

2016 Annual Report



Yukon Workers' Compensation
Health and Safety Board



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Who We Are

The mandate of the Yukon Workers' Compensation Health and Safety Board is to prevent disability. We support and care for Yukon workers injured on the job and facilitate their early and safe return to work. We also promote safety and help employers prevent workplace injury and illness through education, consultation, inspection and compliance. The Board is funded by employers.

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On the cover

École Whitehorse Elementary School student and future worker Lachlan Wood participated in our new Safety Build program. Read about it on page 11.

Year at a Glance

		2016	2015
1	Workers covered	21,630	21,380
2	Open claims	3,168	3,399
1, 2	Claims	1,226	1,226
1, 2	Accepted claims	977	1,047
1, 2	Lost-time claims	454	444
1	Lost-time rate (<i>per 100 covered workers</i>)	2.1	2.1
	Permanent impairment awards	42	37
	Worker fatalities	3	0
	Decisions rendered by hearing officers	23	21
	Decisions rendered by the Workers' Compensation Appeal Tribunal	5	5
1	Registered employers	3,663	3,532
	Maximum assessable earnings / wage rate	\$84,837	\$84,837
1	Assessable payroll (<i>millions</i>)	\$1,116.9	\$1,077.5
4	Assessment revenue (<i>millions</i>)	\$20.2	\$21.4
	Average estimated premium rate (<i>per \$100 of insurable earnings</i>)	\$1.85	\$1.90
3	Average collected premium rate (<i>per \$100 of insurable earnings</i>)	\$1.84	\$2.02
4	Net investment income (<i>millions</i>)	\$10.8	\$13.7
	Investments market return	5.6%	6.8%
4	Fund balance (<i>millions</i>)	\$209.5	\$218.7
4	Funded position	150%	155%
	Funded position (<i>including target reserves</i>)	120%	125%

Notes:

Data may include revisions to prior releases.

1 Revised based on most recent data.

2 Figures may include counts of duplicate occurrences.

3 Based on rateable revenue only for the assessment year and includes adjustments to previous estimates of payroll and assessment revenue.

4 In accordance with the Financial Statements.

Special note re worker fatalities

Prior to 2011, the definition used in annual reports respecting fatalities was "accepted fatalities," which counted only those fatalities that were accepted by the Board pursuant to the *Workers' Compensation Act* and in the year in which they were accepted. Since 2011, the definition is no longer restricted to compensable fatalities, and fatalities are reported during the year in which they occurred.

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Note to the reader

Throughout this report "the Board" refers to the Yukon Workers' Compensation Health and Safety Board.

Board of Directors

The Yukon Workers' Compensation Health and Safety Board is governed by a Board of Directors made up of two representatives of workers, two representatives of employers, a neutral chair and a neutral alternate chair. The President/CEO of the Yukon Workers' Compensation Health and Safety Board sits as a non-voting member.

The Board of Directors expresses appreciation to Joy Waters, who retired in 2016, for her four years of service as President/CEO, and welcomes Kurt Dieckmann, who became President/CEO in July.

Mark Pike

*Chair
Appointed in November 2010*

Mark is a Fellow of the Institute of Chartered Professional Accountants of the Yukon and the managing partner of the Whitehorse office of Crowe Mackay LLP. He has been in public practice for over 30 years, working with municipalities, First Nations, non-profit organizations and private businesses. He has appeared before the Yukon Supreme Court as an expert witness and has made numerous representations to the Canada Revenue Agency on income tax and goods and services tax matters. Mark serves on a number of other boards and is an active member of the community, including being a director of the Whitehorse Oldtimers Hockey League.

Vicki Hancock

*Alternate Chair
Appointed in August 2006*

Vicki held several leadership positions with the Government of Yukon over the course of her career. She retired from government in 2002 as Deputy Minister of Tourism and Culture. She has served as Deputy Chair of the Yukon Municipal Board for 13 years and was a member of the Yukon Human Rights Panel of Adjudicators from 2010 to 2013. Vicki has considerable knowledge and experience in administrative justice and workplace safety. Her community work includes being a volunteer firefighter and president of the Tagish Volunteer Fire Department Society.

Christie Harper

*Representative of Workers
Appointed in October 2015*

Christie is a Labour Relations Advisor with the Yukon Employees' Union (YEU), where she advises and represents public and private sector workers throughout the Yukon. Prior to joining the YEU, Christie worked in Ontario as a worker advocate in the field of workers' compensation. As an advocate, she has made numerous presentations on workers' compensation issues and best practices in representation. She also taught employment law in the School of Legal and Public Administration at Seneca College. Christie holds a Master's Degree in Work and Society with a thesis focused on the limits of criminal law to creating safer workplaces. Christie enjoys outdoor sports and volunteering in the community.



Heather McIntyre

*Representative of Employers
Appointed in February 2015*

Heather worked in the hotel industry for more than 20 years. She managed the Westmark Inn in Beaver Creek in the early 1990s and later took on the same role at the Westmark Klondike Inn in Whitehorse. In 2003, she became General Manager of the Westmark Whitehorse Hotel, a position from which she retired in 2016. Heather holds a Bachelor's Degree in Sociology from Acadia University and a Certificate in Hotel Administration from the Alberta Hotel and Lodging Association. She is active in the community and has served on the boards of the Tourism Industry Association of the Yukon and the Yukon Convention Bureau, of which she was president.

Carl Schulze

*Representative of Employers
Appointed in February 2011*

Carl is a professional geologist and the Proprietor and Chief Consultant of All-Terrane Mineral Exploration Services. He has a Bachelor's Degree in Geology from Lakehead University. Carl has served as a director and president of the Yukon Chamber of Mines. He became a director of the Yukon Prospectors Association in 2016 and is a member of the Yukon First Nation Chamber of Commerce. Carl is a volunteer at the Thomson Centre, where he visits with the residents and performs monthly piano concerts.

Luigi Zanasi

*Representative of Workers
Appointed in April 2013*

Luigi is a consulting economist with a Master's Degree in Economics from McGill University in Montreal. Over a lengthy career he has managed numerous projects for a broad range of government, First Nation and private sector clients all over Canada, and has authored dozens of studies on topics as diverse as housing, land-use policy, energy use, community facilities, labour market, mining and cultural industries. Luigi is an active member of the local labour community.

Kurt Dieckmann

*President/CEO
Appointed in July 2016*

Kurt holds a Certificate in Occupational Health and Safety from Ryerson University and an MBA from Royal Roads University. He came to work for the Yukon Workers' Compensation Health and Safety Board in 1999 after a successful career in the mining industry. Working with the Yukon Contractors Association, Kurt established the Yukon Construction Safety Association—later the Northern Safety Network Yukon—and brought the national safety standard Certificate of Recognition (COR) system to Yukon. Kurt became the Director of Occupational Health and Safety in 2005 and the Director of Corporate Services in 2014. He became President/CEO in July 2016. Kurt has volunteered over the years for numerous sporting and community events.



Message from the Board of Directors

It takes a community

Take a look around. You'll see your family, your friends, the people you work with, even strangers you pass on the street. There's your home. There are the stores you shop in and the places you go to relax, play and learn. Then there's the place you really spend a lot of time: your workplace.

This is your community. It's our community, too, and we're in it with you.

We help keep you and many other Yukoners healthy by inspiring and enforcing safe workplace practices. When people suffer illness or injury at work, we care for and support them. Those efforts require community engagement with Yukon's employers, workers, health care providers and a committed group of stakeholder partners.

As a result, workplaces are getting safer. Prevention measures such as personal protective equipment and training are becoming the norm. We are all taking responsibility for our own well-being and that of our co-workers.

Unfortunately, people are still getting injured, some even suffering permanent disability or death at work. Why? The answer too often lies in the past.

Workplaces that once may have seemed safe are now known to have contained unrecognized hazards such as asbestos, noise and radiation. Many of the injuries we face today did not occur at one specific moment. Rather, they accrued over time like bad debt that came due suddenly years later. It's called "occupational disease." In 2016, we mourned two deaths caused by it.

Those losses harshly demonstrate the terrible truth that the practices of workplaces past will continue to relentlessly manifest as one of the key challenges we face moving forward. Of course, years or decades of separation from unsafe work environments do not exempt us from supporting the workers who toiled in those dangerous places. Instead, they harden our resolve to draw attention to risks that workers face today and that we are sometimes challenged to recognize.

That's how, in 2016, our understanding of, and experience with, workplace injuries expanded into new realms. Where prevention and treatment once focused solely on physical health and well-being, the realm of the mind is now also recognized to be at risk.

We received the highest number of mental health claims ever in 2016. Those claims were the most difficult and time-consuming for our staff to assess and provide care for, and they were not limited to any one industry. They occurred across the spectrum of workplaces. Some were related to post-traumatic stress disorder. Others revealed the many forms that damage to the mind can take.

Yukon workplaces struggle with this issue. Many employers are not aware of the conditions and actions that lead to mental injuries, nor do they understand how to establish preventive measures. Our existing laws and regulations did not anticipate mental injuries. As a result, preventing harm is an evolving effort, and caring for workers who suffer mental injuries often challenges us in unexpected ways.

It's challenges like that and many others that drive our commitment to help protect and support Yukon workplaces. Every day, our men and women spread out into the community and work directly with employers and workers.

Our Occupational Health and Safety officers spearhead our consultation and enforcement efforts. They help employers recognize risks and take steps to keep workplaces safe.

Our Employer Services team supports the business needs and interests of employers. Staff regularly travel throughout Yukon to visit workplaces to deliver hands-on assistance.

The people in our Claimant Services branch provide direct support to workers recovering from injuries. They visit their workplaces to help them plan to return to work and sometimes lend support in their homes.

Safety management consultants go into public schools and attend community events to foster the development of a safety culture in the community at large.

There's something else in the community we'd like to draw your attention to. It's a new monument on the Whitehorse waterfront called the Workers' Memorial. It was erected in 2016 through the collaborative efforts of

the Yukon Federation of Labour, a number of employers and the Yukon Workers' Compensation Health and Safety Board.

The memorial stands as a silent tribute to those whose work took them forever from their loved ones and friends. It etches the value of safety into our community's consciousness. It is also a permanent, public reminder of the power of partnership and community.

The Yukon Workers' Compensation Health and Safety Board cannot, and does not, work alone. We stand shoulder to shoulder with our stakeholder partners, employers and workers. As a team, we will absorb the historical aftershocks of occupational disease and care for those trapped in its grip. Together we will foster a compassionate awareness of workplace mental health, learn to prevent it, and support those who suffer injury.

It takes a community to build a safety culture, and we are proud to be a key part of that broad effort to support Yukon workers and employers of the past, present and future.



Young and New Workers

The Yukon Workers' Compensation Health and Safety Board has made the orientation, training and supervision of young and new workers a priority because they are at greater risk of injury than more experienced workers.

A young worker is an employee under 25 years of age. A new worker might be new to a workplace, returning to a workplace where hazards have changed, or relocating to a new workplace where the hazards are different from those in their previous work environment.



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Young worker learns to put safety first

The Board delivers a variety of programs, materials and courses to foster healthy and safe behaviours in young and new workers. Two safety management consultants carry out this important work in Yukon schools, in evening classes, and at conferences and other gatherings. In 2016, they visited 23 Yukon elementary and secondary schools, interacting with more than 1,600 students. They also worked with students in the trades programs at Yukon College, the Women in Trades program, the Yukon Tourism Education Council's Ready to Work program, and Challenge.

This year, the Safety Build program was introduced in elementary schools. Participating students use LEGO® bricks, personal experiences and their imaginations to build models and tell stories about what they do to keep safe at school, at home and in communities. This engaging, adaptable and hands-on activity allows students to interact with their peers, use a variety of skills, and show what they do on a daily basis to build safety into their lives. Students describe how making safe choices prevents injury, may have long-term consequences, and is the responsible thing to do.

In 2016 a new Safety Online course was also launched. Targeted at students in grades 5 to 10 and their parents, the course looks at decision making and vulnerabilities related to cyber-bullying and other online risks. Students are taught how to recognize and avoid online hazards. Safety Online was created by the Board and has been delivered to date to students and parents in Whitehorse, Haines Junction, Carcross, Dawson City, Faro and Old Crow.

Curriculum and lesson plans are available free to teachers in classes from Kindergarten to Grade 5. A curriculum guide for grades 6 and 7 that explores the influences and dilemmas related to health and safety decision-making was completed in 2016. It will officially launch in 2017.



Working at Whitehorse's Raven Recycling facility is Michael Ritchie's first real job. It has led to opportunities and learning experiences—especially lessons in safety.

The 20-year-old Yukoner started as a bottle counter in the recycling depot in June 2015. After only six months he was promoted to supervisor. Now Michael primarily operates a forklift in the warehouse. He is also a member of Raven's safety committee.

"We go over incident reports and talk about everything that happened and could have happened," he says of the committee. "It helps me think about what is unsafe here and opens my eyes to what is going on."

At first, being aware of workplace safety was new to Michael. These days, it's his job to make sure employees are following safety protocols.

"It can be challenging, especially when telling older workers to get things done and put on their high-visibility gear," he says.

Michael doesn't think many of his friends have the same awareness about safety in their workplaces, but he believes that knowledge is power, and understanding how to be safe is better than having something happen.

"If a guy takes a forklift and runs it into the wall with no seatbelt on and hits his head, he's probably going to be hurt and out of work. It's something you want to avoid," Ritchie explains. "I don't feel comfortable risking people's lives just to get the job done; at the end of the day, that's not acceptable."



The Board continues to deliver the popular “Work Shouldn’t Hurt” course to Planning 10 classes in Yukon secondary schools and at Yukon College. The course explains why young people are at a greater risk of injury at work and trains students to recognize common workplace hazards. In 2016 Work Shouldn’t Hurt was delivered in Old Crow for the first time. It was requested by and taught to Champagne and Aishihik First Nations staff, and four sessions were delivered to students in the Yukon Tourism Education Council’s Ready to Work program, with foreign workers making up most of the participants.

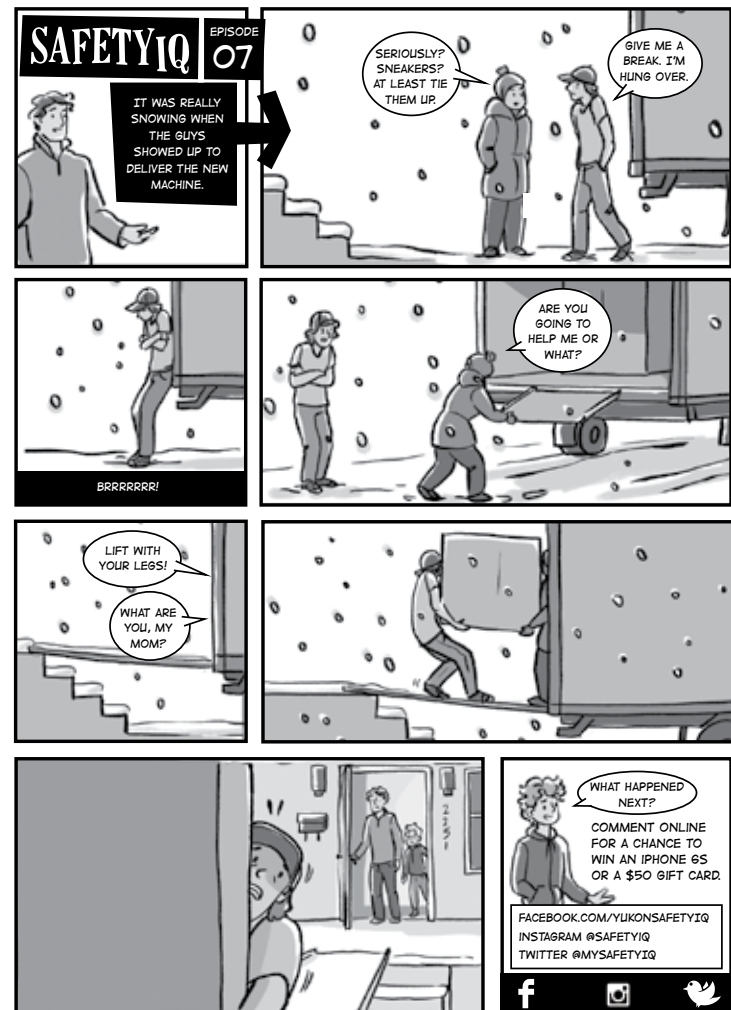
This year the Board also participated in many public events. At the 2016 Yukon Geoscience Forum & Trade Show, an interactive display allowed participants to explore hearing protection and demonstrated how

common household and workplace items can lead to hearing loss. The Board also took part in the Career and Volunteer Expo in Whitehorse, the Yukon Teachers’ Association annual conference, and the Health & Safety Fair in Haines Junction.

In partnership with Skills Yukon, the Board sponsored a video contest for Yukon high school students again this year. Entrants incorporated the phrase, “What happened then?” into short videos about health and safety. Sixteen entries were received. Winners received cash prizes for themselves and their schools. Ona Toews and Amanda Thomson, students at the Wood Street Centre, took first prize with their video, Flying or Falling, and went on to represent Team Yukon at the Skills Canada National Competition in Moncton, New Brunswick, in June 2016.

New job, new way of working

Storytelling was core to 2016's major social marketing campaign, Safety IQ. This innovative initiative fostered a conversation to bridge the gap between young and new workers and their counterparts in the workplace who are older or more experienced. Safety IQ featured full-page comics depicting real-life stories of workplace incidents. They were published through social media such as Twitter, Facebook and Instagram and in traditional media such as newspapers. A simple game inspired readers to collect clues from across the platforms and engage in an online dialogue that explored the safety issues presented in the comics. The campaign reached over 18,000 people.



Since moving to Whitehorse in December 2016, there's been an adjustment period for 31-year-old Ronjay Agapito. He's originally from the Philippines, so the northern climate has taken some getting used to, but he's also noticed a different culture of safety in the workplace.

Shortly after arriving, Ronjay began preparing drinks and working as a cashier at Tim Hortons. He was surprised to learn about the safety committee that ensures things run smoothly and works to prevent injuries. Ronjay says he's happy to have people looking after health and safety issues in the workplace, and he appreciates that he can also share his thoughts on safety with the committee.

Ronjay worked at a restaurant in the Philippines, so he knows the food service industry well. However, he says job training methods and procedures are more organized and specific in Yukon. He completed extensive orientation training and continues to receive guidance on the job. Ronjay says he believes the owners and managers at Tim Hortons are focused on ensuring that safety is at the forefront.

Compared to his previous job situations, Ronjay says he feels less pressure at Tim Hortons to complete tasks he's uncomfortable with. If he isn't confident performing certain duties, his managers have told him to let them know. Ronjay appreciates the cooperation and patience he's received from his employers, managers and co-workers. And while he's still adjusting to life in Yukon, their help is making it easier.



Northern Safety Network Yukon (NSNY) has been offering job-specific training and occupational health and safety accreditation programs since 2003. The courses and programs available through NSNY enable employers to better understand their responsibilities under the *Occupational Health and Safety Act* and its regulations. Courses are offered in its Whitehorse training centre and in Yukon communities.

NSNY is partly funded by the Board, with the goal of promoting a commitment to occupational health and safety among Yukon workers and employers.

NSNY offers the Certificate of Recognition (COR), Small Employer Certificate of Recognition (SECOR), and Owner Operator Certificate of Proficiency (OCOP) programs. These programs are designed to help employers develop and maintain company-wide safety programs, implement standardized training, and monitor safety through annual audits.

Over 2,000 individuals participated in NSNY courses in 2016. NSNY Executive Director Sheila Sergy says the organization has seen substantial growth over the past five years, with an increasing number of workers taking courses and employers achieving nationally recognized certification.

"It's a compliment to all of the employers," Sheila says. "Each year they are sending more of their employees for training and investing in their workforce."

The successful partnership between NSNY and the Board is a cornerstone of injury prevention in Yukon and fosters workplace safety culture throughout the territory.

Occupational Health and Safety

The Occupational Health and Safety (OHS) branch works with employers to ensure they are aware of and follow the *Occupational Health and Safety Act* and its regulations. The regulations establish workplace health and safety standards, including the requirement for health and safety programs, equipment maintenance, worker training and supervision.

OHS safety officers regularly inspect workplaces throughout the territory and consult with employers to raise awareness about health and safety in all Yukon worksites. Safety officers collaborate with employers to obtain voluntary compliance with the regulations. When voluntary compliance is not obtained, an enforcement regime is invoked, ranging from consultation and formal orders to penalties and, in rare cases, prosecution.

In 2016 the Board launched a new, mobile-friendly website to provide better access to the regulations from smart phones and other mobile devices. Users can select a particular regulation from the homepage and search for specific terms and information. The website can be found at yukonregs.ca.

The OHS branch presents an annual talk through the Workplace Solutions Speaker Series. In 2016 this well-attended event took place at the Yukon Beringia Interpretive Centre in March. It examined the history and uses of asbestos, health effects from exposure, materials in the home and workplace that may contain asbestos, and hazard assessment and control.

In the first two months of 2016, safety officers focused their inspections on restaurants, hotels, retailers, manufacturers, wholesale distributors, and bulk oil distributors. Through the issuance of 885 orders, the

Board influenced these employers to develop healthier and safer workplaces by addressing such issues as policies and procedures relating to safety programs, joint health and safety committees, first aid, ladder safety, and workplace design.

Throughout the year, safety officers conducted 311 inspections and issued 2,374 orders. Some health and safety infractions resulted in penalties totalling \$25,200; 35 penalties were levied against employers, 3 against supervisors, and 2 against workers. Penalties are posted on the Board's website (wcb.yk.ca) to foster safety awareness and compliance.



OHS officers Chelsea LaRose and Jules Farkas discuss safety regulations with a small-business manager in Whitehorse.

The Board's Dawson City office continues to support employers and workers looking for information about occupational health and safety issues in the Klondike region. It also provides ongoing inspections in Dawson City, especially from April through October.

OHS continues to work with employers to educate them about their occupational health and safety responsibilities and the importance of timely reporting.

Kwanlin Dün now COR certified



Kwanlin Dün First Nation (KDFN) has made safety a priority. The self-governing First Nation reached a landmark achievement in August 2016 when it received its Certification of Recognition (COR) for safety excellence from Northern Safety Network Yukon. This accomplishment made KDFN the first Yukon First Nation in the territory to receive COR certification.

"Kwanlin Dün is a leader in protecting its workers from injury in the workplace. The safety of our employees, including our many citizens who are part of our staff, is paramount socially and economically to our government operations and our Nation," says Chief Doris Bill.

Over the past five years, KDFN has been developing a rigorous safety program that includes an extensive occupational health and safety manual containing policies, procedures and practices to ensure the protection and safety of its workers. KDFN has also put training in place to provide workers, and especially those who work in hazardous environments, with the proper knowledge and equipment to do their work safely.

"We strive to ensure that our employees have a safe work environment so that they may return to their families at the end of their work day," says Chief Bill.

Chief Bill says Kwanlin Dün is proud of this accomplishment in workplace safety and has been sharing its knowledge with other Yukon First Nation governments to help them establish their own safety programs.

Tr'ondëk Hwëch'in CHOICES pay off



Chris Healey

For the Tr'ondëk Hwëch'in First Nation, getting their CHOICES rebate was the perfect fit with their way of doing business and their desire to continue to foster health and safety in the workplace.

"Health and safety are most certainly First Nation values, so this sort of initiative was very appropriate for our government," says Diane Baumgartner, payroll and benefit administrator for Tr'ondëk Hwëch'in and former secretary of the health and safety committee.

"We needed to put a framework in place so people realized how natural and important health and safety is by training individual employees to be safe out on the land and to foster leaders in safety," she adds.

In 2012 Diane recognized that Tr'ondëk Hwëch'in could benefit from the CHOICES rebate program. Since then, the First Nation has saved five percent on its annual assessment payment.

Dexter MacRae, director of human resources, education and training for Tr'ondëk Hwëch'in, says the rebate is icing on the cake, but ultimately it's about building a safe environment for all employees.

"We want to make sure that we are taking advantage of any training opportunities out there to ensure staff members are safe and healthy in their workplace. That alone is enough to want to be a part of the CHOICES program," he says. "Productivity levels will be there if your staff feel comfortable and knowledgeable in the environment they are working in."

Employer Services

The workers' compensation system is supported by premiums charged to employers. Employer Services is responsible for assessing and collecting those premiums. The branch also works with employers to ensure that they are adequately covered in the best interests of workers.

Optional coverage

While most Yukon workers receive workers' compensation coverage through their employers, some do not, which means they are personally responsible for the impact of lost income and health care expenses arising from a workplace injury or illness. Sole proprietors, business partners, and business owners need to purchase optional coverage.

In 2016 more than 800 sole proprietors, business partners, owners of non-incorporated companies, and others registered for optional coverage.

CHOICES

The CHOICES rebate program rewards employers for improving workplace safety and return-to-work practices in their businesses through training. Rebates range from 4 to 10 percent of an employer's annual assessment, up to a maximum of \$25,000 per year. Businesses with Certificate of Recognition (COR) or Small Employer Certificate of Recognition (SECOR) certification automatically qualify for a 10-percent rebate. To be eligible for a CHOICES rebate, training must be provided by a third party such as Northern Safety Network Yukon and result in a certificate, transcript or other proof of completion.

Participating employers saved a total of \$524,000 in 2016, up from \$471,000 in 2015.

Chamber helps employers

Penalties

This year, employers were issued \$310,000 in penalties for failing to meet deadlines for registering with the Board, not filing or incorrectly filing their annual payroll return, or not paying their assessment premiums. This amount compares to \$233,000 in 2015.

The Board saw this increase in penalties specifically during the payroll return season. Employers are given a 25-percent cushion to estimate their company payroll. If the estimate differs by more than 25 percent, they are issued an underestimating penalty and are charged interest. The increase in penalties from 2015 to 2016 reflects that many employers did not revise their payroll estimates when given the opportunity to do so.

2016 rates and surplus distribution

All industry groups benefited from lower assessment rates in 2016. The estimated average rate dropped to \$1.85 in 2016, from \$1.90 in 2015.

In December the Board distributed \$9.6 million of its surplus reserves to employers in the form of a rebate. This helped reduce the Compensation Fund's surplus position to 150 percent at the end of 2016, down from 155 percent a year before.

See Management's Discussion and Analysis in the financial pages for details on these efforts.



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Navigating the workers' compensation system and occupational health and safety requirements and regulations is not an easy task for all employers. Through a partnership with the Board, the Yukon Chamber of Commerce (YCC) established the Employer Advisor Service in 2013 to make the task easier. The service is free, confidential and independent from the Board. It works towards keeping workers' compensation costs as low as possible and ultimately reducing injury rates in the territory.

"There are an awful lot of myths and legends out there about how the entire workers' compensation system works," says Mal Malloch, YCC's Employer Advisor. "By having a service like this, affiliated with the Chamber, employers are willing to seek advice from us that they might not be comfortable seeking from the Board directly."

Mal provides information about assessments, workplace safety, letters of clearance, the CHOICES rebate program, return-to-work opportunities and obligations, and other topics pertinent to an employer's interests. He tries to visit every Yukon community once a year to reach out to employers. He also delivers a free, half-day workshop called Workers' Compensation 101.

The Yukon Chamber of Commerce also offers input from the employers' point of view on the Board's Stakeholder Advisory Committee, Policy Working Group, and Prevention and Safety Advisory Group.

Advocating for workers



The Workers' Advocate Office (WAO) offers free, independent services to injured workers and the families of deceased workers to assist them with their claims. WAO acts as a conduit for communication between the Board and claimants and helps claimants better understand the *Workers' Compensation Act* and Board policies and procedures.

WAO services are administered through the Government of Yukon's Department of Justice, funded by the Yukon Workers' Compensation Health and Safety Board.

Since changes were made to the legislation in 2008, efforts have been made to seek informal resolution of claims with Board staff as an alternative to the formal appeal process.

Claimant Services

The compensation system provides loss of earnings benefits to eligible injured workers who lose work time, provides medical benefits and manages health care for injured or ill workers, and facilitates early and safe return to work. Claimant Services staff are governed by legislation and policies, and are guided by the Board's corporate values of partnership, accountability and compassion.

Claims decisions are made by weighing the evidence received through injury / illness reports from workers, employers and medical professionals.

The Board accepted 454 time-loss claims during the year, compared with 444 in 2015. Seventeen of the claims accepted in 2016 related to mental health, more than double that of the previous year. Mental health claim cases are complex and often take more time for decision makers to process than claims for physical injuries.

Early and safe return to work prevents the negative consequences of long-term absences from the workplace, keeps pre-injury skills sharp, and bolsters dignity and self-esteem. Successful return-to-work outcomes prevent long-term disability and reduce the possibility of psychological problems for workers and their families. They are also good for an employer's bottom line. Early and safe return to work is a collaborative process involving the worker, the adjudicator or case manager, the employer, and health-care professionals involved in the worker's recovery.

Tribunal hears appeals

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(left to right) Gary Boyd, Margaret McCullough, Michael Riseborough, Ed Sumner, Laura Hureau, Megan Anderson (staff)

The Workers' Compensation Appeal Tribunal (WCAT) is a quasi-judicial body that hears final appeals from employers and workers on compensation claim matters. WCAT works to ensure that workers and employers are treated with respect, compassion and fairness.

The tribunal was established in 2000 through amendments to the *Workers' Compensation Act*. There are six part-time members: a neutral chair and alternate chair, two members representative of employers and two members representative of workers. Tribunal members are appointed by the Yukon government Cabinet after consultation with employers, workers and their representative organizations. Tribunal costs are paid out of the Compensation Fund.

In 2016 WCAT considered five appeals, of which four were confirmed and one was reversed.

Despite a slight increase in accepted time-loss claims in 2016, costs per claim were lower, suggesting that the collaborative approach to return-to-work efforts is paying off. By the end of 2016, almost 80 percent of claimants had been cleared to return to work within three months, while almost 90 percent had been cleared within a year.

Appeals

Claims decisions may be denied for various reasons. For example, required information is missing, a worker's industry or workplace is not covered under the *Workers' Compensation Act*, or the injury or illness is deemed not to be work related. When a claim is denied, the claimant has two years to appeal the decision.

Appeals are first handled by hearing officers. After reviewing the claim carefully, they confirm the original decision, vary it or reverse it. Claimants who are not satisfied with hearing officer decisions can appeal to the Workers' Compensation Appeal Tribunal (WCAT). WCAT decisions are considered final, unless new evidence is brought forward. Claimants can ultimately request a judicial review through the courts.

The Board dealt with 23 appeals in 2016, with 18 being confirmed and 5 being reversed. Five hearing officer decisions were appealed to WCAT.

Policy Amendments

The Yukon Workers' Compensation Health and Safety Board administers and is governed by the *Workers' Compensation Act*. When necessary, policies are developed to interpret and provide for practical application of this law.

Policies are developed through consultation with our internal and external stakeholder groups. They are approved by our Board of Directors. Policy development involves the work of policy analysts and other Board staff, who ensure that the policies reflect the input of our stakeholder partners and honour the spirit and intent of the Act.

Name of policy	Changes	Effective date
GN-01: Information Access and Privacy	This policy was updated to reflect changes to the <i>Access to Information and Protection of Privacy Act</i> (ATIPP) to safeguard our clients' personal and confidential information.	July 1, 2016
GN-08: Contracting	The amended policy addresses new Government of Yukon contracting regulations and assigns appropriate levels of signing authority to the Board's senior executives.	January 1, 2016
EL-01: Loss of Earnings Benefits	The amended policy clarifies time periods, circumstances, and earnings considered when calculating loss of earnings benefits.	January 1, 2016
EL-06: End of Loss of Earnings Benefits	The amended policy clarifies what happens when an injured worker quits their pre-injury job (whether planned or unplanned before the injury) or otherwise voluntarily withdraws from the workforce, and how earnings loss benefits are affected.	January 1, 2016
EL-04: Recovery of Overpaid Compensation	The amended policy clarifies when decision makers may and may not exercise discretion when deciding whether to recover an overpayment of compensation to an injured worker.	January 1, 2016
EN-11: Worker, Attendant and Witness Travel	The amended policy clarifies mileage allowances, liability for damage to hotels, and entitlement to incidental expense allowances.	January 1, 2016
EN-13: Claims Costs Relief and Claims Cost Transfer	<p>This policy was revoked. It had originally been written to reflect an earlier assessment system that is no longer used.</p> <p>Three policies needed minor revisions as a result of the revocation of EN-13:</p> <ul style="list-style-type: none"> • EA-10: Transfer of Employer Experience Account • GN-06: Subrogated Claims • GN-07: Negligence Cost Transfer 	January 1, 2016

Investigations, Privacy and Appeals to the Board of Directors

Investigations and security

The Investigations unit provides security services to the Board, protects claimants and the Compensation Fund by ensuring that the benefits paid to workers are those to which they are entitled, and supports the OHS branch by helping to coordinate the initial stages of investigations into workplace fatalities and major incidents.

In 2016 the Investigations unit worked closely with the Information Technology unit to upgrade and improve internal security systems. Both units worked with a Whitehorse-based business to facilitate training and install a new system with progressive audio-visual capabilities. The Investigations unit also worked on procedural upgrades to the Workers' Compensation Appeal Tribunal (WCAT) security system.

The Investigations unit looked into 15 claim files in 2016 and assisted OHS on 3 investigations.

Privacy

The Yukon Workers' Compensation Health and Safety Board collects personal information in the administration of the *Workers' Compensation Act* and the *Occupational Health and Safety Act*. The Board is subject to the *Access to Information and Protection of Privacy Act* (ATIPP). ATIPP protects personal privacy by preventing the unauthorized collection, use or disclosure of personal information. It gives individuals a right of access to their

personal information. It also gives the public the right to access general records of the Board.

Privacy is an integral part of the culture at the Board due to the sensitive nature of the information we manage on a day-to-day basis. There are several policies and directives in place related to privacy management. Three years ago, the Board was recognized by the Yukon's Information and Privacy Commissioner for being the first public body in the territory to develop a privacy management program. That program includes designating a privacy officer; developing privacy directives, including privacy breach protocols; and providing training to staff.

New directives and procedures are in development annually to ensure the privacy of personal and other confidential information, safeguard the security of our systems, and improve access provisions for our clients. The foundation policy regarding privacy and release of information is GN-01, Information Access and Privacy, which, as noted on the opposite page, was updated in 2016 to improve our privacy and disclosure practices—in particular, adding processes to be followed for access and disclosure of information, challenging compliance or requesting corrections, and other changes to comply with ATIPP legislation.

Appeal Panel of the Board of Directors

An Appeal Panel of the Board of Directors is authorized to hear appeals on matters pertaining to assessments, occupational health and safety, and rights of action. In 2016 a panel heard one appeal relating to an occupational health and safety matter and confirmed the previous decision.

Safety Food for Thought

In May 2016 the second annual Partners in Safety Barbecue was held at Shipyards Park in Whitehorse. The free event had Board representatives and volunteers from other organizations serving up hot dogs and burgers, as well as discussions on health and safety.

"Safety doesn't stop at work," says organizer Paul Smythe. "It's also about engaging families in conversation."

Smythe is with the Board's Occupational Health and Safety branch. He says about 750 people attended the barbecue, which was a significant increase from the inaugural event in 2015 held in the under-construction Whistle Bend subdivision in Whitehorse. According to Smythe, the event is evolving.

"We looked for other areas of influence to give people ideas about safety and get them engaged to start a conversation," he says. "We built upon that theme of creating better communication strategies about safety. It's pretty easy to message, but you have to do it right."

Safety experts were on hand to discuss how they maintain safe workplaces, with representatives from organizations such as Air North, ATCO Electric Yukon, Canadian Society of Safety Engineering, City of Whitehorse, Northern Safety Network Yukon, and the Yukon Contractors Association. Each demonstrated how they implement safety programs and protocols in their line of work.

The Partners in Safety Barbecue is an official event of North American Occupational Safety and Health (NAOSH) Week, observed every year during the second week of May. Events are held in Canada, the United States and Mexico to promote and encourage occupational health and safety in all fields of work, with the goal of communicating the importance of preventing injury and illness in the workplace, at home, and in the community.

"We've proven we can get people to the barbecue, so the next step is getting even more information about safety out there," Smythe explains. "It's about bringing people together to have those discussions."



Honouring Fallen Workers

Since 1984 dozens of Yukoners have been killed on the job. Sadly, three more were added to that tally in 2016.

To commemorate these workers, who paid such a terrible price to help build our territory, we worked with the Yukon Federation of Labour and a number of employers to build a permanent monument. The Workers' Memorial was officially unveiled on Sunday, August 21, 2016.

Its peaceful location on the banks of the Yukon River provides a space for people to contemplate the importance of workplace safety and remember those we have lost. Beginning on April 28, 2017, it will also be the community's annual gathering place for the Day of Mourning ceremony.

Designed and constructed by sculptor Bela Simo, based on a concept by designer Dan LeBrun, the memorial's five columns represent workers, employers, the community, governance and health-care providers.



Educating and protecting workers



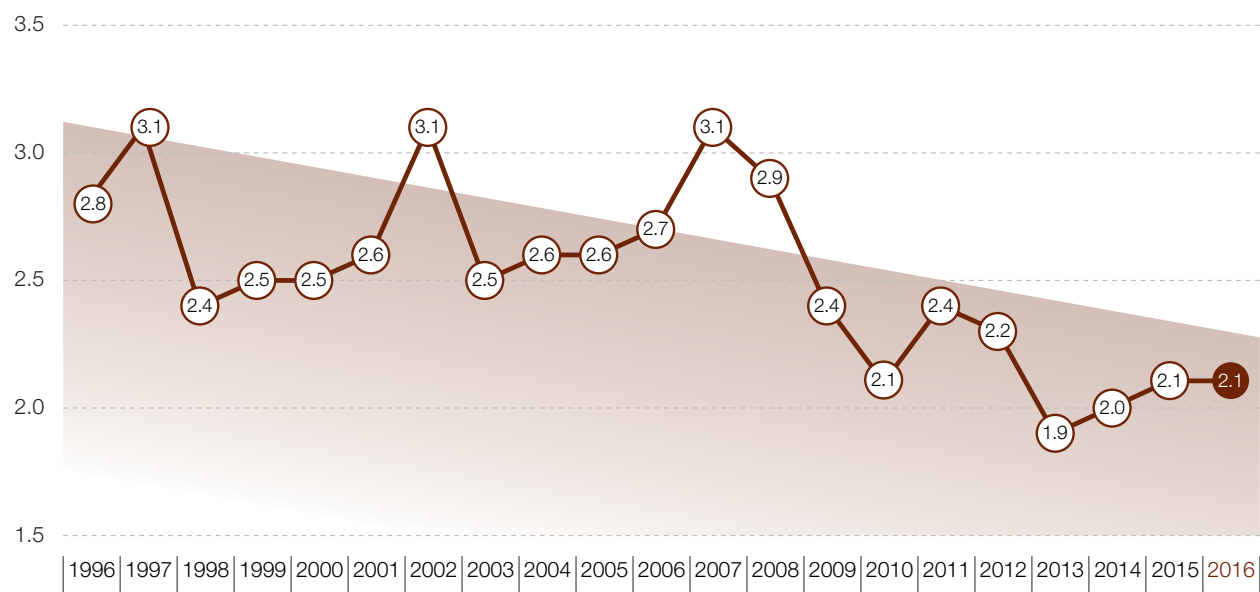
The Yukon Federation of Labour (YFL) is a key player in workplace safety. The umbrella organization of affiliated unions and locals in the territory collaborates with the Board to prioritize a culture of safety in the Yukon.

"YFL has been working with the Board for a number of years, and appreciates the positive working relationship. In other parts of Canada, federations of labour and compensation boards are in conflict. Here in the Yukon, we work together to improve policies, standards and worker safety," says Justin.

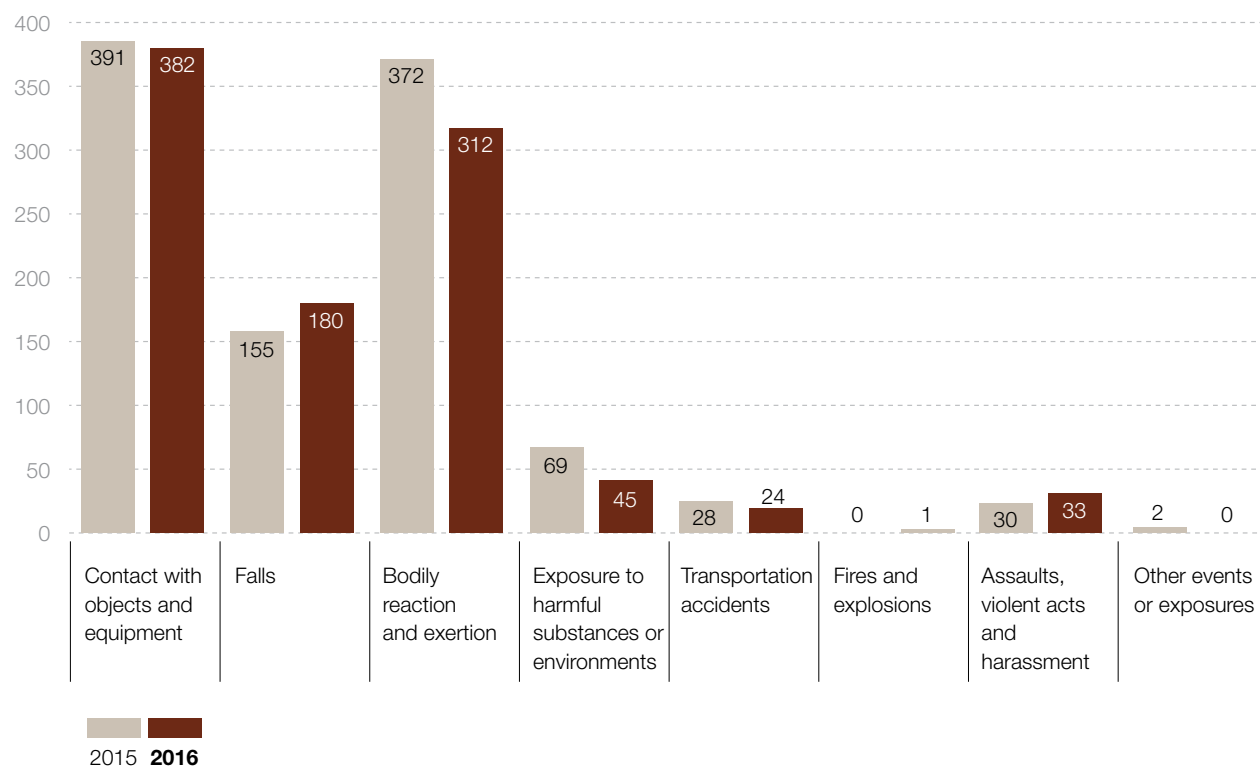
Justin was elected YFL president in October 2016, after having served as vice-president from 2013 to 2016. He says the organization's primary functions are to protect and educate workers, and to work towards political change. YFL continues to develop local training and educational opportunities for Yukoners and routinely pursues changes and revisions to legislation and regulations.

"We're advocating that every worker be made aware of their rights and how to stay safe on the job. That when workers encounter something they believe may not be safe, they know who to ask for help and how to address safety concerns. That workers understand their employers have a responsibility to speak to any concerns and to take work place safety seriously."

Lost-Time Injury Rate per 100 Covered Workers

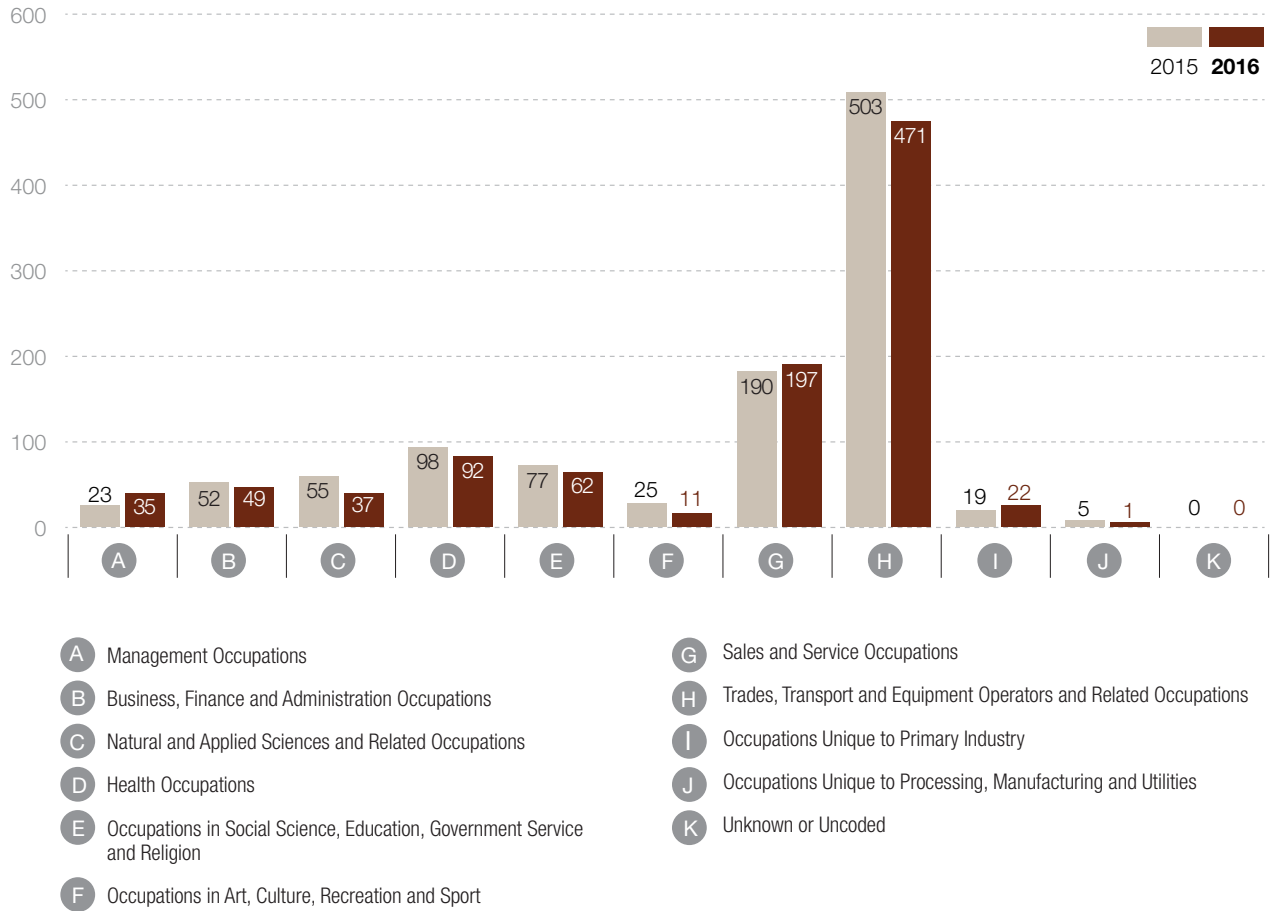


Accepted Claims by Event or Exposure

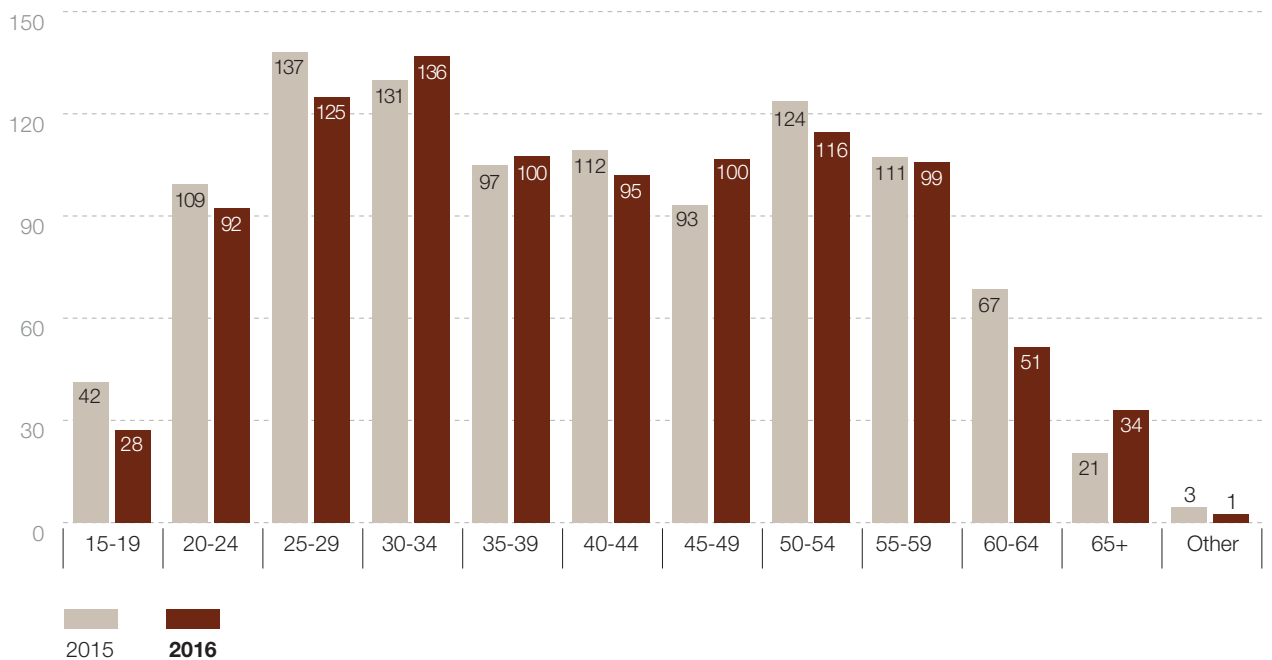


Data in these graphs may include revisions to prior releases.

Accepted Claims by Occupation



Accepted Claims by Age Group





Yukon Workers' Compensation
Health and Safety Board