



Deanne Cote, BScKin  
Director, Disability Management  
Corporate Risk

7550 Ogden Dale Road SE  
Calgary, AB  
Canada T2C 4X9

T 403-319-7443  
C 403-305-9277  
E Deanne\_Cote@cpr.ca

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Janet Patterson

**RE: Canadian Pacific Railway Submission in support of the, Employer Community Submission to the Workers' Compensation System Review prepared for: Janet Patterson, Reviewer**

Dear Ms. Patterson,

As a member of the Employer's Forum, Canadian Pacific Railway (CPR) fully supports the Employer Community Submission to the Workers' Compensation System Review and would like to add some additional comments.

The workers' compensation system requires a balanced approach for workers and employers alike. Law, Policies and Guidelines must remain robust without becoming overly complex to facilitate decisions that enable the system to facilitate safe, healthy and productive work places.

Canadian Pacific shares the employer's forum view that the focus of this review is vague and unclear. We are concerned about the scope of information which may be considered, without the employer community being consulted and able to respond. An additional concern is the balance of focus, as this is a one person panel.

The only inkling regarding a topic of focus comes from the questionnaire posted on the Engage BC website. The questionnaire primary focus is on a person's experience with return to work. Canadian Pacific is a proponent of vocational rehabilitation, we are committed to restoring employment for all our injured workers. Our focus is firstly on stay at work and if that is not possible, on return to safe and suitable employment that restores preinjury earnings where possible. We believe that early intervention, recovery while at work, and remaining with the injury employer is the best approach.

In our experience WorkSafeBC (WSBC) has been inefficient in managing and monitoring return to work for our injured employees. We attribute this to workloads and in instances a lack of experience dealing with complex situations. Much of the return to work process is contracted out to third party contractors. When third party contractors are involved, WSBC staff are generally absent from the process, as the responsibility for return to work outcomes is left with the third party. At times this is confusing for injured workers as they have no idea who they need to contact and/or who is or is not a WSBC employee.

Railway jobs are different from most other forms of transportation and to add to the confusion it is federally regulated with different rules for safety critical and safety sensitive positions. Changing claim owners and third party contractors add to the duration of a claim and confusion as to what medical information is required for clearance to allow our employees to return to any form of modified and/or full duties. As a result, returning railway workers back to their jobs is complex and more time consuming than for most of the workers WSBC deals with. Due to this complexity, Canadian Pacific has a well-developed disability management program that employs registered Kinesiologists to assist in designing and monitoring return to work plans with input from the worker's attending physician. In a number of incidents the return to work specialists that WSBC has hired have used Canadian Pacific's plans and resources to fulfill their contracts. This has added additional people and costs to a claim with no benefit to the injured worker.

Canadian Pacific would also like to see something in policy that speaks to an injured worker's duty to participate and co-operate with returning to work in modified duties and/or in an accommodation when suitable duties are offered by an employer. As noted above, Canadian Pacific ascribes to the notion that staying at work is good rehabilitation. Staying at work is best for workers as it maintains their salary and attachment to the work place. As a larger employer we have the ability to offer more in terms of modified duties and believe that the Workers' Compensation system should be taking advantage of this.

Canadian Pacific agrees with the Employer Community Submission regarding duty to accommodate that it is a fundamental tenet of human rights principle which is dealt with both at a provincial and federal level, therefore, we also question the need for WSBC to enshrine it in the Workers' Compensation Act. We have concerns regarding WSBC's officers interrupting and administering legislation that has multiple levels of administration and what the potential consequences could be.

Canadian Pacific is concerned regarding the speed at which potential changes may be implemented. We acknowledge that change is often needed in a large system, but that any change in policy and practice warrants a thorough review. We would like to emphasize the importance of allotting sufficient time and discussion if changes are to be made to ensure the best outcomes as those potential changes stand to greatly impact workers and employers alike.

Specifically, we would like to see a clear mandate of what changes are being proposed and that they be clearly defined. We also request that for any recommended changes, that costs be analyzed and made transparent to employers as well as what other alternatives were or are to be considered. In addition we would like to see consideration of unintended impact that may arise, internal and external training and dissemination of these changes, as well as the overall costs of implementation.

Finally, as an employer working in the current system, skilled staff and appropriate staffing levels play a large role in how well the system functions. WSBC, like many organizations, is dealing with retention challenges. Increasing staffing numbers and adding new roles will only enhance the system if employees hired are highly skilled in claims management and are provided intensive internal training. It is unclear whether or not such stringent requirements of potential hires at WSBC would actually be attainable and what the costs would be.

Canadian Pacific appreciates the opportunity to provide our comments and concerns and is fully committed to a balanced compensation system. We look forward to working with WSBC and other stakeholders as a partner in the consultation process and ultimately in the implementation and/or revision of future policies.

Regards,



Deanne Cote,  
Director, Disability Management  
Canadian Pacific Railway

CC: Doug Alley Employer's Forum  
Brenda Salter, WCB Specialist CP Rail