

## WCB Policy Framework

WCB policies adopted by the Board of Directors (the “Board”) under S. 183 of the *Workers’ Compensation Act* (the “Act”) are formal statements of the Board’s position on a given issue and are followed in the application of the *Act* and *Workers’ Compensation General Regulations*. Policies approved by the Board are binding on both the WCB and the Workers’ Compensation Appeals Tribunal (WCAT). This means they become part of the legal framework and have the force of law. Policy topics include, for example, entitlement, short and long term benefits, and assessments.

The WCB uses a policy framework that ensures we identify the topics that require policy development and is consistent with our commitment to transparent policy development.

## Development of the Annual Policy Work Plan

WCB Nova Scotia uses an Annual Policy Work Plan to guide the work of the WCB’s Policy Team.

Throughout the year, the WCB’s Policy Team monitors the environment and records possible topics for the work plan. Topics typically come from:

- Legislative or regulatory changes.
- Strategic priorities and initiatives.
- Day-to-day application of policy and/or procedure.
- Emerging trends, changes or advances in current knowledge.
- Appeals or court proceedings.

In addition to topics identified through environmental monitoring, individuals and organizations can also identify topics for possible consideration by the Policy Team. This can occur through, (for example) communicating issues or topics to members of the Board during engagement activities. Potential policy topics can also be highlighted through WCB staff and management interactions with stakeholders, employers, and System partners. As well, stakeholders can provide input online or in writing to:

Email: [policy@wcb.ns.ca](mailto:policy@wcb.ns.ca)

Mail: Partnerships and Policy  
Workers’ Compensation Board of Nova Scotia  
PO Box 1150  
Halifax, Nova Scotia B3J 2Y2

The topics identified throughout the year are researched and analyzed by staff to identify the scope and nature of the issues as well as possible responses, one of which may be policy development. Once this work is complete, the Board will review the proposed work plan in light of their prioritization criteria (below).

|                                   |   |
|-----------------------------------|---|
| <p><b>High<br/>Priority</b></p>   | <ul style="list-style-type: none"> <li>• Policy requires development and/or review due to a ruling of the Courts.</li> <li>• Policy requires development and/or review due to a legislative or regulatory change.</li> <li>• Policy is a component of a project/initiative included in the plans and requires completion to achieve the project outcomes.</li> </ul>  |
| <p><b>Medium<br/>Priority</b></p> | <ul style="list-style-type: none"> <li>• Policy supports achievement of a corporate or System goal/priority.</li> <li>• Policy is causing a major service delivery issue.</li> <li>• Importance to and impact on external stakeholders.</li> <li>• Impact of policy on daily operations.</li> <li>• Recurring appeals or decisions frequently overturned on appeal due to policy interpretation.</li> </ul> |
| <p><b>Low<br/>Priority</b></p>    | <ul style="list-style-type: none"> <li>• Emerging trend in social environment (i.e. changing demographics)</li> <li>• Elapsed time since last revision</li> <li>• Policy needs housekeeping changes</li> </ul>  |

The Board will approve the Annual Policy Work Plan in the fall for the upcoming year. Typically the work plan will contain 3 to 6 items including a mix of high-priority items as well as items that support on-going maintenance of the Policy Manual. Recognizing that a time sensitive high-priority policy issue could emerge during the year, the Board always maintains the ability to adjust the Annual Policy Work Plan to allow for a timely response.

# Stakeholder consultation on specific policy topics

The WCB will seek stakeholder input during the development of new or revised policies. As the initial step in the policy consultation process, the Board of Directors will determine whether a **1 Stage** or **2 Stage** consultation process is required. The Board will consider the following criteria in making this decision:

1. Policy development impact on policy intent. This includes whether or not policy revisions are editorial (typos) or more substantive (e.g. the policy no longer applies to a particular group of workers or employers).
2. Impact on the System, workers, and employers. This includes financial impact; impact on worker entitlement and benefits; and impact on employer assessment rates.
3. Stakeholder interest in, or ability to influence, policy outcome. In considering this criterion, the Board will strive to balance stakeholder interest in a particular policy topic with their ability to influence policy outcomes. For example, while stakeholders may be very interested in a particular policy topic, they may have limited ability to impact policy content if the Court has directed the changes.

## 1 Stage Consultation

A 1 Stage consultation approach consists of:

- A draft policy and background document will be posted on the WCB website for a period generally ranging from a minimum of 30 to a maximum of 90 calendar days allowing for stakeholders submissions. Considering the nature of the policy issue and policy environment, the Board may choose a longer consultation period.
- A notification will be sent to those who subscribed to the “Policy Consultation List” that a minor policy item has been posted to the website and consultation is in progress. (In accordance with Policy 10.3.11 the WCB maintains a list of key stakeholders. Stakeholder can subscribe to the list at any time by simply clicking [SUBSCRIBE](#) and adding their contact information.
- The Workers’ Advisors Program (WAP) and the Workers’ Compensation Appeals Tribunal (WCAT) will be notified that a minor policy has been posted to the website and consultation is in progress. Where the policy item is prevention/safety related, the Occupational Health and Safety Division (OHS) of the Department of Labour and Advanced Education (LAE) will also be notified.
- Input provided by stakeholders and WAP/WCAT/OHS will be shared with and considered by the Board as they make a final policy decision.

- To complete the consultation process a consultation summary document highlighting the key points raised by stakeholders and WAP/WCAT/OHS, as well as the WCB's response, will be posted to the WCB website.

## **2 Stage Consultation**

A 2 Stage consultation consists of:

### Stage 1 – Small Stakeholder Working Group

- In the development/review of any major policy topic, the WCB will establish a small stakeholder working group of 4-6 individuals representing the key stakeholder groups. The stakeholder working group will provide an opportunity for stakeholders to interact and to identify, clarify and discuss their issues/concerns related to the policy topic under development/review. Stakeholders' input will help inform the scope of the policy review on the specific topic.
- Prior to the working group meeting an issue background document for the policy topic will be shared with working group members.
- Copies of the issue background document will be sent to WAP, WCAT and OHS (if the policy item is prevention/safety related) and their input encouraged.

### Stage 2 – Stakeholder Input re: Draft Policy

- Considering the input gathered during stage 1, the WCB will conduct a review of the policy topic and will prepare a draft policy. During this stage of the consultation process stakeholders will have an opportunity to provide input on the draft policy. The Board of Directors will consider this input when making its final policy decision.
- A draft policy and background document will be posted on the WCB website for a period generally ranging from 30 to 90 calendar days allowing for stakeholders submissions. Considering the nature of the policy issue and policy environment, the Board may choose a longer consultation period.
- Notification of the draft policy and background paper will be sent to those individuals who have subscribed to the "Policy Consultation List" for input. (In accordance with *Policy 10.3.11 – Policy Consultation* the WCB maintains a list of key stakeholders. Stakeholder can subscribe to the list at any time by simply clicking [SUBSCRIBE](#) and adding their contact information.
- A copy of the draft policy and background document will be sent to WAP, WCAT and OHS (where policy item is prevention/safety related) and their participation encouraged.

- Input provided by stakeholders and WAP/WCAT/OHS will be shared with and considered by the Board of Directors to arrive at a final policy decision.
- To complete the consultation process a consultation summary document highlighting the key points raised by stakeholders and WAP/WCAT/OHS as well as the WCB's response will be posted to the WCB website.