Section Title: Board and Corporate Administration - Board Administration
Subject: Fair Practices Office
Effective Date: November 1, 2018

A. POLICY PURPOSE

This policy defines the role and mandate of the Fair Practices Office as required by *The Workers Compensation Act*.

B. ROLE AND MANDATE

1. The Director, Fair Practices Office functions as an organizational ombudsman for employers and claimants who feel they have been aggrieved by an act, omission or unfair practice of the WCB.

2. The Director, Fair Practices Office has a moral duty of impartiality and, therefore, cannot act as any individual's advocate or representative, but only as an advocate for fair practices.

3. The Director, Fair Practices Office will be free from interference in the performance of his or her duties.

4. In conducting an investigation, the Director, Fair Practice Office shall have, within the normal hours of work of the WCB and given reasonable notice:

    a) unfettered access to all files, documents and other materials in the possession of the WCB relating to the issue under investigation,
    b) unfettered access to the employees of the WCB, when appropriate.

5. The Director, Fair Practices Office may decline to investigate a complaint. He or she may exercise this discretion in situations such as, but is not limited to, those in which the complainant has had knowledge for more than one year and which the complainant has not been actively pursuing.

6. The Director, Fair Practices Office will make recommendations when, in his or her judgement, a practice, act or omission of the WCB was clearly wrong or clearly unreasonable.

7. The Director, Fair Practices Office may, on his or her own initiative, investigate, identify and make recommendations on systemic issues within the WCB.

8. The Director, Fair Practices Office does not have the right to make or change decisions of the WCB or the authority to determine rights under *The Workers Compensation Act*.

9. If on completion of an investigation, the Director, Fair Practices Office determines that an unfair practice has occurred he or she may seek to resolve the issue at the most appropriate level of the WCB administration. If an appropriate remedy is not implemented, he or she will raise the matter to senior levels of the WCB including the Chief Executive Officer. Unresolved issues will be reported to the Board of Directors.

C. RELATIONSHIP OF THE DIRECTOR, FAIR PRACTICES OFFICE TO THE BOARD OF DIRECTORS AND THE WCB

1. The Director, Fair Practices Office is appointed by and reports to the Board of Directors through the Governance Committee. For administrative purposes the Director, Fair Practices Office reports to the Chair of the Governance Committee and the Chief Executive Officer, with direct access to the Chairperson.

2. The Director, Fair Practices Office and his or her staff operate at arm's length from the management of the Workers Compensation Board.

3. The Director, Fair Practices Office and his or her staff are employees of the Workers Compensation Board and the conditions of employment are consistent with the WCB's usual human resource practices.

4. The Director, Fair Practices Office may be removed from office for just cause or through the mutual consent of the Director, Fair Practices Office and the Board of Directors, through the Governance Committee.

5. The Director, Fair Practices Office will manage the operating budget of the Fair Practices Office and will hire and manage the staff of the Office.

6. The Director, Fair Practices Office will provide a quarterly summary of enquiries, investigations and resolutions to the Executive Management Committee of the WCB.

7. The Director, Fair Practices Office will report to the Governance Committee quarterly throughout the year and will issue an annual report.

8. The Director, Fair Practices Office may meet with the Board of Directors from time to time.

D. REFERENCES

The Workers Compensation Act, sections 108.1(1), 108.1(2) and 108.1(3)

History:

1. Policy 21.90 established on December 21, 2005 by Board Order 53/05, effective January 1, 2006.
2. Minor formatting changes were made to the policy and headings were clarified, June 27, 2012.
3. Policy revised on October 25, 2018 by Board Order 36/18, effective November 1, 2018. Changes made include changing the name to the Director, Fair Practices Office and the reporting structure.
4. Minor formatting changes were made to the policy, October 2020.