

POLICY NUMBER: POL-121

**Chapter:
FINANCE AND ADMINISTRATION**

**Subject:
POLICY DEVELOPMENT AND MAINTENANCE**

**Effective Date:
November 24, 2004**

**Last Update:
December 5, 2023**

PURPOSE STATEMENT:

The policy outlines the process used to approve, develop, and maintain the policies of the Workers Compensation Board.

REFERENCE:

Workers Compensation Act R.S.P.E.I. 1988, Cap. W-7.1, Section(s) 28(1), 29, 30
Occupational Health and Safety Act R.S.P.E.I. 1988, Cap. O-1.01, Section 4(1)
Workers Compensation Board Policy, POL-40, Board - Chief Executive Officer Relationship
Delegation to Chief Executive Officer
Workers Compensation Board Policy, POL-106, Governance Process, Board Members' Mandate
Workers Compensation Board Policy, POL-112, Board - Chief Executive Officer Relationship,
Monitoring Chief Executive Officer Performance.

POLICY:

General

1. The Board of Directors is responsible for the establishment of policies that are consistent with the *Workers Compensation Act* and the *Occupational Health and Safety Act* for the administration of these Acts.
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2. The Workers Compensation Board (WCB) will develop policies to ensure consistent interpretation of the legislation and to provide guidance when the legislation allows for discretionary decision-making. In the event of a conflict, the legislation will prevail.
 3. The WCB recognizes that policies may not address every situation that may arise in applying the provisions of the *Workers Compensation Act* and the *Occupational Health and Safety Act*. When the policies do not provide direction in a given situation or when the situation is unique or unanticipated when the policy in question was established, the WCB will use good judgement in its decision-making.
 4. Types of WCB policies:
 - Governance policy: Policy that directs the Board of Directors and the Chief Executive Officer on Ends, Executive Limitations, the Governance Process, and the Board - Chief Executive Officer Relationship.
 - Program policy: Policy that provides direction on issues directly impacting stakeholders and includes compensation for workers and dependants, employer assessments, investment of the accident fund, health care services, return to work, protection of privacy, and workplace safety.
 - Operational policy: Policy that provides direction on issues related to the internal structure and management of the WCB and includes information technology, human resources, and facilities and procurement.
 5. The Board of Directors retains the responsibility of approving WCB governance and program policies.
 6. The Board of Directors delegates the following responsibilities to the Chief Executive Officer (CEO):
 - Approving new, amended, and rescinded operational policies.
 - Identifying new program and operational policy requirements.
 - Monitoring the maintenance of program and operational policy.
 - Approving non-substantive changes to all policies.
 7. The CEO shall advise the Board of Directors of operational policies that were amended or created.
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Non-substantive Policy Changes

8. The Board of Directors authorizes the CEO to approve the following types of non-substantive changes to all policies:
- Housekeeping changes that do not affect the meaning of the policy.
 - Changes that clearly reflect decisions by the Board of Directors.
 - Changes that are the result of legislative or regulatory amendments.
 - Clarification of the content in existing policies provided the clarification does not change the meaning or intent of the policy.
 - Changes to ensure policies are consistent with legislation and regulation.

Policy Process

9. Policies will be considered for review at minimum every 5 years or earlier as required.
10. New policies or policy amendments may arise from the following:
- Items identified by the Board of Directors
 - Strategic priorities of the WCB
 - Legislative or regulatory changes
 - Court decisions
 - Emerging issues and trends
 - Stakeholder concerns or recommendations
 - Regular policy review and evaluation
 - Any other relevant circumstance.
11. Research for policy priorities will include internal consultation and depending on the complexity of the issue may also include:
- Comparisons with other Workers Compensation jurisdictions
 - Historical data of the WCB of PEI
 - Practices of other insurers or government agencies
 - Literature reviews of workplace safety, workers compensation, medical, legal, and other relevant subjects
 - Expert consultation

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- Financial, legal, and communications implications
12. The Board of Directors will approve annual policy priorities.
 13. The WCB is committed to the consultation process related to policies that directly impact employers, workers, and dependants. The WCB will provide stakeholders with an opportunity to participate in the consultation process related to policy changes that directly impact them.
 14. All program and governance policies are available on the WCB website. Operational policies will be provided to the public upon request.
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HISTORY:

December 5, 2023 – non-substantive amendments to add consideration for policy review at minimum every five years and for clarity and readability.

December 8, 2022 – Amendments to reflect annual Board of Directors approval of policy workplan.

April 26, 2016 - Amended to clarify the types of changes that are considered non-substantive.

August 21, 2014 - Amended to reflect that the Board of Directors has delegated approval of operational policies to the Chief Executive Officer. In addition, the Workers Compensation Board will no longer use a formal 60-month policy review process. The name of the policy was changed from “Maintenance and Development of Policies” to “Policy Development and Maintenance.”

June 23, 2010 - The policy was updated as a result of the 60-month policy review process.

Board of Directors Approval Date: November 24, 2004