

## F O I P O P

On **December 8, 2008** the Supreme Court of Nova Scotia issued a decision in respect to the Halifax Herald's application for full disclosure from the Workers' Compensation Board of Nova Scotia of the names of the 25 companies reporting the highest number of injuries over a three year period.

Justice Warner found that the disclosure of the names of the 25 employers would not divulge personal information about injured workers which could constitute an unreasonable invasion of their personal privacy; secondly, the 25 names would reveal labour relations information about the 25 employers but wouldn't reveal information supplied by the employers; additionally, the disclosure of the 25 names would not be reasonably expected to significantly harm their competitive position or result in information no longer being supplied to the WCB; and finally, the information provided by the 25 employers was not supplied with the reasonable expectation of confidentiality.

Following the court appeal, the Herald then requested the Surcharge list. The WCB will be releasing these 2 separate lists on Wednesday Dec. 17/08 to the paper.

The Office of the Employer Advisor, Nova Scotia (OEA) acknowledges that the release of these statistics is complex and difficult for many to decipher and critically understand. Therefore, any conclusions based on this information requires clear context. To illustrate: being on a list does not automatically mean an employer has a poor safety record. The WCB has offered statisticians assistance to the Herald in an effort to ensure that statistics are properly interpreted and have also prepared companion documents to accompany the release of the data in an effort to more fully explain the numbers.

Unfortunately, the vast majority of those reviewing the 'statistics' will not have the full context to understand what they mean. Further, the numbers represent all claims registered, not necessarily all claims that are approved. They also include conditions that involve "pre-existing" health conditions and claims where treatment referrals focus on return to work barriers – some of which have very little to do with the original injury. What should be emphasized is that these named employers **do** provide accident coverage and protection for their employees by registering annually with the WCB. While all employers in the province are obligated to comply with occupational health and safety requirements, not all are required to be registered with WCB – as is the

same in many other provinces – due to the size and nature of business or the industry in which they operate. This is to say that this 'list' does not provide a full and complete picture of what is happening in the province with regards to workplace safety. It, by its very nature, is extremely limited.

The OEA recognizes that there are over 18,000 employers registered with the WCB. Over the past several years, these employers and others have made significant accomplishments in an ongoing effort to maintain safety as a priority in their workplaces. Through initiatives such as (but not limited to):

- (1) Priority Employer Program (PEP);
- (2) Industry and Professional Safety Associations
- (3) WCB Surcharge Program;
- (4) Implementation of the Office of the Employer Advisor;
- (5) WCB's new Service Delivery Model ;
- (6) Other programs through the Department of Labour and Workforce Development, such as the implementation of mandatory safety training in the grade 9 curriculum.
- (7) A company's in-house expertise and program initiatives such as return to work programs and disability case management services.

Employers take workplace safety seriously – most workplaces in Nova Scotia have excellent workplace programs and want to provide workplace accident coverage to their employees. This list above outlines only a few resources available to employers but all of these endeavours, simultaneously working together, are positive and proactive efforts dedicated to workplace safety. It demonstrates a shift in workplace priorities and progress throughout Nova Scotia with regard to workplace health and safety.

For more information about this issue – or any other issue – please contact Nova Scotia's Employer Advisor Mary Morris at 902-401-8490. We are here to help you.

***The OEA is an independent resource for employers on WCB-related issues. The OEA is not accountable to WCB; it is accountable to the employers of Nova Scotia.***