

# Position Paper on Proposed Revisions to the *WHSCC & WCAT Act*

**Prepared by:** Injured Worker Advisory Committee (IWAC)

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## Introduction

The Injured Worker Advisory Committee (IWAC) welcomes the opportunity to provide feedback on the proposed revisions to the *Workplace Health, Safety, and Compensation Commission and Workers' Compensation Appeals Tribunal Act (WHSCC & WCAT Act)*. As representatives of injured workers, we approach these governance updates with the goal of ensuring transparency, fairness, and efficiency while safeguarding the integrity of the workers' compensation system.

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## Feedback on Specific Proposals

### 1. Implementation Timeframe for WCAT Decisions

- **Proposed Change:** Add an exception to the 30-day implementation rule for decisions where third-party information is required.
  - **IWAC Position:** We understand the need for flexibility but emphasize the importance of minimizing delays for injured workers. Delays in implementation often exacerbate the financial and emotional strain on workers.
    - *Recommendation:* Introduce a clear accountability mechanism to ensure any delays are transparently documented, with specific timelines for third-party information retrieval. Workers should be kept informed of progress to alleviate uncertainty during the waiting period.
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### 2. Removal of the Restriction on Investing in Mortgages

- **Proposed Change:** Remove the restriction on investing in mortgages or mortgage-backed securities to allow greater investment flexibility.
- **IWAC Position:** While we support efforts to sustain the Accident Fund through diversified investments, we stress the importance of prioritizing ethical investments that align with the values of injured workers. The Board should ensure that mortgage

investments do not contribute to harmful practices such as excessive rent hikes, renovictions, or corporate-driven housing inflation.

While global diversification is a key component of any balanced investment portfolio, IWAC encourages WorkSafeNB to consider a **Canada-first approach** when possible. By prioritizing investments in Canadian industries, infrastructure, and economic initiatives, WorkSafeNB can:

- Support economic growth that benefits workers and their communities.
- Invest in industries that prioritize worker health and safety.
- Reduce exposure to volatile foreign markets with uncertain regulatory environments.

IWAC recommends that the Finance and Investment Committee explore ways to increase domestic investments while maintaining the necessary diversification to protect fund performance.

- *Recommendation:* If this restriction is removed, WorkSafeNB should adopt an investment policy emphasizing transparency, risk assessment, and alignment with long-term worker security.

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### 3. Appointment of the External Auditor

- **Proposed Change:** Transfer the authority to appoint the external auditor from the Lieutenant-Governor in Council to the board of directors.
- **IWAC Position:** We recognize the value of WorkSafeNB's operational independence and agree that the board is well-placed to make this decision. However, safeguards must be in place to prevent potential conflicts of interest.
  - *Recommendation:* Establish clear guidelines for auditor selection to ensure independence and objectivity. Regular reporting on the selection process to stakeholders would bolster trust in this transition.

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### 4. Modernization and Plain Language

- **Proposed Change:** Update the Act to include gender-neutral language, fix translation discrepancies, and remove outdated provisions.

- **IWAC Position:** IWAC fully supports these updates. Gender-neutral language promotes inclusivity, and removing obsolete provisions enhances the accessibility of the Act for all stakeholders, including injured workers.
    - *Recommendation:* Ensure that all future policy and legislative reviews incorporate a modernization lens, prioritizing accessibility, inclusivity, and clarity to better serve injured workers and stakeholders.
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### **Additional Considerations**


- **Communication and Transparency:** Throughout these changes, it is crucial to maintain open communication with injured workers. Regular updates and clear documentation of the reasoning behind these governance revisions will help build trust and understanding. We look forward to seeing the consultation report documenting feedback received and the rationale for
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### **Conclusion**

IWAC appreciates the opportunity to provide feedback on these important governance changes. We believe that with thoughtful implementation, these revisions can strengthen WorkSafeNB's legislative framework and better serve injured workers across New Brunswick.

We remain committed to collaborating with WorkSafeNB and other stakeholders to ensure that the system continues to reflect the needs and values of all its participants.

### **Signed on behalf of the Injured Worker Advisory Committee:**



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