



Modernization of the *Workers' Compensation Act and Occupational Health and Safety Act*

Acts modernization external advisory group meeting 2 - Compensation issues

Gold Rush Inn, Town Hall

Thursday, October 31, 2019, 12:30 p.m. to 2:30 p.m.

Introduction

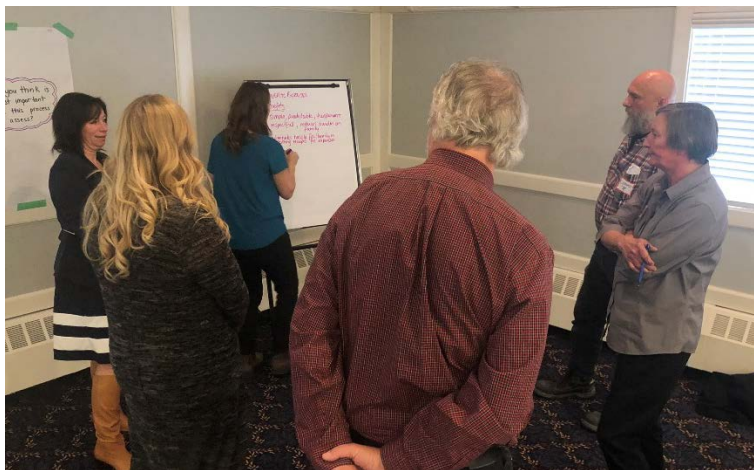
This is a summary of comments made by participants at the external advisory group session on October 31, 2019. For more information on the topics that were discussed [download](#) the compensation issues paper.

Method

Participants were divided into groups randomly and asked to discuss acts modernization policy topics. Through group discussions that included Yukon Workers' Compensation Health and Safety Board (YWCHSB) staff, participants had their thoughts recorded on poster paper. The groups discussed three questions for each topic.

1. *What are the benefits to this approach?*
2. *What are the disadvantages/risks?*
3. *What are some other options to consider?*

The poster paper notes are reflected in this document.





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Funeral expenses

Proposal

The Government of Yukon proposes to simplify this provision by providing a set amount for funeral expenses and other additional related expenses as a benefit payable by lump sum, without the requirement to provide receipts, easing the family's burden during a very difficult time. Transportation expenses to transport the deceased would continue to be reimbursed based on actual costs.

Benefits

- Simple, predictable and transparent;
- Respectful, and reduces burden on affected families by immediately providing support;
- Eliminates the hassle for family to produce receipts for expenses;
- Allows for time to grieve after a loss;
- Quick payments help with early issues that arise as a result of a loss;
- Family knows up front what financial support is available;
- Potential for credit card interest mitigated;
- Allows people to spend as they want;
- Less stress to maintain receipts; it can take time to collect and reimburse receipts;
- Lump sum can be used for anything; and
- Potential flexibility when payout is made.

Risks and challenges

- Lump sum may not provide space for additional diversity;
- Time lapse with admin;
- Issue of dependency; who receives the benefit; and
- Individual who receives the benefit may not be the person paying for the funeral expenses.

Other options to consider

- Provisions allowing for additional expenses in certain circumstances;
- Set up contracts with local business reducing upfront costs to family;



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- YWCHSB could draft policies to mitigate risk of individuals who receive benefits, but are not the ones who are paying the expenses; and
- Initial lump sum payment, followed by receipts for payment.



Third party actions

Proposal

To encourage the participation of a worker in a third party action, the Government of Yukon is proposing to allocate a specified portion of any settlement to the worker before YWCHSB recovers the compensation costs.

Benefits

- Successful action would regain costs to Compensation Fund;
- Guaranteed percentage to worker is fairer
- Worker carries less risk with cooperation;
- Beneficial for YWCHSB to have the cooperation of the injured worker; and
- Successful 3rd party actions benefits all employers due to the potential for a reduction in rates.



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Risks and challenges

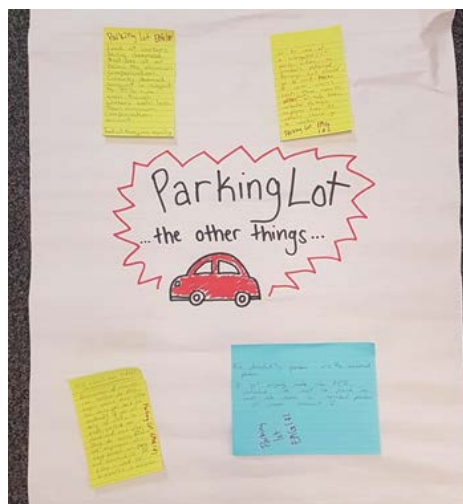
- Percentage versus dollar amount means worker still doesn't know what they are getting;
- Legislation may still be unclear on what workers are entitled to;
- Workers and dependents may want to forget incidents no matter the incentive; and
- Putting the worker first in line may not be beneficial to YWCHSB as not all costs would be recovered.

Other options to consider

- Dollar amount guaranteed to worker better incentivizes participation; and
- Lump sum amount versus a percentage;
- YWCHSB should not recover any of the money because employers are already paying claims costs through assessment premiums. The entire settlement amount recovered, (less legal cost and disbursements) should go to the worker.

Parking Lot

When questions or statements arose throughout the meeting that were unrelated or not covered by the topic under discussion, participants were encouraged to record them on the "parking lot" poster paper.





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75% of Gross over 7 days

Disincentive of earning loss system for return to work (RTW). Wages spread over 7 days. You only get paid for weekends if you are fully off work. So shift workers are penalized each day they do early RTW as are employers who keep people on pay and accommodate for 1 day a week for 6 months. As examples.

In the case of a subrogated/ 3rd party action, no proceeds obtained through suit should go to WCB to cover claims cost – those monies have already been collected through employer fees. All monies should go to the worker.