Courses or Certification Approved Under the Mine Health and Safety Regulations***

Courses or certification requiring approval by the Chief Inspector of Mines or a Panel created under authority of the *Mine Health and Safety Regulations* include the following.

- Supervisor's Certificate Level I
- Supervisor's Certificate Level II
- Shift Boss Certificate
- Mine Rescue Instructor
- Mine Rescue Certificate
- Supervisor Mine Rescue Certificate
- Blasters Certificate

### **Approving Courses**

In order to have a course listed above designated as an Approved Course, a course provider must apply to the Chief Inspector of Mines.



The WSCC maintains standards and processes that an organization or individual must meet before a course becomes an Approved Course.

### **Providing Certifications**

The Chief Inspector of Mines provides certifications for the completion of courses approved under the *Mine Health and Safety Regulations*.

### **Suspending or Removing Approval**

The Chief Inspector of Mines may suspend or remove approval of an Approved Course based on the results of monitoring or an audit showing that the Approved Course is not meeting the standards set by the WSCC.

### **WSCC Registry of Approved Agencies and Courses**

Once approved, information about Approved Agencies and Approved Courses is communicated to the public on the WSCC website.

### **Employer Responsibility**

Approved safety training does not replace an employer's responsibility for providing safety training specific to an employer's workplace or their obligations as outlined in OHS legislation.

Under the authority of OHS legislation employers are required to provide workplace training beyond that approved by the WSCC. This training is beyond the scope of this policy and is the responsibility of the employer to identify and provide. During worksite inspections and investigations, a Safety Officer or Mine Inspector may require proof of additional employer provided training.

### **Safety Training Provided by OHS Service Providers**

The WSCC may work with OHS service providers to promote and facilitate safety training that the WSCC does not provide. Training provided by the WSCC is limited to:

- Workplace Hazardous Materials Information System (WHMIS)
- Young Worker Certificate
- Mine Supervisor Certifications

*Policy 00.09, Occupational Health and Safety Funding Program*, outlines how the WSCC funds training for the promotion and facilitation of safety training.

## **LEGISLATIVE AUTHORITIES**

Northwest Territories *Workers' Compensation Act*:

Subsection 94(1)







## POLICY STATEMENT

The Workers' Safety and Compensation Commission (WSCC) makes decisions on claims for compensation and employers' accounts. Claimants or employers, who disagree with a decision, may request a review from the Review Committee. Appellants dissatisfied with the Review Committee's decision may appeal the decision to the Appeals Tribunal.

## DEFINITIONS

Appellant: The individual or organization requesting the appeal of a decision.

## POLICY

### General

The Northwest Territories and Nunavut *Workers' Compensation Acts (Acts)*, subsection 117(2) establishes the Appeals Tribunal as independent from the WSCC. An appeal under the *Acts* is a process external to the WSCC. The Appeals Tribunal possesses the exclusive jurisdiction to hear appeals concerning decisions made by the WSCC Review Committee, concerning claims or employer accounts. Only decisions made by the WSCC Review Committee can be appealed to the Appeals Tribunal. The Appeals Tribunal also has exclusive jurisdiction to determine whether a person is immune from action under section 63 of the *Acts*.

### The Appeals Tribunal

The Appeals Tribunal is governed by the *Acts* and applicable Regulations including the *Appeals Tribunal Rules of Procedure*.

Claimants and employers or their representatives may request an appeal of a Review Committee decision to the Appeals Tribunal. A request to appeal a Review Committee decision must be made in writing to the Appeals Tribunal no more than three years after the day of the Review Committee's decision. An extension may be provided if the Appeals Tribunal considers there is a justifiable reason for the delay.

Once the Appeal Tribunal releases its written decision of an appeal, the decision will be implemented as soon as is reasonably possible by the WSCC operating unit.







**APPEALING DECISIONS**

Nunavut *Workers' Compensation Act*: Sections 63; 114(2); 117; 119; 126; 128; 129; 130; 131; 132; 133

Northwest Territories *Public Inquiries Act*:

Nunavut *Public Inquiries Act*:

*Appeals Tribunal Rules of Procedure*

**POLICY RELATED DOCUMENTS**

Policy 08.01                                  Reviewing Decisions

**HISTORY**

- Policy 08.02 (Jun 10/16)                  Appealing Decisions
- Policy 08.02 (Sep 14/11)                Rehearing an Appeal
- Policy 08.02 (Sep 25/08)                Rehearing an Appeal

\_\_\_\_\_ Chairperson


Workers' Safety  
& Compensation Commission
| ᐱᖃᑲᐱᐱᖃᑲᑲᐱᐱ ᐱᐱᐱᐱᐱᐱ
ᐱᐱᐱ ᐱᐱᐱᐱᐱᐱᐱᐱᐱᐱ ᖃᑲᐱᐱᐱᐱᐱᐱᐱᐱᐱ

**PRIORITIZING WORKSITE INSPECTIONS**

**POLICY STATEMENT**

The Workers' Safety and Compensation Commission (WSCC) inspects and investigates worksites across the Northwest Territories and Nunavut to ensure safe work.

The WSCC prioritizes worksite inspections; ensuring that industries, employers, and worksites, with a greater likelihood for work-based injury or illness are the priority for inspections.

This policy provides guidance for prioritizing worksite inspections to efficiently use the financial and human resources of the WSCC in the regulation of safe work. However, nothing in the policy restricts a Safety Officer or Inspector of Mines from conducting an inspection they believe, and can reason, is necessary under authority of the *Safety Act(s)* or *Mine Health and Safety Act(s)*.

**DEFINITIONS**

Chief Inspector of Mines:	The person appointed by the WSCC to be the Chief Inspector of Mines under the authority of the <i>Mine Health and Safety Act(s)</i> .
Chief Safety Officer:	The person appointed by the WSCC to be the Chief Safety Officer under the authority of the <i>Safety Acts</i> .
Inspection:	Spot-checks of worksites to ensure ongoing compliance with occupational health and safety legislation.
Investigation:	A legal and factual inquiry performed by an Inspector of Mines or Safety Officer to examine a worksite, and collect necessary evidence that may be used in the enforcement of occupational health and safety legislation.
Inspector of Mines:	A person appointed by the Chief Inspector of Mines as an Inspector of Mines under authority of the <i>Mine Health and Safety Act(s)</i> .



Workers' Safety  
& Compensation Commission

ᐃᖃᑲᐱᐃᖃᑲᑎᐃᑦ ᐃᑕᑕᐱᖃᑲᑲ  
ᐃᑕᑕ ᐱᑕᑕᑲᑲᑲᑲᑲᑲᑲᑲ ᖃᑲᑲᑲᑲᑲᑲ

## PRIORITIZING WORKSITE INSPECTIONS

Occupational health and safety legislation:	The Acts and Regulations administered by the WSCC that concern occupational health and safety including the <i>Mine Health and Safety Act(s)</i> , <i>Safety Act(s)</i> , and <i>Explosives Use Act(s)</i> , and associated regulations.
Reportable Incident:	A reportable incident is an incident that results in serious injury or death; an accident causing serious bodily injury; or a dangerous occurrence.
Safety Officer:	A person appointed by the Chief Safety Officer as a Safety Officer under authority of the <i>Safety Act(s)</i> .
Safe Workplace Program:	A WSCC program that recognizes employers who demonstrate a commitment to making workplace health and safety a core company value.
Worksite:	A worksite is any place where work is carried out.

## POLICY

### General

To ensure compliance with occupational health and safety legislation, and to reduce workplace injury and illness, the WSCC prioritizes worksite inspections on an ongoing basis to meet changing economic and industrial realities of the Northwest Territories and Nunavut.

### Criteria for Prioritizing Worksite Inspections

The Northwest Territories and Nunavut contain many geographically remote worksites, as well as economic and industrial activities that can result in severe injury and illness. The always-evolving economic and industrial realities of the Northwest Territories and Nunavut require a responsive process for determining what worksites to inspect and when to inspect those worksites.



### *Criteria*

The WSCC uses criteria to determine if a worksite should be a priority for WSCC inspection. The criteria help ensure that the WSCC is using its limited financial and human resources as efficiently as possible in pursuit of its Vision to eliminate workplace diseases and injuries. Worksites meeting one or more criteria will be more likely to have a worksite inspection. Worksites that do not meet any criteria, or meet fewer criteria than other worksites will see a worksite inspection from an Inspector of Mines or Safety Officer less frequently.

The WSCC prioritizes worksite inspections according to the following criteria. Priority worksites are worksites where an employer is present and the employer does not meet any one or more of the WSCC *Safe Workplace Program* criteria:

- an employer does not have an active occupational health and safety program in place according to the requirements of the *Safe Workplace Program*;
- an employer has time loss claim volume above the industry class average based on the last five years' performance;
- an employer has outstanding inspection directions for non-compliance with occupational health and safety legislation;
- an employer has had one or more fatality(ies) in the previous 12 months.

In addition to the criteria established by the *Safe Workplace Program*, the WSCC also uses the following criteria when prioritizing worksite inspections:

- an employer is present that had a conviction under occupational health and safety legislation in the previous 36 months;
- an employer is present that has received a stop work order in the previous 36 months due to failure to comply with directions of an Inspector of Mines or Safety Officer;
- an employer is present who is newly registered with the WSCC, or has reactivated their registration with the WSCC in the previous 12 months.

### **Inspections of a Worksite Not Included in a Prioritization Plan**

While this policy provides guidance about how the WSCC prioritizes worksite inspections in order to efficiently use the financial and human resources of the WSCC in the regulation of safe work, nothing in this policy restricts a Safety Officer or Inspector of Mines from conducting an inspection they believe, and can reason, is necessary under authority of the *Safety Act(s)* or *Mine Health and Safety Act(s)*.

Inspections of worksites that do not meet the criteria for prioritizing worksite inspections occur when the Chief Inspector of Mines, Chief Safety Officer, or an Inspector of Mines or Safety Officer has reason to be concerned for the health and safety of a worker(s) after receiving information from a relevant and reliable source. In these instances, inspections





are conducted by an Inspector of Mines or Safety Officer in accordance with the authority of the *Safety Act(s)* or *Mine Health and Safety Act(s)*.

*Inspection of Additional Non-Priority Worksites While Travelling*

Inspections may also occur at worksites that do not meet the criteria for prioritizing worksite inspections when a Safety Officer is travelling to inspect a priority worksite in a community other than where WSCC employees are normally based. The cost of travel in the Northwest Territories and Nunavut is high, so to ensure that the WSCC is using its resources efficiently and effectively, a Safety Officer travelling to inspect a priority worksite may use the opportunity to inspect other non-priority worksites in that location. While these inspections are not a priority of the WSCC based on the criteria set in this policy they help to ensure safe work across the Northwest Territories and Nunavut.

**Investigations**

This policy does not direct the investigation of worksites. Investigations occur outside the scope of prioritizing worksite inspections. Investigations occur when a reportable incident occurs or when the Chief Inspector of Mines, or Chief Safety Officer determines that an Investigation is necessary according to the facts of the situation.

**LEGISLATIVE AUTHORITIES**

- Northwest Territories *Workers' Compensation Act*: subsections 89(b)
- Nunavut *Workers' Compensation Act*: subsections 89(b)
- Northwest Territories *Safety Act*: subsections 9(1); 9(3)
- Nunavut *Safety Act*: subsections 9(1); 9(3)
- Northwest Territories *Mine Health and Safety Act*: subsections 21(1)
- Nunavut *Mine Health and Safety Act Safety Act*: subsections 21(1)

**POLICY RELATED DOCUMENTS**

- Policy 01.01 Industry Classification
- Policy 01.02 Industry Re-Classification
- Policy 09.04 Home Worksite Inspections

 <b>W</b> <b>S</b> <b>C</b> <b>C</b>	<b>Workers' Safety</b> & Compensation Commission	ᐃᖃᑲᐱᐃᕐᖃᑲᑲᑦ ᐃᑦᑕᐱᖃᑲᑲᑦ ᐃᑦᑕᐱᖃᑲᑲᑦ ᐃᑦᑕᐱᖃᑲᑲᑦ
<b>PRIORITIZING WORKSITE INSPECTIONS</b>		

**HISTORY**

New

---

Chairperson



## HOME WORKSITE INSPECTIONS AND INVESTIGATIONS

### POLICY STATEMENT

The Workers' Safety and Compensation Commission (WSCC) inspects and investigates worksites across the Northwest Territories and Nunavut to ensure safe work.

This policy provides guidance on when the WSCC may inspect or investigate a home worksite. It is the position of the WSCC that home worksites are not inspected or investigated unless there is immediate concern for the health and safety of the worker.

### DEFINITIONS

Chief Safety Officer:	The person appointed by the WSCC to be the Chief Safety Officer under the authority of the <i>Safety Acts</i> .
Home worksite:	A permanent or temporary residence kept or occupied by the worker, which is used as a place of work by the worker.
Inspection:	Spot-checks of worksites to ensure ongoing compliance with occupational health and safety legislation.
Investigation:	A legal and factual inquiry performed by an Inspector of Mines or Safety Officer to examine a worksite, and collect necessary evidence that may be used in the enforcement of occupational health and safety legislation.
Occupational health and safety legislation:	The Acts and Regulations administered by the WSCC that concern occupational health and safety including the <i>Mine Health and Safety Acts</i> , <i>Safety Acts</i> , and <i>Explosives Use Acts</i> , and associated regulations.
Reportable Incident:	A reportable incident is an incident that results in serious injury or death; an accident causing serious bodily injury; or a dangerous occurrence.



**HOME WORKSITE INSPECTIONS AND INVESTIGATIONS**

- Safety Officer: A person appointed by the Chief Safety Officer as a Safety Officer under authority of the *Safety Act(s)*.
- Worksite: A worksite is any place where work is carried out.

## POLICY

### General

To ensure compliance with occupational health and safety legislation, and to reduce workplace injury and illness, the WSCC conducts worksite inspections. It is the position of the WSCC that home worksites are not inspected or investigated unless there is immediate concern for the health and safety of the worker. This policy does however outline when the WSCC may inspect or investigate a home worksite when it is identified as a priority for inspection, as well as when the WSCC may inspect or investigate a home worksite within the broader authority of a Safety Officer outlined in legislation. This policy also outlines the steps taken prior to inspecting or investigating a home worksite.

This policy does not apply to home worksites where employees of the worker who resides in the home, or contract workers who do not reside in the home are present.

It is the position of the WSCC that an inspection of a home worksite will not occur unless it is necessary to ensure the health and safety of a worker(s) according to this policy.

### *Safety Officer Authority for Home Worksite Inspections*

While this policy provides guidance about when the WSCC may inspect or investigate a home worksite, this policy does not restrict a Safety Officer from conducting an inspection they believe, and can reason, is necessary under authority of the *Safety Act(s)*.

### **When the WSCC may Inspect a Home Worksite**

Home worksites are not normally a priority for worksite inspections as the WSCC does not normally have reason to be concerned for the immediate health and safety of workers at home worksites. The WSCC prioritizes worksite inspections according to Policy 09.03, Prioritizing Worksite Inspections. Any decision to prioritize the inspection of a home worksite occurs under the authority of Policy 09.03.



### *Inspecting a Home Worksite Under a Prioritization Plan*

In the rare situation where a home worksite is selected for inspection under a prioritization plan, and there is no immediate concern for the safety of the worker(s), then the Safety Officer gives the worker 24-hours notice before inspecting the home worksite.

After providing notice to the worker, the Safety Officer must receive written consent from the worker to enter the home worksite and perform an inspection.

While this policy does not restrict a Safety Officer from conducting an inspection under authority of the *Safety Act(s)* and according to Policy 09.03, it is the position of the WSCC that if a worker does not provide their written consent for an in-person inspection to occur, and there is no immediate concern for the safety of the worker, then an in-person inspection should not occur. A virtual inspection may occur if the worker does not agree to an in-person inspection but the Safety Officer believes an inspection is necessary and the worker agrees.

If a Safety Officer determines that they need to inspect a home worksite in-person, but the worker has not provided their written consent, the Safety Officer must inform the Chief Safety Officer of their decision to move forward with an in-person inspection of the worksite.

### *Inspecting or Investigating a Home Worksite Not Included in a Prioritization Plan*

Discretion is provided to Safety Officers under authority of the *Safety Act(s)*, to conduct a worksite inspection outside of the prioritization plan if one or more of the following criteria have been met:

- The WSCC receives a *Report of Unsafe Work*; or
- The WSCC has reason to believe that the work activities are of a significant risk that a worker(s) may suffer a significant illness, injury, or death.

In the situation where a Safety Officer exercises their authority under the *Safety Act(s)* to conduct an inspection or investigation when a home worksite is not included in a prioritization plan, the Safety Officer is not required to provide the worker with 24-hour notice. Notice is not required in this instance as an inspection or investigation will be occurring as a result of a Safety Officer having reason to be concerned for the immediate health and safety of a worker(s) after receiving information from a relevant and reliable source.

If a Safety Officer determines that they need to inspect or investigate a home worksite that is not on a prioritization plan for inspection, the Safety Officer must inform the Chief Safety Officer of their decision to inspect or investigate the worksite.



## Safety Officer Actions When Inspecting or Investigating a Home Worksite

When inspecting a home worksite Safety Officers must ensure they are respectful of the worksite, as the worksite is the worker’s home. A Safety Officer should limit their inspection to parts of the home being used by the worker(s) to work. Any parts of the home that are not being used for work should not be inspected.

Determining the area of a home used for work and not used for work may be difficult and discretion remains with the Safety Officer to determine what part of a home is being used to perform work. The discretion of the Safety Officer is important to ensure that they are able to inspect any aspect of a worksite to ensure that work is being carried out safely.

### *Inspecting and Investigating as a Team*

When inspecting and investigating a home worksite, Safety Officers will complete the inspection as part of a team with a minimum of two Safety Officers. Inspecting and investigating a home worksite as a team supports workers to understand that the WSCC is respectful of their home worksite, and ensures the safety of Safety Officers.

## LEGISLATIVE AUTHORITIES

Northwest Territories *Workers’ Compensation Act:* subsections 89(b)

Nunavut *Workers’ Compensation Act:* subsections 89(b)

Northwest Territories *Safety Act:* subsections 9(1); 9(3)

Nunavut *Safety Act:* subsections 9(1); 9(3)

## POLICY RELATED DOCUMENTS

Policy 09.03 Prioritizing Worksite Inspections

## HISTORY

New

Chairperson



**SAFETY EDUCATION AND PRIORITIZING OUTREACH**

## POLICY STATEMENT

The Workers' Safety and Compensation Commission (WSCC) provides workplace health and safety education and outreach to employers to support their compliance with occupational health and safety (OHS) legislation. The purpose of safety education and outreach is to prevent workplace diseases or injuries before they happen.

This policy provides guidance for the development of safety education resources and the prioritization of safety outreach to efficiently use the financial and human resources of the WSCC. However, nothing in the policy restricts the WSCC from supporting an employer who asks for support to improve OHS at their workplace.

## DEFINITIONS

Analysis:	The review of an issue in order to understand more. Analysis of OHS issues gives the opportunity for employers to identify and implement occupational health and safety improvements in their workplace.
Education:	Education raises awareness on a subject. Education focuses on transferring information to a person to increase understanding. Education gives context to why something is done the way it is-or is not-done at all.
Occupational Health and Safety Legislation:	The Acts and Regulations administered by the WSCC that concern occupational health and safety including the <i>Mine Health and Safety Act(s)</i> , <i>Safety Act(s)</i> , and <i>Explosives Use Act(s)</i> , and associated regulations.
Outreach:	Outreach is support that provides technical expertise, analysis, and consultation and collaborative services to improve workplace occupational health and safety programs and outcomes. Outreach is supported by the use of education resources.



**POLICY**

**General**

The WSCC provides safety education and outreach support to employers to support their compliance with occupational health and safety legislation, and to prevent and eliminate workplace injury and illness. The WSCC works with employers to ensure the health and safety of workers across the Northwest Territories and Nunavut.

The WSCC identifies, prioritizes and offers support to employers who it determines can benefit from OHS compliance support. This policy outlines the WSCC’s criteria for prioritizing the employers to whom it provides safety outreach and support.

**Safety Education**

WSCC safety education raises awareness about the importance of workplace safety in the Northwest Territories and Nunavut. The WSCC uses both external education resources and educational resources developed internally to promote knowledge on safety.

The WSCC provides safety education resources to employers, workers, and the public. This may include, but is not limited to, communicating stakeholder obligations under legislation and regulations, using nature of injury statistics to raise public awareness about injury prevention, or developing a safety culture through youth education, school-based curriculum development and social marketing. Safety education resources are outreach tools used to communicate information about workplace safety.

**Criteria for Prioritizing Safety Outreach**

The Northwest Territories and Nunavut contain many geographically remote worksites, as well as economic and industrial activities that can result in severe injury and illness. The always-evolving economic and industrial realities of the Northwest Territories and Nunavut require a responsive process for determining which employers to reach out to in order to support for compliance with OHS legislation.

*Criteria*

The WSCC uses several criteria to determine if an employer should be a priority for WSCC safety outreach. The criteria help ensure that the WSCC is using its limited financial and human resources as efficiently as possible in pursuit of its Vision to eliminate workplace diseases and injuries. Employers meeting one or more criteria will be more likely to be offered WSCC safety outreach than other employers.







**Workers' Safety**  
& Compensation Commission

ᐃᖃᑲᐱᐱᖃᑲᑎᐃᑦ ᐃᑦᑕᐱᖃᑲᑦ  
ᐃᑦᑕᐱᖃᑲᑦ ᐱᑦᑕᐱᖃᑲᑦ ᐱᑦᑕᐱᖃᑲᑦ

**SAFETY EDUCATION AND PRIORITIZING OUTREACH**

*Employer Responsibility for Safety*

While the WSCC supports an employer to create a safe workplace, the responsibility for maintenance of a safe workplace is the responsibility of the employer alone. If a safe workplace is not maintained, the WSCC maintains the responsibility and authority to enforce OHS legislation to ensure the health and safety of workers across the Northwest Territories and Nunavut.

**LEGISLATIVE AUTHORITIES**

Northwest Territories <i>Workers' Compensation Act</i> :	Subsection 89(b)
Nunavut <i>Workers' Compensation Act</i> :	Subsection 89(b)
Northwest Territories <i>Mine Health and Safety Act</i> :	Section 2
Nunavut <i>Mine Health and Safety Act</i> :	Section 2
Northwest Territories <i>Safety Act</i> :	Section 4; 7; 21
Nunavut <i>Safety Act</i> :	Section 4; 7; 21

**POLICY RELATED DOCUMENTS**

Policy 00.09	Occupational Health and Safety Funding Program
Policy 09.01	Safety Training

**HISTORY**

NEW

---

Chairperson





**Workers' Safety**  
& Compensation Commission

ᐱᖃᐅᐱᐱᕐᕐᐸᐸᐸ ᐱᕐᐸᐸᐸ  
ᐱᕐᐸᐸ ᐱᕐᐸᐸᐸᐸᐸᐸᐸ ᐱᕐᐸᐸ

**VIRTUAL AND DESKTOP REVIEW METHODS FOR INSPECTIONS**

## **POLICY**

### **General**

To ensure compliance with occupational health and safety (OHS) legislation, and to reduce workplace injury and illness, the WSCC inspects worksites across the Northwest Territories and Nunavut. This policy provides guidance for the WSCC’s use of virtual and desktop review methods. The policy ensures these methods are used in ways that enhance the ability of Safety Officers and Inspectors of Mines to enforce OHS legislation across a large geographic area. Guidance for virtual and desktop reviews are provided in this policy for the enforcement of OHS legislation.

### **When To Use Virtual and Desktop Reviews**

It is important to understand when Safety Officers and Inspectors of Mines may consider using virtual and desktop review methods. Use of these review methods may only occur when a Safety Officer or Inspector of Mines is confident that they can gather the information they require to successfully perform an inspection without being physically present at a worksite.

Before performing a virtual or desktop inspection that will not include an in-person review of a worksite, a Safety Officer or Inspector of Mines must first notify their supervisor of their plan to use either or both review methods instead of an in-person inspection.

Situations where virtual or desktop inspections may be appropriate include, but are not limited to:

- Protecting the health and safety of WSCC staff.
- Extreme weather or large travel distance means that a Safety Officer or Inspector of Mines will not be able to reach a worksite in an appropriate amount of time to perform an effective inspection.
- The purpose of the inspection is to review potential contraventions of OHS legislation that are not considered an immediate threat to the life, health, or safety of a worker. Examples include administrative contraventions of OHS legislation.
- A previous, in-person field visit was conducted and addressed similar issues.

It is also important for workers and employers to understand that participating in a virtual or desktop inspection may require greater participation of workers and employers to provide a Safety Officer or Inspector of Mines with the information they require to successfully perform their duties. Without a physical presence at a worksite more information may need to be collected and shared by the worker and employer with the Safety Officer or Inspector of Mines than would otherwise be necessary.





If it is not possible to record a virtual inspection or use geolocation or geotagging technology during a virtual or desktop inspection, a record of the location and time the information was collected, as well as what is depicted, and its significance must be recorded in the Safety Office or Inspector of Mines' inspection notes.

## LEGISLATIVE AUTHORITIES

Northwest Territories <i>Workers' Compensation Act</i> :	subsections: 89(b)
Nunavut <i>Workers' Compensation Act</i> :	subsections: 89(b)
Northwest Territories <i>Explosives Use Act</i> :	Section: 11
Nunavut <i>Explosives Use Act</i> :	Section: 11
Northwest Territories <i>Safety Act</i> :	subsections: 9(1); 9(2); 9(3); 9(5)
Nunavut <i>Safety Act</i> :	subsections: 9(1); 9(2); 9(3); 9(5)
Northwest Territories <i>Mine Health and Safety Act</i> :	subsections: 21(1); 21(3); 23; 24
Nunavut <i>Mine Health and Safety Act</i> :	subsections: 21(1); 21(3); 23; 24

## POLICY RELATED DOCUMENTS

Policy 09.03	Prioritizing Worksite Inspections and Investigations
Policy 09.04	Home Worksite Inspections and Investigations

## HISTORY

New

---

Chairperson







## POLICY

### General

To ensure compliance with occupational health and safety legislation at mine worksites, and to reduce workplace injury and illness, the Chief Inspector of Mines has been granted significant authority to determine the acceptability of a significant number of technical aspects of mine worksites.

This policy provides guidance for how the Chief Inspector of Mines determines what is an acceptable mine plan under authority of the *Mine Health and Safety Regulations*.

### Acceptable Mine Plan

Under authority of the *Mine Health and Safety Regulations* the manager of a mine must make and keep complete and accurate plans acceptable to the Chief Inspector of Mines. Details about what must be included in the plans, and how the plans must be maintained at the mine are outlined in the regulations.

### *Determining Acceptability*

The Chief Inspector of Mines is responsible for accepting mine plans under authority of the *Mine Health and Safety Regulations*. To fulfil this legislative requirement the Chief Inspector of Mines accepts mine plans where technical elements of the mine have been reviewed and approved by relevant experts, professional engineers, and qualified persons as defined by the *Mine Health and Safety Regulations*.

Mine operations are extremely complex operations, and the plans required to operate them safely are equally complex and varied. The Chief Inspector of Mines will work with mine owners, and mine managers to ensure that mine plans include information and approvals from relevant experts, professional engineers, and qualified persons.

### Annual Submission of Plans

The owner or manager of a mine must submit mine plans to the Chief Inspector of Mines each year by March 31. The plans must include information up to date, to at least December 31 of the previous year.

The plans must be signed by the owner or manager of the mine to confirm that the plans are accurate as of the date of submission.



	<b>Workers' Safety</b> & Compensation Commission	ᐃᖃᑲᐱᐃᕐᖃᑲᑲᑦ ᐃᕐᕐᕐᕐᕐ ᐃᕐᕐᕐᕐ ᐱᕐᕐᕐᕐᕐᕐᕐᕐ ᖃᑲᐃᕐᕐᕐᕐ
<b>ACCEPTING MINE PLANS</b>		

**POLICY RELATED DOCUMENTS**

Policy 09.03

Prioritizing Worksite Inspections

**HISTORY**

New

---

Chairperson



**WSCC** Workers' Safety & Compensation Commission | ᐃᖃᑲᐱᐃᕐᖃᑲᑲᐱ ᐃᕐᕋᕋᐱᐱ  
ᐃᕐᕋᕋᐱ ᐱᕐᕋᕋᐱᐱᐱᐱᐱᐱᐱ ᖃᑲᐃᕐᕋᕋᐱᐱ

**OCCUPATIONAL HEALTH AND SAFETY LEGISLATIVE  
ADVISORY COMMITTEES**

As the SAC and MOHSLC are distinct committees established under distinct legislation, each committee operates independently of the other. Terms of reference for each committee established under authority of this policy provide committee specific guidance where necessary.

### **Purpose of Advisory Committees**

The SAC and MOHSLC are established under authority of OHS legislation to provide advice and make recommendations to WSCC administration, the Governance Council, and Ministers about the OHS legislation under which their appointment is made.

The committees are advisory in nature. The work of the committees is to identify areas for improvement in OHS legislation and provide evidence for why those changes should occur. The committees can not compel changes to OHS legislation.

### **Structure of Committees**

The SAC and MOHSLC both have the following membership structures:

- The respective Chief Safety Officer, Chief Inspector of Mines, and any Deputy Chief Safety Officer or Deputy Chief Inspector Mines is automatically a member of the Committee because of their position.
- Three members are appointed from the perspective of representing workers.
- Three members are appointed from the perspective of representing employers.
- Any other members appointed by the Ministers to ensure the effective operation of the committees or to include representation from the general-public.

Members are jointly appointed by the Northwest Territories and Nunavut Ministers responsible for the WSCC.

### **Membership**

The work to review and make recommendations in OHS legislation and regulations is technical and complex. Ideally, the following qualifications and competencies are collectively present in a committee’s membership.





	<b>Workers' Safety &amp; Compensation Commission</b>	ᐃᖃᑲᐱᐃᕐᖃᑲᑲᐱ ᐃᑲᑲᐱᑲᑲ ᐃᑲᑲ ᐱᑲᑲᑲᑲᑲᑲᑲ ᖃᑲᑲᑲᑲᑲᑲ
<b>OCCUPATIONAL HEALTH AND SAFETY LEGISLATIVE ADVISORY COMMITTEES</b>		

*External Expert Support for Committee Members*

If a competency needed for the work of a committee is not represented by committee members, the chairperson may seek external expertise to support the work of the committee.

External expertise can be provided by WSCC employees, or any other person or organization external to the WSCC deemed appropriate by the committee chairperson.

**Meeting Frequency**

The SAC and the MOHSLC must meet at least once each calendar year. Additional meetings are held at the discretion of the chairperson and in general agreement with other committee members to achieve the work of the committees.

**Member Conduct**

Members of the SAC and MOHSLC are appointed by the Northwest Territories and Nunavut Ministers responsible for the WSCC to provide advice and make recommendations for changes to OHS legislation. During this work it is possible that committee members may be given access to confidential information. Confidential information may be shared as part of Committee work to ensure effective and efficient analysis, decision making, and recommendations for legislative and regulatory change. To ensure the effective management of the WSCC and the committees, members cannot share information they receive as part of their role as a committee member unless given approval by the chairperson of either the SAC or MOHSLC for the purpose of broader public engagement.

**Committee Reporting**

Accountability for committee work is important for ensuring public confidence in the administration of the WSCC and in the work of the SAC and MOHSLC.

A report on the work of each committee must be submitted, at minimum, at the end of every two calendar years to the President and CEO of the WSCC, or at the request of the President and CEO. This report is shared with the Governance Council and the respective Northwest Territories and Nunavut Ministers responsible for the WSCC.

The report highlights meetings held, committee members in attendance, issues discussed, and any recommendations or advice that has been or is expected to be shared for consideration with the WSCC, Governance Council, and Ministers.



 <b>Workers' Safety &amp; Compensation Commission</b>	ᐃᖃᑲᐱᐃᖃᑲᑎᐃᐅᐅ ᐃᐅᐅᐅᐅᐅᐅ ᐃᐅᐅᐅᐅᐅᐅᐅᐅᐅᐅ ᐅᑲᐅᐅᐅᐅᐅᐅ
<b>OCCUPATIONAL HEALTH AND SAFETY LEGISLATIVE ADVISORY COMMITTEES</b>	

## LEGISLATIVE AUTHORITIES

Northwest Territories *Workers' Compensation Act*: subsections 83(2)(b); 89(b)

Nunavut *Workers' Compensation Act*: subsections 83(2)(b); 89(b)

Northwest Territories *Safety Act*: Section 26

Nunavut *Safety Act*: Section 26

Northwest Territories *Mine Health and Safety Act*: Section 48

Nunavut *Mine Health and Safety Act*: Section 48

## POLICY RELATED DOCUMENTS

Policy 00.07 Stakeholder Engagement

Policy 07.01 Access to Workers' Safety and Compensation  
Commission Information

Policy 07.04 Personal Information Privacy Protection

## HISTORY

New

---

Chairperson







Workers' Safety  
& Compensation Commission

ᐱᕐᑲᐱᐱᕐᑲᐱᕐᑲᐱᕐᑲᐱᕐᑲ  
ᐱᕐᑲᐱᐱᕐᑲᐱᕐᑲᐱᕐᑲᐱᕐᑲ

## **VARYING AND SUSPENDING MINE HEALTH AND SAFETY REGULATIONS**

Applications to vary or suspend a provision of mine health and safety regulations must clearly demonstrate how the variance or suspension is in the best interest of the health and safety of workers at a mine. The request must state how workers, and any other parties that may be affected by a request to vary or suspend a provision of the regulations will be informed of the request and informed of their ability to engage in the Chief Inspector of Mines's review of the application.

The Chief Inspector of Mines may request any additional information from the applicant they believe is relevant to make an informed decision that will ensure the health and safety of workers.

### *Engaging Others Affected by an Application*

Other than the applicant, the Chief Inspector of Mines provides an opportunity for affected parties at the mine to make a submission regarding an application to vary or suspend a provision of the regulations. This opportunity allows other affected parties at the mine to submit information so the Chief Inspector of Mines may fully understand the impact on health and safety.

To inform all parties of an application, the Chief Inspector of Mines first acknowledges receipt of the application. When acknowledging an application, the Chief Inspector of Mines requires the applicant to post a notice about the application at the mine in a visible location (e.g. corporate bulletin board) for at least 14 days. This 14 day period may be extended by the Chief Inspector of Mines if the mine site has a work rotation schedule greater than 14 days and additional time is needed to ensure that all workers have time to see the notice.

The applicant may also choose to communicate information about the application through other means (e.g. email) in addition to posting it at the mine to ensure effective communication.

### **Timeline for Review and Decision**

The Chief Inspector of Mines acknowledges receipt of an application within 5 business days.

The Chief Inspector of Mines accepts submissions from affected parties other than the applicant up to 40 business days after receipt of an application.

The Chief Inspector of Mines provides a written decision to the applicant within 50 business days of receiving the application.

The Chief Inspector of Mines may provide a decision after 50 business days if the delay for a decision is communicated in writing to the applicant before the 50-business day

























## POLICY STATEMENT

The Workers' Safety and Compensation Commission (WSCC) is committed to the responsible stewardship of the Workers' Protection Fund. To support this, the WSCC treats all prospective goods and services providers fairly and consistently while seeking to obtain the best value.

## DEFINITIONS

Alternative Dispute Resolution (ADR):	Resolution of a dispute through negotiation, mediation, arbitration, or similar means, as opposed to litigation.
Best Value:	The most advantageous balance of price, quality and performance.
Bid:	An offer to sell or provide goods, services, real property, or a combination of these, that is submitted to the Senior Purchasing and Contracts Officer, on behalf of a Spending Authority, in response to a Request for Tender.
Bidder:	“...a person who submits a bid.” (per ss. 1(1) of the <i>Government Contract Regulations</i> )
Contract:	A legal agreement between two or more parties.
Contract Authority:	A WSCC employee with Spending Authority who is responsible for managing a contract for service on behalf of the WSCC.
Contract for Service:	An agreement in which neither party controls or supervises the other. An employment relationship does not exist.
Final Payment:	The payment that brings the balance owed by the WSCC to zero.
Northern Content:	The dollar value of the goods and services required by a contract that is supplied by a northern business.



**PROCUREMENT**

Northern Incentive Adjustment:	An incentive adjustment of 15 percent deducted from the portion of a bid or proposal containing northern content that is applied to bids and proposals greater than \$25,000.
Professional Services:	As per s.105 of the <i>Workers' Compensation Acts</i> , professional services include services provided by health care providers, lawyers, accountants, actuaries, and other professionals.
Progress Payment:	A payment made under a contract when a contractually defined progress milestone is reached.
Proponent:	"...a person who submits a proposal." (per ss. 1(1) of the <i>Government Contract Regulations</i> )
Proposal:	An offer to provide goods, services, real property, or a combination of these, that is submitted to the Senior Purchasing and Contracts Officer, on behalf of a Spending Authority, in response to a request for proposal.
Request for Proposal (RFP):	"...a solicitation, made by public advertisement or private invitation, of proposals in respect of a proposed contract." (per ss. 1(1) of the <i>Government Contract Regulations</i> )
Request for Quotation:	The solicitation of a quote by the WSSCC for a purchase greater than \$5,000 and less than \$25,000.
Request for Tender (RFT):	"...a solicitation, made by public advertisement or private invitation, of bids in respect of a proposed contract." (per ss. 1(1) of the <i>Government Contract Regulations</i> )
Security:	Collateral given or pledged to guarantee the fulfillment of an obligation.
Sole-Source Contract:	A procurement mechanism to obtain goods or services from a specific supplier without seeking competitive bids.



**WSCC** Workers' Safety & Compensation Commission | ᐃᕐᑲᑲᑦ ᐃᕐᑲᕐᑲᑦ ᐱᕐᑲᕐᑲᑦ  
ᐱᕐᑲᕐᑲᑦ ᐃᕐᑲᕐᑲᑦ ᐱᕐᑲᕐᑲᑦ

**PROCUREMENT**

**Spending Authority:** The authority required to enter into contracts and initiate payments for the purchase of goods or services on the WSCC’s behalf.

This definition refers to the authority itself, as well as to the person with such authority.

**Workers’ Protection Fund:** “...the fund continued by subsection 67(1) for the payment of compensation and other outlays and expenses authorized under this Act.” (per ss. 1(1) of the *Workers’ Compensation Acts*)

**POLICY**

This policy applies to all contracts the WSCC enters into, excluding contracts for goods or services listed in subsection 2(2) of the *Government Contract Regulations* of the Northwest Territories, and those goods and services for which the WSCC pays on behalf of a claimant.

The WSCC only awards a tender or proposal to goods or services providers who are in good standing with the WSCC or relevant workers’ compensation body, if applicable.

**Spending Authority**

Subject to this policy and related Administrative Policies, a Spending Authority may enter into a contract or negotiate the amount payable under a contract, up to the amount of the employee’s Spending Authority. A Spending Authority may also terminate or renegotiate non-monetary contract terms with the President’s approval.

Only Spending Authorities may enter into contracts on the WSCC’s behalf. Spending Authorities can only enter into contracts when sufficient funds are available.

A Spending Authority must take reasonable steps to ensure the best value possible when making purchases on behalf of the WSCC, and to document these steps.

Only the Vice President, Performance and Corporate Services, or another Spending Authority from the Information Services Unit may enter into contracts for the purchase of computer hardware or software.







The Governance Council, after consultation with the President, may approve an exception to the Incentive.

### *Disqualification and Damages*

The Spending Authority may, without Governance Council approval, disqualify a bid or proposal from receiving the Incentive, when a bidder or proponent falsely states:

- The amount of northern content;
- The use of northern content; or
- The use of the listed northern businesses or workers.

Upon the request of the WSCC Spending Authority, a bidder or proponent must provide supporting documents to demonstrate the use of northern content.

If a Spending Authority does not deduct the Incentive a letter is sent to the bidder or proponent informing them of this decision after the bid or proposal has been awarded.

All WSCC contracts include a condition for the recovery of damages from the contractor equal to the value of the incentive adjustment applied to the northern content promised.

### **Request for Tenders**

A Request for Tender is issued to promote competitive bidding.

The WSCC issues an RFT when the following conditions are met:

- The Spending Authority estimates that a contract is valued at greater than \$25,000;
- Two or more providers of the required goods or services may exist;
- Bids have a common pricing basis; and,
- A set of defined criteria can be used to evaluate the bids.

An RFT includes the following information:

- The address to which the bid must be submitted;
- The deadline, including the date and hour, after which no further bids shall be accepted;
- The security, if any, required for the tender; and,
- The criteria used to evaluate submitted bids.

Additionally, the RFT may list any mandatory requirements which must be present in order to qualify a bid for consideration.





Any bid that does not include/meet the mandatory requirement(s) is automatically disqualified.

The WSCC rejects all bids received without Security when Security is a requirement of the RFT. The WSCC returns bids, rejected for not having Security, to the bidder. The WSCC awards a Request for Tender to the responsible bidder with a responsive bid and the lowest price, although the Spending Authority retains the right to refuse all bids and not award the contract.

In determining whether a bidder is:

- Responsible - the WSCC looks at the capability in all respects to fully perform the contract requirements, and the integrity and reliability to assure performance of the contract obligations.
- Responsive - the WSCC looks at whether or not the bid conforms in all material respects to the RFT.

If a bidder has been awarded a contract for service with the WSCC in the past, the performance of the bidder in completing that contract may be taken into consideration as part of the evaluation process and may be used to determine if a bidder is responsible.

### *Notification*

The WSCC will publish information about each Request for Tender that is awarded, including the name and dollar amounts of the successful bid and the names and dollar amounts of unsuccessful bids. This information will normally be published on the WSCC corporate website.

## **Request for Proposal**

A Spending Authority issues a Request for Proposal when:

- The WSCC cannot clearly define the requirements of a product or service;
- Negotiation is expected with proponents to finalize goods or service requirements.

An RFP includes the following information:

- The address to which the proposal is submitted;
- The deadline, including the date and hour, after which no further proposals shall be accepted;
- The security, if any, required;
- The criteria used to evaluate submitted proposals; and,



- Any mandatory requirements which must be present to qualify a proposal for consideration

Proponents propose solutions to meet the stated goals of the RFP.

### *Opening of Proposals*

The proposal opening is completed by the Senior Purchasing and Contracts Officer or their delegate, a second WSCC employee and a witness. The Spending Authority cannot participate in the proposal opening.

Proposal openings are open to the public and completed as soon as possible after the proposal submission deadline. The WSCC does not reimburse any proponents or members of the public for costs related to attending the opening.

During the proposal opening, the following is announced publicly:

- The name of the person who submitted the proposal; and
- If a required security is in the proposal.

A proposal received after the deadline provided in the RFP is rejected and returned to the proponent unopened.

### *Evaluating and Awarding Proposals*

A Proposal Evaluation Committee is struck for evaluating all proposals received in response to an RFP. The Committee includes, and is selected by the Spending Authority or designate, and any other members deemed necessary.

Each committee member evaluates all proposals independently of one another. Proposals are evaluated for compliance with the mandatory criteria stated in the RFP. Proposals not meeting all mandatory requirements are rejected.

Proposals accepted by committee members are evaluated by the whole committee. Records of the committee evaluation scores and comments are kept by the Senior Purchasing and Contracts Officer.

If additional information is required, interviews with the leading proponent or proponents may occur to clarify information in the proposals.



If the RFP requires a proponent to provide references as part of the evaluation, only the references provided by the proponent are checked. Questions posed to references relate to evaluation criteria.

If a proponent has been awarded a contract for service with the WSSCC in the past, the performance of the proponent in completing that contract may be taken into consideration as part of the evaluation process and may be used to determine if a bidder is responsible. Once the committee completes its evaluation, the Spending Authority awards the contract to the proponent who meets the mandatory requirement(s), if any, and whose proposal receives the highest score in relation to the prescribed criteria outlined in the RFP. Contractor selection is based on the proposed solution's effectiveness and the proponent's ability to perform as specified, rather than on price alone.

### *Notification*

The WSSCC notifies proponents, in writing, of the successful proponent. Additionally, the name of the successful proponent is posted on the WSSCC corporate website. Unsuccessful proponents are invited to request feedback from the WSSCC about their proposals.

### **Bidder and Proponent Access to Information**

In accordance with subsection 23(4)(i) and section 24 of the *Access to Information and Protection of Privacy Acts*, a bidder or proponent may, upon written request, review information including:

- The RFT or RFP criteria and their own evaluation;
- Information on the successful bid or proposal; and
- Information on all unsuccessful bids or proposals.

### **Sole-Source**

Subject to the approval of the WSSCC President, the Spending Authority may sole-source a contract when:

- Goods, services or construction are urgently required and delay is harmful to the public interest; or
- Only one party is available and capable of performing the contract.

When entering into a sole-source contract, the Spending Authority provides documentation to the Senior Purchasing and Contracts Officer to justify procurement according to the sole source criteria found on the Sole Source Authorization Form. The





Senior Purchasing and Contracts Officer and the Corporate Comptroller review all sole-source contracts and forward them to the President for approval.

The President's approval for a sole-source contract is not required for air-charters in an emergency situation. In cases of emergency the Chief Occupational Health and Safety Officer is delegated sole-source contract authority up to a maximum \$25,000 per air-charter.

Sole-source contracts over \$25,000 are reported to the Governance Council Audit Committee quarterly.

### **Contract Insurance Requirement**

The WSCC requires insurance coverage appropriate to each contract signed by a Spending Authority.

### **Joint Purchase**

The WSCC may join with the Governments of the Northwest Territories or Nunavut for a joint purchase of goods or services. As the purchase is not made by the WSCC directly, the purchasing provisions of the administering government apply.

### **Contract Management**

Once the WSCC has awarded a contract, the Spending Authority becomes the Contract Authority for that contract. The Senior Purchasing and Contracts Officer will provide the Contract Authority with guidance to ensure the terms of the contract are met. The Contract Authority will keep written records of all communication with a contractor concerning the administration of the contract, including monitoring the contractor's performance and tracking the budget. The Contract Authority will provide the Senior Purchasing and Contracts Officer with a record of communication with the Contractor.

Final payment is made by the WSCC when the Contract Authority certifies:

- The goods are supplied or the services rendered according to the terms of the contract;
- The price charged is according to the contract or if not specified by the contract, is estimated as reasonable by the Spending Authority; and
- The contractor is not indebted to the WSCC.





## PROCUREMENT

Northwest Territories <i>Government Contract Regulations</i> :	Section 5; 6; 7, 8, 12, 13, 15, 16 Subsection 2(2); 10(3)(c)
Nunavut <i>Government Contract Regulations</i> :	Section 5; 6; 7, 8, 12, 13, 15, 16 Subsection 10(3)(c)
Northwest Territories <i>Workers' Compensation Act</i> :	Section 67
Nunavut <i>Workers' Compensation Act</i> :	Section 67

## POLICY RELATED DOCUMENTS

Administrative Policy B.4	Governance Council Spending, Signing and Payment Authorities
Administrative Policy B.5	Internal Spending, Signing and Payment Authority

## HISTORY

Policy 10.03 (Mar 09/17)	Procurement
Policy 10.03 (Sep 12/13)	Procurement
Policy 10.03 (Mar 29/12)	Procurement
Policy 10.03 (Nov 24/09)	Purchasing
Policy 10.03 (Apr 01/08)	Non-substantive change (New <i>Workers' Compensation Acts</i> )
Policy 10.03 (Apr 07/05)	Purchasing
Policy 10.03 (May 16/02)	Purchasing
Operation Procedure B.7	Northern Incentive (Rescinded)
Policy 10.03 (Jan/01/04)	Non-substantive change (Governance Council)
Policy 10.03 (Aug 31/01)	Purchasing
Policy 10.03 (Feb 28/01)	Purchasing
Policy 10.03 (Dec 07/00)	Purchasing
Policy 10.03 (May 10/00)	Purchasing
Policy 10.03 (Apr 01/99)	Purchasing
Policy 10.03 (Jan 21/98)	Purchasing
Policy 7.001 (Jul 28/94)	Purchasing
Policy 7.001 (Aug 15/91)	Purchasing
Directive 7.001 (Aug 15/91)	Purchasing

---

Chairperson















## PREVENTING AND INVESTIGATING ABUSES AND OFFENCES

offences are confirmed, the President or Chairperson must decide whether to pursue administrative remedies including but not limited to dismissal or prosecution.

### Confidentiality

All WSCC employees maintain confidentiality about investigations into suspected abuses or offences.

### LEGISLATIVE AUTHORITIES

Northwest Territories <i>Workers' Compensation Act</i> :	Sections 91; 93; 141; 142; 148; 149; 150; 151; 152; 153; 154; 155; 156; 157; 158; 159; 161 subsection 164(2)
Nunavut <i>Workers' Compensation Act</i> :	Sections 91; 93; 141; 142; 148; 149; 150; 151; 152; 153; 154; 155; 156; 157; 158; 159; 161 subsection 164(2)
Northwest Territories <i>Access to Information and Protection of Privacy Act</i> :	All
Nunavut <i>Access to Information and Protection of Privacy Act</i> :	All
Northwest Territories <i>Financial Administration Act</i> :	Sections 103; 104; 105; 106
Nunavut <i>Financial Administration Act</i> :	Sections 103; 104; 105; 106
Code of Conduct:	All
Criminal Code of Canada:	All

### POLICY RELATED DOCUMENTS

Policy 01.01	Industry Classification
Policy 01.02	Industry Re-Classification
Policy 02.08	Safe Advantage Program







## Calculation of Funded Position

The WSCC determines its funded position by calculating the ratio of total assets over total liabilities. The WSCC uses a long-term approach in valuing its assets and liabilities for the purpose of calculating the funded position, which may differ from that required under International Financial Reporting Standards (IFRS).

## Setting the Provisional Assessment Rate

The WSCC, in collaboration with an external actuary, examines the sub-components of the required level of revenue to set the target Provisional Assessment Rate. The sub-components are:

1. Cost of Future Injuries: the lifetime claims payments for injuries anticipated to occur during the year. This estimate is based on the actuarial analysis of past experiences and may include a range of expected costs within which actual costs normally fall.
2. Non-claims Operating Costs: the WSCC's anticipated operating expenses not associated with claims management.
3. Required Reserve Contribution(s): the contribution to WSCC reserves that change according to current reserve levels.

Each year the WSCC, in collaboration with the external actuary, determines the expected costs of new claims and non-claims operating expenses on a best estimate basis to establish the Provisional Assessment Rate to sufficiently cover these costs. The Governance Council approves and sets the Provisional Assessment Rate, which guides the external actuary in the annual calculation of actual assessment rates for each employer rate group or subclass.

If the costs associated with new claims and/or non-claims operating expenses are expected to be higher or lower than previously anticipated, the Governance Council has the discretion to adjust the Provisional Assessment Rate in order to preserve existing funding levels prior to the WSCC's funding level falling outside of the range of 105%-135%.





### *Operating Reserve*

The Operating Reserve target is set at 20% of the total liabilities. The WSCC takes the following action when the funded ratio (excluding the Catastrophe Reserve capped at 5%) declines to the following levels:

- Below 105%: a flat rate increase over 15 years is put into place to return the Operating Reserve to the target rate of 20% of total liabilities.
- Below 95%: a flat rate increase over 10 years is put into place to return the Operating Reserve to the target rate of 20% of total liabilities.

The lone exception to the above flat rate recoveries is if the WSCC funded ratio deteriorates to below 95% during the 15-year recovery period originally triggered at the 105% level. In these circumstances, a 10-year flat rate recovery is initiated.

Should the WSCC funded ratio (excluding the Catastrophe Reserve capped at 5%) exceed 135% for two successive years, a one-time adjustment may be actioned by the Governance Council to return the funded ratio back to 135%. The one-time adjustment is limited to a maximum of 100% of the annual assessment revenue for the second successive year.

### *Capital Replacement Reserve*

The Capital Replacement Reserve is funded annually through a Governance Council approved lump sum budgetary allocation.

## **Investments**

The WSCC's investment strategy is set out in Policy 10.02, Workers' Protection Fund Investments.

## **LEGISLATIVE AUTHORITIES**

Northwest Territories *Workers' Compensation Act*: Sections 67(2); 67(3); 67(4); 83(2)

Nunavut *Workers' Compensation Act*: Sections 67(2); 67(3); 67(4); 83(2)





## REPORTING AN INJURY, DISEASE OR DEATH

### POLICY STATEMENT

Workers, employers and health care providers are all responsible to report workplace injuries to the Workers' Safety and Compensation Commission (WSCC). This policy outlines the reporting requirements and responsibilities of each party when reporting a worker's injury, disease or death, in order to ensure the timely and effective adjudication of workers' claims.

### DEFINITIONS

Claimant:	“...a person claiming compensation” (per ss. 1(1) of the <i>Workers' Compensation Acts</i> ).
Disability:	“means the condition of having temporarily reduced physical, functional, mental or psychological abilities caused by the worker's personal injury or disease, that results in a loss of earning capacity” (per ss. 1(1) of the <i>Workers' Compensation Acts</i> ).
Disease:	“means an unhealthy condition of the body or mind” (per 1(1) of the <i>Workers' Compensation Acts</i> ).
Employer:	<p>“The following are considered employers for the purposes of this Act:</p> <ul style="list-style-type: none"> <li>(a) any person or entity that employs one or more persons under a contract of service;</li> <li>(b) any person or entity whom the Commission determines is responsible for performing the obligations of an employer...” (per ss. 8(1) and 8(1.1) of the <i>Workers' Compensation Acts</i>).</li> </ul>
First Aid	First aid is a one-time treatment of minor injuries. This may include, but is not limited to cleaning minor cuts, scrapes, or scratches; treating a minor burn; applying bandages and/or dressings; applying a cold compress, cold pack, or ice bag; or other minor injuries which do not









Workers' Safety  
& Compensation Commission

ᐃᖃᑲᐱᐃᖃᑲᑲᑦᑲᑦ ᐃᑦᑲᑲᑲᑲᑲᑲ  
ᐃᑦᑲᑲᑲᑲᑲᑲ ᐃᑦᑲᑲᑲᑲᑲᑲ

## REPORTING AN INJURY, DISEASE OR DEATH

Three reports are necessary to effectively adjudicate a claim for compensation:

- *Worker's Report of Injury*;
- *Employer's Report of Incident*; and
- *First Medical Report*.

Reports are used to determine if a claim is compensable, and if compensable, to verify the worker's income for calculating compensation payments and the duration of compensation.

In the event of a fatality, a *Worker's Report of Injury* is not required.

### Workers

A worker, who suffers a personal injury or disease arising out of, and during the course of employment, is advised to immediately seek medical aid, if required. The worker must inform the health care provider that they were injured at work.

In accordance with the *Worker's Compensation Acts*, a worker who experiences any of the following events arising out of and during the course of the worker's employment must report the event to the worker's employer and to the WSCC as soon as is practicable:

- a personal injury or disease;
- exposure to toxic, noxious or other hazardous substances that could possibly cause personal injury, disease or death in the future.

A worker must submit a *Worker's Report of Injury* to the WSCC for all injuries and exposures meeting any of the following criteria:

- The worker received, or should have received, medical aid for a work-related injury;
- As a result of a work-related injury or disease, the worker cannot return to their work on the day following the day that the injury or disease occurred;
- The worker is unable, or claims to be unable, by reason of the injury to return to their usual job function on any portion of any working day subsequent to the day of the injury;
- A worker lost consciousness during the course of employment; or
- A worker was exposed to toxic, noxious or other hazardous substances that could possibly cause personal injury, disease or death in the future.







## REPORTING AN INJURY, DISEASE OR DEATH

### *Reporting Penalty*

A health care provider who fails to provide information required by the WSCC within three business days may be subject to a \$250 penalty.

The applicable payment for medical aid reports provided to the WSCC may be reduced when medical reports or other required reports and information are not received by the WSCC within three business days of a request being made.

A Manager of Claims Services may decide not to apply a reporting penalty if the health care provider complies and provides the WSCC with sufficient written justification for the failure to provide information within the required timelines.

### **Dependants of Deceased Workers**

In the case of a worker's fatality, the WSCC does not require a Worker's Report of Injury to be submitted by a worker's next of kin. The WSCC will notify known persons that may have entitlement to compensation under Policy 06.01, Pension Entitlement.

### **LEGISLATIVE AUTHORITIES**

Northwest Territories <i>Workers' Compensation Act</i> :	Sections: 17; 18; 19; 20; 25; 30 subsections: 141(1); 141(2); 141(5); 141(6); 141(7)
Nunavut <i>Workers' Compensation Act</i> :	Sections: 17; 18; 19; 20; 25; 30 subsections: 141(1); 141(2); 141(5); 141(6); 141(7)
Northwest Territories <i>Workers' Compensation General Regulations</i> :	Sections 17; 19; 21
Nunavut <i>Workers' Compensation General Regulations</i> :	Sections 17; 19; 21

### **POLICY RELATED DOCUMENTS**

Policy 03.02	Entitlement
Policy 03.03	Arising Out of and During the Course of Employment
Policy 06.01	Pension Entitlement

	<b>Workers' Safety</b> & Compensation Commission	ᐃᖃᑲᐱᐃᖃᑲᑎᐃᑦ ᐃᑦᑕᐱᖃᑲᑦ ᐃᑦᑕᐱᖃᑲᑦ ᐃᑦᑕᐱᖃᑲᑦ
<b>REPORTING AN INJURY, DISEASE OR DEATH</b>		

Policy 10.04

Preventing and Investigating Abuses and Offences

**HISTORY**

Policy 11.02 (Feb 10/20)

Reporting an Injury, Disease or Death (Non-Substantive Change)

Policy 11.02 (Sep 14/17)

Reporting an Injury, Disease or Death

Policy 11.02 (Jun 12/14)

Reporting an Injury, Disease or Death

Policy 11.02 (Mar 05/13)

Reporting an Injury

Policy 11.02 (May 28/09)

Reporting An Injury

Policy 11.02 (Mar 31/08)

Reporting An Injury

Policy 11.02 (Feb 08/05)

Reporting An Accident

Policy 11.02 (Aug 04/99)

Reporting An Accident

Policy 11.02 (Apr 01/990)

Reporting An Accident

Policy 11.02 (Jan 01/01)

Reporting An Accident

Policy 20-01-22 (Jan 22/94)

Employer's Report of Accident

\_\_\_\_\_  
Chairperson



REPORTING AN INJURY, DISEASE OR DEATH

Reporting Requirements

