

HUMAN RISK REPORT

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About Crawford & Company®

For over 80 years, Crawford has solved the world's claims handling challenges and helped businesses keep their focus where it belongs – on people.



Loss
Adjusting



Third Party
Administration



Managed
Repair



Medical
Management



On-Demand
Services



Edjuster Contents,
Services & Technology



Catastrophe
Response

9,000 employees | **50,000** field resources | **70** countries | **\$18B+** claims managed annually

Crawford & Company (Canada) Inc. is a Third Party Administration firm that has specialized in claims and risk management for nearly 50 years. Throughout Canada, we have a branch network of more than 40 locations ensuring that we are able to provide coast-to-coast service to our clients. As a global enterprise, we have an extended network of more than 700 locations, spanning more than 70 countries, through which we offer global capabilities with local expertise and provide a broad suite of customized solutions.

As a leading organization in our field, we have expanded on the depth and breadth of our service offerings to meet the evolving needs of our clients. Our vast portfolio of service offerings positions us well to be the “single solution” provider to our clients, which includes claims management, risk consulting, health & safety consulting, professional services, and vendor management programs. Crawford's services are designed specifically to address the wide-ranging needs of our clientele and benefit them in the following ways: centralization of business services and data management, consistency in quality and delivery of service, as well as primary point-of-contact, and increased cost savings.

Human Risk Services

Employee absence, regardless of reason, is costly and difficult to manage for any business. In fact, up to one in five employees are absent at any given time. This can put considerable strain on human resources, overall productivity and your bottom line. Crawford & Company (Canada) Inc., is a leading third-party administrator to employers and insurance companies throughout Canada. We provide a broad range of offerings designed to increase employee productivity and decrease costs. We provide customized consulting, claims and prevention services, coupled with our renowned medical management services. Crawford's successful management of workers compensation claims, short-term disability (STD), long-term disability (LTD) claims and Accident & Health claims has made us a premier provider of disability, affinity and leave management services.

For further details on our Human Risk Management Solutions please click [HERE](#) to access our Brochure and service details:

Ontario Government Begins Targeted Covid-19 Regulations Changes

Ontario's revocation of specific COVID-19 regulations signals a shift in the Ontario Government's approach to COVID-19.

Effective April 27th 2022, Ontario has implemented **O. Reg 346/22: Revoking Various Regulations** to revoke almost all COVID-19 based regulations and legislative orders under the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020.

With the current wave of COVID-19 cases in May 2022 the Chief Medical Officer of Health has kept in place existing provincial masking requirements in specific public settings (public transit, long term care homes, etc.) up until June 11, 2022.

After June 11th 2022, the government's intention is to look at the remaining measures in effect including visiting hospitals and other high risk settings. Some of these measures will most likely include masking in strict high-risk settings, greater reliance on COVID-19 vaccines, and expanding access to antiviral treatments.

Employers should continue to follow public health recommendations and guidelines in order to determine the measures that best fit their individual workplaces and adjust their policies accordingly.

Should your organization require further guidance or information on these new regulations, please contact either: Victoria.Hanson@crowco.ca or Belinda.Paolucci@crowco.ca.



Ontario Passes The Working For Workers Act 2021 and 2022

The Ontario government has now moved forward with implementing Bills 27 and 88. These definitive changes to existing employment regulations and they received Royal Assent on Dec. 2nd 2021 and April 11th 2022 respectively.

Let's start with Bill 27- Working for Workers Act, 2021. Here are some highlights and key points employers should be aware of:

- **Non Compete Agreements** - Includes a prohibition on non-compete agreements between employers and employees except in the context of a sale of business and CEOs. Employers still need to draft their non-compete provisions in a strategic and be cognizant that non-competes for executives may still be challenged as a restraint of trade.
- **Disconnecting from Work** - this regulation requires employers of 25 or more to develop and implement a 'Disconnect from Work' policy. Employers have until June 2, 2022 to become compliant with the policy requirements. The expectation for employers is to manage expectations of working outside of regular working hours.
- **Licensing of Temporary Agencies** - Recruiting and temporary help agencies will need to be licensed and employers are held accountable to ensure their agencies are in compliance.
- **Qualification mandate** - Certain regulated professions in Ontario will be prohibited from including a Canadian experience requirement as a qualification for an internationally trained professional to obtain a license.
- **Access to washrooms** - Businesses are now required to allow delivery workers access to their washrooms during typical business hours.
- **WSIB Surpluses** - The WSIB has been mandated to utilize their surpluses to assist with COVID-19 recovery as well as streamlining employer remittances.

On April 11, 2022, Bill 88- The Working for Workers Act, 2022. Here are some highlights and key points employers should be aware of:

- **The ‘Gig’ Economy** - The framework for wages and other work-related entitlements for certain business and information technology consultants. With respect to the Digital Platform Workers’ Rights Act, 2022, this legislation adds layers on top of the ESA in the case of employees who are both “digital platform workers” and employees under the ESA.
- **Electronic Monitoring** - Employers with 25 or more employees will need to develop and implement Electronic Monitoring policies. These policies must be in writing and copies be made available to employees within 30 days of a policy being implemented or for any new employees. The intention behind this policy is to protect employee’s privacy by requiring employers to be transparent about how they track employees’ use of electronic devices, such as computers, cell phones, and GPS systems amongst other devices.
- **Military Reservist Leave** - Amends the provisions regarding the military reservist leave of absence to entitle employees to leave after three consecutive months of employment.
- **Availability of Naloxone Kits** - The Ontario Occupational Health and Safety Act is amended to require employers to provide and maintain naloxone kits in their workplaces if they are or become aware of a risk that an employee may overdose at a workplace. These regulation centres on employee’s with a history of opioid dependence and/or past overdoses.

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Developing a Sound Workplace Substance Abuse Policy

Canadian employers need to ensure they have clear and robust policies on implementing a drug-free workplace program and limited evidence-based prevention processes to address substance-related issues. Workplace initiatives that promote drug-free environments can be an effective tool in efforts to strengthen and protect businesses and employees from the hazards of alcohol and other drug misuse.

With the legalization of cannabis in Canada, employers must take a clear line on workplace substance abuse. It is important to be sensitive to the Canadian legal subtleties of a policy that is effective and dynamic. Policies should be built around deeming employees who are under the influence of drugs or alcohol to be declared unfit for duty. Employees who are unfit for duty as a result of substance abuse-suspected or otherwise -create a safety danger to themselves and their colleagues but also for the productivity of their company. Following some or all of the recommended steps below will help ensure a sound substance abuse and fit for duty policy:

1. Assess the workplace and its risks and needs related to substance in the context of health and wellness rather than a weighted punitive program.
2. Identify available resources (e.g. testing, trained HR staff and EAP support).
3. Develop a policy statement that identifies and defines fit for duty and workplace substance abuse includes alcohol, cannabis and other drug products. It should outline being unfit for duty as a safety risk as well as a health issue. The statement should also detail the tolerance and support level of the organization including accommodation considerations.
4. Outline a Statement of Purpose and Policy Scope that clarifies the company's policy is based on ensuring employees throughout the organization and locations are fit for duty at all times regardless of the job duties.
5. Encourage employees to self report (regardless of the substance(s)) being unfit for duty so as to avoid potential incidences and discipline.
6. Develop a fitness of duty medical evaluation policy where jobs are deemed safety sensitive. This confirms the employer's right to perform healthcare assessments prior to employees working in safety sensitive roles. Ensure it outlines the results of the evaluation would be kept confidential.
7. Develop an investigation procedure for management to follow where violations or suspicions of violations are noted or reported. Elements to investigate may include complaints, erratic behaviour or visible/physical signs, declining behaviour, near misses and arrests for impaired driving and other drug offences.

8. Outline the policy of alcohol and/or drug testing including in areas of pre-employment testing, random testing and safety infraction testing.
9. Develop violation disciplinary procedures and employee supports. The policy should clarify what the discipline measures are as it relates to violations and be flexible where zero tolerance considerations are being made- especially in non safety sensitive roles. Along with disciplinary measures consider outlining support for treatments and other resources in recovery situations.

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Canadian WCB & OHS Regulatory Updates

ALBERTA

Vaccine reaction cost relief - cost relief considerations for employers with severe reactions to compulsory COVID-19 vaccinations.

Medical Cannabis - This WCB proposed policy proposes adding the ability to allow workers to access coverage for pharmaceutical cannabinoids and cannabis for medical treatment from their treatment providers directly. An update to this proposal is expected in Q3.

WCB appeal extension - this policy allows for the Appeal Branch to extend the time limit for filing a request for review if it considers there to be a justifiable reason to do so.

MVA Cost Relief applicability - Alberta WCB has now approved the availability of MVA accidents cost relief resulting from a MVA in which TP are unknown or uninsured.

BRITISH COLUMBIA

Covid 19 Employer Safety Plans - WorkSafeBC has released new mandatory guidelines for employers to re-activate their COVID-19 Safety Plans. This order is the first step towards preparing for long term risk control measures as they relate to future pandemics.

NORTHWEST TERRITORIES

New safe workplace program - The WSCC introduced a new voluntary program for employers called Voluntary Safe Workplace and Advanced Safe Workplace. This program's goal is to allow employers that meet the program criteria will receive a printable certificate and digital badge that they can display at their workplace or on their website and print materials confirming their commitment to health and safety.

ONTARIO

Covid 19 Claims Cost Allocation - Costs associated with COVID-19 related claims will not be allocated at an employer or class level. Instead, they will be allocated on a Schedule-wide basis and there were no changes in premium rates for 2020 or 2021. 2022 costs will be reviewed, and a determination made by Q3. The WSIB reduces average premium rate by 5.1% in 2022.

Pay in lieu - The WSIB updates policy to ensure employers consider pay in lieu of notice of termination (and/or pay received for work during a notice of termination period) as post-injury earnings, and exclude severance pay from post-injury earnings.

PEI

The WCB's Experience Rating Program expanded - This program has now been expanded for all employers and not just those employers who've paid at least \$30,000 in total assessments over 3 years.

Changes to rate adjustments - The WCB also changed the maximum surcharge for calculating employers' annual rate adjustments to bring the formula into closer alignment with rules of other jurisdictions.

QUEBEC

Quebec's CNESST Bill 59 introduces strict mandates for employers to follow (effective mid to late 2022 and into 2023). These include:

- 1. Temporary assignment form** - Only use CNESST Form in its original format.
- 2. Return to work on temporary assignment** – Employers will be obligated to assume 100% of their injured employee's salary during the temporary assignment.
- 3. Permanent functional limitations** – In specific circumstances, employers must provide suitable employment or equivalent employment and be subject to penalties if the injured worker becomes aware of an opportunity with the employer that was not provided to the said worker.

Managing Disability Claims - Tips and Red Flags

FACTORS AFFECTING DISABILITY:

- Motivation
- Education
- Pre-Injury work and wages
- Injury severity
- Lifestyle and pre-injury health
- Age
- Accommodation availability

RED FLAG CONSIDERATIONS:

- Extent and nature of injury
- Healthcare provider subjective bias
- Malingering
- Vague injury/illness details
- Suspicious time elements
- Education
- Inconsistent/changing diagnosis and treatments
- Non genuine injury/illness
- Difficulty communicating with claimant



Spot The Hazards



Photo courtesy of Connecthearing.com



Photo courtesy of www.reddit.com/user/kayosjim

Each photo has several hazards being depicted. See if you can locate the hazards!!

If you want to check your answers please contact: Victoria.Hanson@crowco.ca or Belinda.Paolucci@crowco.ca

Workers' Compensation

Claims and appeal management across Canada and in multiple languages

Medical & Disability Management

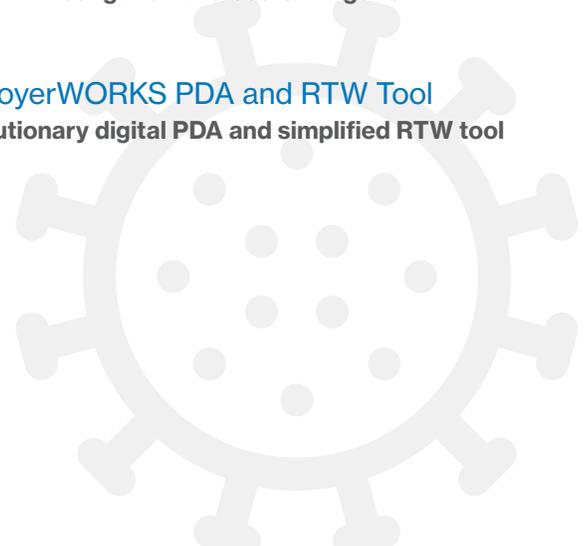
ASO, STD and LTD claims management

Risk, Health & Safety

Pre-risk hazard, prevention programs and post incident investigation and costs mitigation

EmployerWORKS PDA and RTW Tool

Revolutionary digital PDA and simplified RTW tool



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