

 <p>Yukon Workers' Compensation Health and Safety Board</p>	Part:	Introduction		
	Board Approval:	<i>Original Signed by Chair</i>	Effective Date:	July 1, 2008
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[POLICY DEVELOPMENT PROCESS](#)

GENERAL INFORMATION

Section 3 of the *Workers' Compensation Act* S.Y. 2008 (the "Act") defines policy as "a written document, publicly available, established by the Board of Directors to provide guidance to decision-makers interpreting this Act or authority for the expenditure of funds..."

The Yukon Workers' Compensation Health and Safety Board (YWCHSB) develops policies to provide this guidance and authority in many areas including, but not limited to: compensation for workers, assessments of employers, investment of the compensation fund, health care services and return to work.

PURPOSE

This policy provides direction to the YWCHSB on the principles and the process for the development of its policies and, specifically, on consulting stakeholders during policy development, in accordance with subsection 100 (1) (i) of the Act.

DEFINITIONS

- 1. Administrative policy:** a policy which provides guidance on the internal structure, management and processes of the YWCHSB and which does not directly impact stakeholders. Examples include policies on budgeting, travel and contracting.
- 2. Board of Directors:** the individuals appointed by the Commissioner in Executive Council to collectively provide governance to the YWCHSB.
- 3. Public register:** a place and/or website, which the YWCHSB provides and is accessible to the public, containing all of the items the YWCHSB must make available to the public under section 107 of the Act. These include, for example, all YWCHSB policies, procedures and annual reports.

4. Stakeholders: workers, organizations representing workers, employers and organizations representing employers or any body or group representing both workers and employers and/or their respective organizations.

PREVENTION

A significant number of YWCHSB policies deal with issues related to claims for compensation as a result of work-related injuries. To reduce work-related injuries, employers must ensure that workplaces, equipment and procedures are safe and that workers are thoroughly trained to perform their work safely. Workers must take all necessary safety precautions, comply with health and safety instructions and promptly report hazards and injuries to supervisors.

POLICY STATEMENT

The YWCHSB develops policies according to the following principles:

- a) Policies are consistent with the *Act* and provide clear direction to workers, employers, YWCHSB staff and all others who use the policies.
- b) Policies are in plain language and are easily accessible to stakeholders, YWCHSB staff and the public, including to individuals with literacy and mobility challenges.
- c) Policies that directly impact employers, workers and dependents are developed in consultation with stakeholders.
- d) Policies are fair, practical and effective and can be applied with timeliness, transparency and consistency.

1. Process of policy development

The YWCHSB develops its policies by identifying issues and priorities (often in consultation with stakeholders); researching options; evaluating options for practical, legal, and financial implications; consulting stakeholders (if directly impacted by the policy) and/or other affected parties to determine their needs and perspectives; drafting policies for approval by the Board of Directors and, once obtaining approval, implementing the policies and communicating the policies and making them available to stakeholders, affected parties and the public. After implementation, the YWCHSB reviews and evaluates its policies. (Please see Appendix A.)

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2. Consultation

During the development or amendment of any policy that directly impacts stakeholders, and before the policy is finally approved by the Board of Directors, the YWCHSB shall consult with stakeholders to determine their needs, concerns, and perspectives with respect to the policy. This includes, but is not limited to, policies in the areas of claims for compensation, appeals, assessments and return to work.

The goals of the consultation are to ensure stakeholders:

- a) know, adequately in advance, that the YWCHSB is developing a new policy, or amending an existing policy, and of the potential impacts on stakeholders;
- b) have adequate time to become aware of the background and issues related to the proposed policy;
- c) have ample time and opportunity to contribute meaningful feedback and input on the proposed policy, including sufficient time to gather feedback and input from the people or organizations they represent;
- d) have the opportunity to come together and participate in the consultation as part of a consensus-based approach;
- e) are informed of the potential practical, legal, and financial constraints that may prevent the YWCHSB from implementing some stakeholder recommendations on proposed policies;
- f) are included as partners in the development of YWCHSB policies affecting stakeholders;
- g) play a key role in ensuring policies are understood, supported and complied with by stakeholders;
- h) can assist the YWCHSB in developing policies that are fair, clear and useable; and
- i) can participate in the consultation if they have literacy or mobility challenges.

Based on these principles, and the needs, priorities and requirements concerning the policy in question, the YWCHSB and Board of Directors will determine an appropriate consultation process.

3. Administrative policies

For an amendment to or development of an administrative policy, the YWCHSB may consult with YWCHSB staff and with other parties directly affected by the policy. The consultation will generally not involve stakeholders unless stakeholders are directly affected.

4. Implementation and communication

The YWCHSB shall ensure its staff is trained to implement a new or amended policy by the date the policy takes effect.

The YWCHSB shall make a new or amended policy available to stakeholders as soon as is practicably possible, once the policy has been approved by the Board of Directors. The YWCHSB will also make the policy available to the public through its website and public register, in accordance with section 107 of the Act, and by using any other communication methods to ensure those affected by the policy know about it in a timely fashion.

5. Review and evaluation

The Board of Directors will establish an annual policy review process during which it will set policy priorities based on input from stakeholders or based on emerging issues that arise through the courts, the Workers' Compensation Appeal Tribunal (Tribunal), legislatures, the public or other bodies, authorities or organizations.

New policies will be reviewed within one year of their effective date, if identified during their development process that such a review will be necessary.

ROLES AND RESPONSIBILITIES

The Board of Directors is responsible for determining the YWCHSB's priorities for policy development and for providing approval of all YWCHSB policies before they are implemented.

The Board of Directors is also responsible for determining the most effective means of consulting with stakeholders and – before approving policies – for considering any feedback or input received from stakeholders.

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Stakeholders are responsible for reviewing and considering policies on which they are consulted and for providing timely, constructive feedback.

The YWCHSB is responsible for providing the Board of Directors with the most current, credible and accurate research and option analysis on policy alternatives, to ensure the Board of Directors can make the best possible decisions on policies. The YWCHSB is also responsible for implementing the policies and for communicating them to affected parties to ensure the policies meet their intended purposes.

APPLICATION

This policy applies to the development of all policies by the YWCHSB. In accordance with subsection 3(1) of the *Act*, it applies to the Board of Directors, President/CEO and staff of the YWCHSB, to the Tribunal and to all employers, workers and workers' dependents covered by the *Act*.

EXCEPTIONAL CIRCUMSTANCES

In situations where the individual circumstances of a case are such that the provisions of this policy cannot be applied or to do so would result in an unfair or an unintended result, the YWCHSB will decide the case in accordance with YWCHSB policy, "Merits and Justice of the Case." Such a decision will be considered for that specific case only and will not be precedent setting.

APPEALS

In accordance with subsection 59(1) of the *Act*, the Tribunal or the YWCHSB may apply to the Supreme Court for a determination of whether a YWCHSB policy is consistent with the *Act*.

ACT REFERENCES

Sections 3, 52, 53, 59, 85, 100 and 107

POLICY REFERENCE

EN-02, "Merits and Justice of the Case"

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HISTORY

BD-04, "Development and Application of Board Policy," effective January 2, 1993, amended January 15, 2002, amended April 26, 2005 as PL-02, "Policy Development Process," revoked July 1, 2008.

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Appendix A – Policy Development Process

