

Introduction

The representatives of employers and workers have roles that differ significantly from other members of the Workers' Safety and Compensation Board's (WSCB) Board of Directors. The main difference is in the voting status of these members; however, another significant difference exists as these positions are "representative of" workers and employers as per their appointment under section 10 of the *Workers' Safety and Compensation Act* (the Act).

Board members representative of workers and employers bring knowledge of and present the perspective of workers or employers – not their position. This distinction is absolutely imperative in the consensus-based group that must make decisions affecting the short and long-term viability and direction of the system as a whole. These Board members must develop relationships so that they can communicate the rationale for wholistic decisions to constituencies who are looking for clear evidence of their point or view having been considered.

The purpose of this document is to provide guidelines for the representatives of workers and employers to (1) gather the perspectives of their constituencies and (2) communicate decisions to their constituencies. A major contextual consideration for these guidelines is that the Chair is the one public voice of the Board of Directors – all Board members must respect this so that the Board of Directors maintains credibility and unity in the eyes of stakeholders and the public.

Individual Workers or Employers

Claim, Assessment or Workplace Health and Safety Individual Issues

Board members may be approached by individual injured workers or employers regarding a specific issue, decision or dispute they are having with WSCB. For example, a worker may ask a Board member to look into the adjudication status of their claim or an employer may ask a Board member to remove an assessment penalty from their account. In such cases:

1. The Board member should listen to the individual to the point where it is clear that the issue is specific to that individual's employer or worker file with WSCB;
2. Advise the worker or employer that the Board of Directors cannot get involved in individual employer or worker decisions;
3. Board members should never promise specific resolution to specific issues (e.g. "I'll make sure that your claim is adjudicated today" or "I'll have that penalty removed for you");
4. The Board member should provide the worker/employer with the phone number or email address of the President/CEO or Board Manager who will follow up on the issue; or

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- the Board member could take the individual's contact information and forward it to the President/CEO or Board Manager for appropriate follow-up; and
5. The Board member can follow-up with the Board Manager within one week to ensure that the worker or employer was contacted.

Board members cannot be involved in individual claims, employer assessment accounts or workplace health and safety matters with respect to individual employers or workers. Under the Act, the Board of Directors' reviews decisions from the Appeal Tribunal.

If a Board member engages in discussions with a worker or employer about individual matters, it could jeopardize their ability to review an Appeal Tribunal decision and make a decision on whether to send it back for rehearing or not.

Individual Employer or Worker Opinions

Board members may be approached by an individual worker or employer who does not have a specific Claim/Assessment/workplace health and safety issue; however, the individual does have an opinion regarding the system in general. These are good opportunities for the Board member to hear the concerns of their constituency and help understand their perspective on issues. In these cases, Board members should:

1. Listen to the individual's concerns;
2. Try and paraphrase back the main issues to the individual (this confirms understanding and assures the individual that they've been heard);
3. Advise the individual of any approved plans or strategies that the Board of Directors may have to address the issue;
4. Avoid making promises to address the issue if the Board of Directors has not already approved a plan or strategy;
5. Advise the individual that their feedback will be passed on to the appropriate person at WSCB or will be provided to the Board of Directors, as appropriate; and
6. Assure the individual that you appreciate their feedback and welcome any other comments they may have.

Stakeholder Advisory Committee and Prevention Group

The Board of Directors has established a Stakeholder Advisory Committee (SAC) and Prevention and Safety Advisory Group (Prevention Group), with worker and employer representatives, in accordance with the Board of Directors' Governance Guide (located on the WSCB website at www.wcb.yk.ca). These committees usually meet together to provide feedback to the Board members regarding a specific policy, program, or issue put to them by the Board of Directors.

Board member attendance at these meetings is not required; however, it is strongly encouraged. Board members will be remunerated for their attendance at these meetings. Stakeholders have indicated that they see attendance at these meetings

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from Board members representative of workers and employers as critical as it gives the representatives an opportunity to hear stakeholder views on the policy, program or issue under consideration.

The primary role of a Board member at these meetings is listening and clarifying – listening to the views of all stakeholders on the particular policy, program or issue being presented and clarifying perspectives by asking relevant questions, where appropriate. It is important that Board members hear the views of both their own and the other stakeholder constituents as such a rounded knowledge will help in their decision-making role at Board meetings where decisions must be made with the benefit of the entire system in mind.

There may be instances where a representative of workers or employers is asked by their respective SAC or Prevention Group members to meet prior to a full SAC or Prevention Group meeting to hear the discussion on an issue. Whether or not to attend is the decision of the individual Board member; however, Board members are not remunerated for attending such meetings. These meetings are a good opportunity to hear the opinions of a particular constituency, but all perspectives and all information will not be discussed in such forums; therefore, Board members must be extremely cautious in making comments or commitments in the discussion.

Gaining a Stakeholder Perspective

Board Members who are Members of a Stakeholder Organization

There are occasions where a representative of workers or employers is also a member of a stakeholder group. For example, a Board member representative of workers may be on a union executive or a Board member representative of employers may be on the board of a chamber of commerce. In such cases, there is no requirement from the WSCB perspective for a formal consulting or reporting mechanism to these groups; however, the groups themselves may have expectations regarding same.

Board members in such situations should clarify expectations with their organization. Most organizations would be represented on the SAC and/or Prevention Group and would already have a formal mechanism established for consultation. If not, being a member of a stakeholder organization would be a good opportunity to gain a perspective on issues that are being considered by the Board of Directors and to demonstrate accountability to a stakeholder group through reporting on certain activities of the Board of Directors. However, Board members must remember that no Board member is appointed to represent a single organization – they are appointed to be representative of the broad stakeholder groups of all Yukon workers or employers.

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Consultation would be:

1. On issues raised by the organization. The Board member's role would be to listen to the issues.
2. On policies/programs/issues defined by the Board of Directors for consultation. In such cases, the Board member would distribute material provided by WSCB and then listen to the perspectives and comments given on that issue. Board members can request that the Chair or President/CEO attend the meeting to provide information on the item under discussion.

Board of Directors meetings are not public meetings, however information arising out of or during these meetings are releasable in accordance with the ATIPP Act. Therefore, demonstrating accountability (e.g. reporting) to stakeholder organizations is restricted to items that will be made public. When a Board member is uncertain as to whether a Board of Directors' decision, plan or discussion can be discussed publicly, they must err on the side of caution and not discuss it until the Chair of the Board (or the full Board of Directors at the next meeting), the President/CEO or the Board Manager has been consulted.

Board Members who are Not Members of a Stakeholder Organization

In some cases, Board members may be appointed as a representative of workers or employers with no connection to a formal worker or employer organization but are themselves a worker or employer and bring that perspective to the Board table. In considering good Board of Directors' governance, Board members should have developed deliberate methods of regularly hearing from stakeholders.

The Board of Directors' committee structure does this to a certain extent:

1. Stakeholder Advisory Committee and Prevention and Safety Advisory Group meetings are held quarterly, or as needed, and provide a good opportunity to gain a broader perspective; and
2. The Annual Information Meeting and annual release of financial statements are other forums for Board members to interact with constituent stakeholders.

Details regarding all stakeholder forums can be found in the Board of Directors document "Stakeholder Strategy".

It is up to individual Board members to determine if they need additional stakeholder interaction in order to fully represent the worker or employer perspective. Some options for interaction to gather information about a specific issue or just to hear what's on the mind of stakeholders include, but are not limited to:

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1. Meeting with the employer or worker SAC members outside of the regularly scheduled meetings; or
2. Approaching stakeholder groups to attend an AGM or Executive Meeting once a month/quarter/year to see what types of issues they're dealing with.

In any case, Board members must be mindful of their role as listeners and as reporters on Board of Directors approved decisions, activities, plans, etc., and respectful of the Chair's role as the voice of the Board of Directors. Board members cannot make any commitments to stakeholders other than a commitment to listen to, consider and communicate their perspectives and to assure stakeholders that Board of Directors decisions are made with the long-term best interest of the compensation and workplace health and safety systems in mind.