

The Edmonton Journal

Report critical of WCB appeal process; Injured worker wants to publicize report, Tories say many changes are in place

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Illustrations: John Lucas/ Mike Bonner picketing the WCB/ 960415.LUC

Injured worker Mike Bonner was on the job this week, picketing the Workers' Compensation Board.

But the neatly dressed, clean-cut Calgary man wasn't out there to complain about the way his own case was handled.

Bonner heads the Calgary Injured Workers Association. He's made it his job over the past 14 years to monitor the WCB and be an advocate for other injured workers.

This time he was outside the WCB office on 107th Street with picket signs festooning his old station wagon. He was publicizing a hefty document he'd recently received that is critical of the way injured workers' compensation appeals are heard.

The report, written by Edmonton labor lawyer Andrew Sims and handed to Labor Minister Stockwell Day last June, says what Bonner and many other injured workers have been saying for years -- the WCB appeals system needs fixing.

Sims, who chaired Alberta's Labor Relations Board from 1985-94, came up with 51 recommendations on changes he says are needed to make the WCB Appeals Commission fairer and more open.

Bonner, who heads the Calgary injured workers' association, got a copy of the confidential report from "someone with a heart." He says it should be public and should be turned over to a legislature committee scheduled to review the compensation system later this year.

On Wednesday, Bonner got some satisfaction. Day tabled a report in the legislature detailing some of the changes made to the commission based on Sims' recommendations.

Day said earlier there has been no attempt to keep the Sims report secret. He said he gave it to the Liberals and the commission a year ago. "A good many of the recommendations are already in place. Some found themselves in legislation and others are in process. Most of it is well in hand."

Commission chairperson Morris Bahry said Tuesday the commission has taken the report seriously and moved on key areas.

He doesn't see the report as being too critical of the commission he's headed since it was set up in 1988.

"Every organization, every department, needs to have an outsider look at it from time to time," said Bahry. "With the recommendations, it will be even better."

Among the changes coming is a move to make commission decisions public beginning by June 30. The commission has had a tradition of strict privacy.

For Bonner, who injured his back in a drilling rig accident in 1978, the report is like a gold mine of information. Finally there is something official vindicating injured workers' frustrations with the system.

Bonner himself seems to feel he's been treated relatively well. Between workers' compensation and a federal disability pension, he's paid more than \$1,000 a month. It's enough to allow him to make being a WCB critic his full-time job.

Calgary Herald

WCB commission told to end secrecy

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Byline: Gordon Jaremko, Calgary Herald

Secrecy will come off contested workers compensation cases after a confidential government report branded traditional strict privacy "grossly unfair" to injured wage earners and employers.

Disclosure is the key change sought by 51 recommendations in the book-length report for improving the image, efficiency and fairness of the Alberta Workers Compensation Board's Appeals Commission.

Publication of decisions will start by June 30, commission chairman Morris Bahry says. Not all 1,200 appeal cases heard each year will be reported, but rulings affecting WCB policies or numerous workers and employers will be disclosed.

Labor Minister Stockwell Day -- who ordered the report from Andrew Sims, a prominent Edmonton lawyer who was chairman of the Alberta Labor Relations Board 1985-94 -- could not be reached for comment Tuesday.

The report includes blunt criticism. Day kept it confidential since receiving it last June. WCB officials said the board has no copy, although the appeal body's work can affect its handling of 90,000 compensation requests per year.

But the Calgary Injured Workers Association obtained a copy and vowed to picket the WCB's local office until Day turns it over to a legislature committee scheduled to review the compensation system later this year.

"Contempt -- open disrespect for a court or legislature -- is the word that best describes the actions and attitudes that prevail with respect to injured workers in Alberta," association leader Mike Bonner said.

But Bahry, in an interview, said the appeals commission has taken Sims' report seriously and moved on key areas -- led by the plan to disclose decisions, as the way to make the agency accountable and prevent abuses spawned by secrecy.

Actions include a vow by Bahry to ensure the compensation system learns from mistakes in a case that led to a sharp rebuke by the Alberta Court of Appeal.

The case pitted Syncrude Canada against the WCB in a dispute over whether a worker died of natural causes or was helped into the grave by an electrical shock at the company's oilsands plant near Fort McMurray.

The court said the appeal commission, in upholding a WCB ruling against Syncrude, behaved in "patently unreasonable" fashion behind closed doors with conduct that included "suppression of evidence bordering on contempt."

- The issue: Workers compensation.

- What's new: Provincial government warned secrecy spawns abuses.