

Submission to the WCB

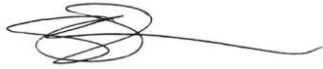
Regarding Proposed Policy
Workplans for 2027-29

September 17, 2026



AUTHORITY

This document is respectfully submitted on behalf of the Executive Officers of the BC Federation of Labour. It represents the views of more than 500,000 affiliated members across the province of British Columbia.



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The BC Federation of Labour (BCFED) represents more than 500,000 unionized workers in all industries across BC. The BC Federation of Labour is a longstanding major stakeholder at the Workers' Compensation Board (WCB), recognized as being the voice for all workers in the province. The BCFED advocates for the health and safety of all workers in BC and full compensation for injured workers and their surviving dependents.

The BCFED appreciates the opportunity to provide our submission with respect to the WCB's proposed Policy Workplans for 2027-29.

This submission was drafted in consultation with our affiliated unions and advocacy community.

I. INTRODUCTION

In the consultation materials, the Board provided information about the policy projects that have been completed over the past 3 years, as well as ongoing policy work. From there, stakeholders were invited to share their ideas about policy issues they think the Board should undertake.

The BCFED appreciates the opportunity to identify areas where policy change is needed before the Board's policy workplans are created. However, policy change projects are also identified internally, and from other sources. As stakeholders, we would appreciate the opportunity to hear about and respond to other potential policy projects the Board is considering for inclusion in the policy workplans. Going forward, we recommend that the Board return to also including its own proposed policy projects in the consultation materials.

II. COMPENSATION POLICY

Comments on Projects Underway

1. Benefits for Workers with Severe Disabilities (RS&CM Item C10-84.00)

This policy sets out additional benefits and services that may be available to workers with severe disabilities. This review considers whether amendments to policy are needed to ensure benefits for workers with severe disabilities are appropriate. The BCFED supports the review of this item, and looks forward to participating in the upcoming public consultation.

2. Chronic Pain (RS&CM Items C3-22.20 and C6-39.10)

The Board has been reviewing the chronic pain policies for more than a decade, and we want to reiterate that chronic pain policies are top priority for the BCFED due to the number of workers who are being inadequately assessed, cared for and compensated under the current policy.

However, as we submitted to the Board in August, we are deeply concerned about the Board's policy direction on chronic pain. The draft policies shared with stakeholders this summer were regressive and totally unacceptable to the BCFED. Again, we urge the Board to revise the draft policies and present proposals that are evidence-based, recognize the unique features of chronic pain, and provide for fair compensation for workers.

3. Cost Relief (RS&CM Item C17-114.40)

This policy lists claim costs excluded from experience rating consideration, including costs for the portion of a disability enhanced by a pre-existing disease, condition, or disability. According to the Board, the review will ensure policy reflects the legislative intent and supports return to work efforts.

This item is a low priority for the BCFED. The BCFED considers a successful return to work a matter of human rights and more important than cost relief for employers.

4. Overpayment of Compensation (RS&CM Item C7-48.10)

The Board plans to review the policy on overpayments to ensure consistency with the WCB's authority to change prior decisions and clarify the distinction between an administrative error, which is recoverable, and a decisional error, which is not recoverable.

Given other high priority items, this item is not a priority for the BCFED.

5. Permanent Disability Evaluation Schedule (PDES) (RS&CM Appendix 3)

The PDES is a guide used to assess the amount of a worker's permanent partial disability benefits under section 195 of the Workers Compensation Act. On an ongoing basis, the PRRD and a committee of WorkSafeBC experts reviews the PDES to ensure its guidance remains accurate and up to date. Most recently, guidance for vestibular disorders and differences in leg length was identified for review.

The BCFED supports the ongoing review of the PDES. An area of particular concern for the BCFED is whether the PDES measures impairment of earning capacity as required by section 195 (1) of the Act and RS&CM Policy Item 39.00. We urge the Board to review the PDES to ensure the guidance aligns with these requirements.

III. ASSESSMENT POLICY

Comments on Projects Underway

1. Interpretation of Misrepresentation for Classification Changes

On this item, the Board is reviewing the meaning of “misrepresentation” in classification change policy to ensure consistent interpretation. In July 2026, the BCFED made a brief submission to the Board’s public consultation on this item, supporting proposed changes to the policy, and also calling on the Board to ensure sufficient resources for the Board to proactively identify non-compliance in assessment matters. We reiterate the recommendations in our submission here, and look forward to policy changes in the coming months.

IV. OCCUPATIONAL HEALTH AND SAFETY POLICY

Comments on Projects Underway

1. Occupational Exposure limits

On an ongoing basis, the PRRD and a committee of WorkSafeBC experts considers which new or revised ACGIH TLVs should be adopted as BC Exposure Limits. Most recently, the exposure limit for benzene was identified for review.

In 2025, the Board stepped back from conducting regular pre-consultation sessions with stakeholders, and instead moved directly to public consultation. The BCFED was deeply disappointed by this approach, as the sessions offered an excellent opportunity for everyone to understand stakeholder concerns, the system of classifying chemicals, and the health impacts on workers. The Board has indicated it is re-committed to hosting these sessions in the future, but the BCFED wants to take this opportunity to reiterate their importance. And, we remind the Board of its duty to ensure a robust and ongoing review process of the ACGIH TLVs under section 195(1) of the Workers’ Compensation Act.

We urge the Board to ensure early and fulsome engagement with stakeholders about exposure limits for hazardous chemical substances. We also reiterate our previous recommendation that the Board implement a technical, multi-stakeholder committee to review the Occupational Exposure Limits (OELs) on an ongoing basis. This group existed from 1992 to 1998, and was comprised of members from the WCB, occupational hygienists, researchers, employers and labour.

It is also important to point out again that the list of excluded chemicals continues to grow year after year. Primarily, this is because of a lack of validated sampling methods for the lower ACGIH levels. For years and in many submissions, the BCFED has consistently pointed out the need to solve this problem to better protect workers from chemical exposures. Again, we strongly urge the Board of Directors to improve funding for the UNBC lab so that the development of testing and analysis methods can continue and expand in BC.

V. POLICY PROPOSALS

1. Claim Suppression

Claim suppression is a serious and ongoing issue. Recent research commissioned by WCB found that almost half of all workplace injuries in BC go unreported by employers, and illegal claim suppression activities by employers are present in between 3.7% and 13% of all workplace injuries.¹ Legislative changes in 2022 added section 73(2) to Part 2 of the Act, explicitly prohibiting claim suppression. Subsequently, the Board has established a small investigation team called the Worker Rights and System Integrity team, dedicated to investigating claim suppression.

However, supporting policy has not been developed to ensure workers are protected from claim suppression, including benefit suppression. Currently policy does not define what constitutes claim suppression, what are the Board's proactive efforts to identify claim suppression, its response to complaints, how workers can seek a remedy when they are impacted by claim suppression, how evidence of claim suppression will be shared across the Board's distinct departments, and how the Board will inform workers about investigations and their rights.

Policy should be developed to address these issues. To start, policy should clarify that claim suppression and benefit suppression include employer tactics such as:

1. Pressuring injured workers to perform unsuitable work rather than access wage loss;
2. Misrepresenting the worker's actions or other relevant claim details to the WCB to try to get benefits denied;
3. Not reporting work injuries to the WCB as required by the Act;
4. Excessively checking in and demanding communication from injured workers who are off work;
5. Laying off injured workers after they file a claim or after they return to work following an injury;

¹ <https://www.iwh.on.ca/summaries/issue-briefing/claim-suppression-in-bc-workers-compensation-system>.

6. Pursuing unfounded reviews and appeals of Board decisions allowing the claim/benefits;
7. Incentivizing or pressuring injured workers to access other benefits rather than going through WCB; and
8. Using the claim or benefit suppression tactics repeatedly on injured workers to dissuade potential future claimants.

Policy should also provide that the Board may investigate both in the individual case and across various claims of the same employer to determine whether the employer is using such tactics repeatedly to dissuade potential future claimants.

Policy guidance is also needed on how the Board will address the impact of claim suppression on workers' individual compensation claims. Claim suppression is regularly raised by workers in their compensation claim, but they are told that it has no place in the adjudication of any compensation issue. For example, where an employer has engaged in claim suppression, a return to work with the accident employer may not be in the worker's best interest. And, evidence of claim suppression found through prevention efforts should be shared and considered for compensation purposes where it is relevant.

The BCFED recommends the Board include the development of policies on claim suppression for both prevention and compensation as part of the 2027-2029 policy workplans.

2. Service Standards

Workers are experiencing ongoing and intensifying problems with delays throughout the claims process. In addition, workers regularly face serious problems with effective, timely and respectful communication. When workers have concerns, there are challenges in resolving concerns outside of the review and appeal processes. Worker advocates have raised these issues repeatedly in meetings with the Board, and they were included in a June 2025 letter to the management of WCB's Claims Services.

The Board has not established clear minimum standards to guide the provision of frontline services to workers and ensure administrative fairness for injured workers. The BCFED recommends that the 2027-2029 policy workplan include the development of a policy on service standards for decision-making, respectful and timely communication, and the clear and reasonable resolution of issues.

3. Artificial Intelligence

The Board and its staff are increasingly adopting AI tools and systems, in both compensation and prevention. In 2023, the Board said publicly that it is using AI to identify and prioritize

workplace risks.² The Board has also told us about a pilot project to use AI to transcribe voicemails, and we've already seen staff using AI to review medical information, among other applications.

In 2025, the Board updated its "Electronic Tools and Communication Policy" for its staff, including a brief item advising staff to "use Artificial Intelligence (AI) tools carefully."³ For additional detail, the policy includes a link to the Board's "Generative AI Usage Guidelines." However, these guidelines are not publicly available. Indeed, the Board has not publicly disclosed a strategy or developed any other publicly available policies related to artificial intelligence.

The BCFED is deeply concerned that the Board is forging ahead with AI adoption in near total secrecy and without good policy to guide its actions. The Board has not communicated meaningfully with stakeholders or the public about its current use of AI, the principles that will guide the organization's adoption of AI tools and systems, how oversight will work, how personal information will be protected, and most importantly, how both workers and employers can continue to be assured of a fair and transparent adjudication process. And despite repeated requests, a conversation about these matters with stakeholders has not been initiated.

AI adoption has serious potential implications for workers, for the integrity of the workers' compensation system, and the well-being of the WCB's employees. While there may be potential benefits, there are also significant risks as the Board incorporates AI systems into its operations, and as stakeholders – including workers - use AI tools in their submissions to or communications with the Board.

The BCFED believes that AI deserves focused policy attention from the Board. The Workers' Compensation Board of Manitoba has already created a basic policy on AI, including a set of principles to guide the use of AI and a commitment to disclosing the use of AI tools.⁴ We urge WCB to establish clear policies to guide decision-making about and use of AI by the WCB for both prevention and compensation purposes – like prohibiting the use of AI for adjudication, mechanisms for transparency and effective oversight, safeguards against bias, and engagement with and reporting to stakeholders about the use of AI.

4. Worker participation

Division 5 of the Workers' Compensation Act sets out the requirements for joint health and safety committees and worker health and safety representatives. Despite the central role of JOHS committees and worker representative in the internal responsibility system, BCFED

² <https://www.ohscanada.com/features/planning-for-the-worksite-of-the-future-worksafebc-uses-ai-human-expertise-and-multidisciplinary-tactics/>.

³ <https://www.worksafebc.com/resources/about-us/guides/electronics-communication-policy?lang=en&direct>

⁴ <https://www.wcb.mb.ca/uploads/2026/04/0913.pdf?x35486>.

affiliates report significant challenges with the interpretation and effective application of these requirements in workplaces, and inconsistent responses from Board officers.

Key issues include the selection of worker representatives, the overall composition of the committee, access to information, the provision of clerical support and issues with written recommendations. There is a pressing need for additional clarity to support the effectiveness of JOHS committees. The BCFED recommends that a Board include review of policies supporting Division 5 of the Act in its 2027-2029 policy workplan.

5. Experience Rating

Policy item AP5-247-1 outlines the Board's experience rating system. According to the policy,

Experience rating is a means of adjusting individual employers' assessment rates to reflect their actual claims cost experience. Employers whose experience is better than their rate group average receive a discount. Employers whose experience is worse than their rate group average pay a surcharge.

The experience rating program attempts to promote positive safety attitudes and to provide equity through a system of recognition and accountability for claims costs. The goal is to encourage employers with high injury costs to reduce them, and to encourage employers with low injury costs to keep them low. The desired outcome is a reduction in the social and economic costs of work-related injuries and diseases.

The BCFED is concerned about the effectiveness of the Board's current experience rating system. Ostensibly, the purpose is to motivate employers to take action to prevent workplace injuries and thereby reduce claims costs.

However, given its current structure, the system established by the policy also creates well-documented incentives for outsourcing hazardous work, claim under-reporting, excessive claims management and outright claim suppression. Over time, we see that these incentives have contributed to some injured workers unjustifiably losing access to compensation, workers being more seriously injured, and a growing adversarial culture in the compensation system. The most vulnerable – temporary, migrant and non-union workers – are the most impacted by the system's negative side effects.

The BCFED urges the Board to undertake a review of the existing experience rating system with the aim of addressing these issues and removing the incentives for employers to game the system instead of taking meaningful steps to improve workplace safety.

6. Policy Development and Consultation process

On compensation policy, the Board often puts forward very limited options for policy change during public consultation and doesn't engage deeply with stakeholders early in the policy

development process to discuss potential solutions to policy challenges. The BCFED urges the Board to review the compensation policy development process to ensure early engagement, information sharing and input from stakeholders. The approach taken for OHS regulatory development offers a model that could be applied more regularly to compensation policy.

VI. Conclusion

The BCFED appreciates the opportunity to provide our comments and recommendations related to the WCB's 2027-2029 workplans. The Federation urges the Board of Directors to seriously consider this submission in the development of the policy workplans, in support of healthier and safer workplaces and work activities, and fair and equitable compensation for all workers.

We also want to express our support for the submission made by the BC Building Trades, which included recommendations on a number of other policy matters, including ASTDs, appeal implementation and protecting workers from unsuitable duties.