

POLICY REPORT

Vol. 13 No. 3 November 2000

WSIB Workplace Safety & Insurance Board
ONTARIO
CSPAAT Commission de la sécurité professionnelle et de l'assurance contre les accidents du travail

On Page 2...

Offences and Penalties documents revised

Did you know...

Chronic Pain Study

One of the most comprehensive studies ever done on work-related chronic pain has resulted in guidelines that will help workers and employers reach healthier outcomes in the workplace.

The two-year independent study was commissioned by the WSIB and was carried out by scientific experts and representatives from Ontario's employer and worker communities.

The result is four recommendations that will be implemented by the WSIB:

1. The *Workplace Safety and Insurance Act* and the WSIB will treat chronic pain the same way they treat any other workplace injury or illness.
2. The WSIB will investigate and report on the panels' recommendations for:
 - more effective treatment, management, and return to work strategies, and
 - a revised approach to rating permanent impairment.
3. The WSIB will conduct a review in five years to assess:
 - the effectiveness of any prevention and management strategies that were implemented as a result of the initiative,
 - any new scientific evidence about the work-relatedness of chronic pain, and
 - any developments in the courts concerning compensation law.
4. The WSIB will support continued research into the treatment and management of chronic pain.

Chronic pain is defined as pain that persists six months after an injury and beyond the usual recovery time of a comparable injury; this pain may continue in the presence or absence of demonstrable pathology.

—The Chronic Pain Scientific Advisory Panel

The members of the *Chronic Pain Scientific Advisory Panel* and *Chronic Pain Policy Advisory Panel* were

nominated by their peers because of their expertise in chronic pain or compensation issues.

Both panels were chaired by Brock Smith who has held several senior positions with the Ontario government including the position of Deputy Minister of Treasury and Economics.

Chronic Pain Scientific Advisory Panel

Robert Bernstein, PhD, MD, CM, CCFP, FCFP, University of Ottawa
Claire Bombardier, MD, FRCP, University of Toronto
Angelica Fargas-Babjak, MD, FRCPC, McMaster University
Judith Hunter, BSc(PT), MSc, PhD candidate, University of Toronto
Klaus Kuch, MD, FRCP, University of Toronto
Silvano Mior, DC, FCCS(C), Canadian Memorial Chiropractic College
Dwight E. Moulin, MD, FRCPC, University of Western Ontario
Warren R. Nielson, PhD, C Psych, University of Western Ontario
Robert Teasell, MD, FRCPC, University of Western Ontario
Robin Weir, RegN, PhD, McMaster University

Chronic Pain Policy Advisory Panel

Phil Biggin, Union of Injured Workers of Ontario Inc.
Mary Cook, Occupational Health Clinic for Ontario Workers
Dr. David Corey, Health Recovery Group
David Craig, Brampton Community Legal Services
Dr. Edward Gibson, Occupational Health Physician
Sherri Helmka, Employers' Advocacy Council
Kim Hopps, Management Board Secretariat
Gerry Le Blanc, United Steelworkers of America
Tracy McPhee, Alliance of Manufacturers and Exporters
Denise K. Peters, Council of Construction Associations
Ronald R. Tasker, MD, MA, FRCS(C), The Toronto Hospital

For a copy of the *Report of the Chair of the Chronic Pain Panels*, visit the WSIB website—<http://www.wsib.on.ca> or contact Policy Publications at (416)344-4355 or toll free at 1-800-387-0750, ext. 4355

Offences and Penalties documents revised

The WSIB has revised its policies, which address how the WSIB will respond to cases of suspected fraud or non-compliance, to reflect the provisions found in Bill 99. As a result, four policy documents were revised and transferred from the pre-Bill 99 OPM to the new OPM.

References to the pre-1998 *Workers' Compensation Act* were revised in order to reflect the provisions of the *Workplace Safety and Insurance Act*.

The most significant changes are found in document **11-02-05, Employer:**

Guidelines regarding time limits have been removed because they repeated information already found in 11-02-02, General. Cross-references have been inserted in their place.

Further, new provisions have been added under "Recovery Measures". The WSIB can now make retroactive adjustments to an employer's account, in any year in which premiums were payable, if the Special Investigations Branch finds that the employer has committed wrongdoing. Civil or criminal charges need not be laid for the WSIB to initiate recovery action.

Additionally, minor changes were made as follows:

11-02-02, General

A guideline has been added that will provide direction in case of conflict between administrative action and criminal prosecution.

11-02-03, External Suppliers of Goods and Services

Guidelines regarding preliminary investigation have been removed because they repeated information already found in 11-02-02, General. Cross-references have been inserted in their place.

11-02-04, Claims

References have been updated as mentioned above, but no additional changes have been made.

These four policies replace the existing policies, so their application dates remain the same — they apply to all incidents of suspected wrongdoing discovered on or after January 1, 1997.

Did you know...

... that the WSIB accepts audio/visual recordings as evidence, if they:

- provide new or more complete information than is already on file
- are relevant and pertain to the WSIB's duty to hear, examine, and decide issues under the Act, and
- are authenticated?

For more information refer to document 11-01-08, Audio/Visual Recordings in the OPM.

POLICY REPORT



Workplace Safety & Insurance Board

Commission de la sécurité professionnelle et de l'assurance contre les accidents du travail

Policy Report subscriptions are free.

Policy Report is published by the Benefits Policy Branch of the Workplace Safety and Insurance Board. If there is any conflict between information in this publication and the *Workplace Safety and Insurance Act* or approved policy documents, the Act or the policy governs.

In this publication, the "old Act" refers to the *Workers' Compensation Act*. The "new Act" refers to the *Workplace Safety and Insurance Act*.

Benefits Policy also publishes the *Operational Policy* manual, the *Employer Classification* manual, and a bilingual lexicon.

To purchase these publications, or to receive *Policy Report*, please call Policy Publications at (416) 344 - 4355, or 1-800-387-0750, ext. 4355.

If you have any comments or questions, please write to:

Editor, *Policy Report*
Policy Publications,
Workplace Safety and
Insurance Board,
200 Front Street West, 18th floor
Toronto ON M5V 3J1
Telephone: (416) 344-4330
Fax: (416) 344-4333
Email: bpb@wsib.on.ca

Cette publication est disponible en français.

ISSN 1486-1844

©2000