

Section	Policy
20	21.90

Section Title: Board and Corporate Administration - Board Administration  
 Subject: Fair Practices Office  
 Effective Date: October 1, 2023

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## **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 mandate of the Fair Practices Office is to reinforce the fairness of WCB's practices and procedures.
2. The Fair Practices Office is impartial and cannot act as any individual's or organization's advocate or representative.
3. WCB management has no decision making authority over the FPO's daily functions. WCB Management cannot direct the FPO on the scope or outcome of any investigation, or the content of any recommendation.
4. In conducting an investigation the Fair Practice Office has, 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 Fair Practices Office may decline to investigate a complaint. He or she may exercise this discretion where the complaint is more than one year old and the complainant has not been actively pursuing it during that time.
6. The Director must not investigate any complaint relating to the substance of a WCB decision regarding benefits, assessments, or any other matter that is subject to reconsideration or appeal. 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*.
7. The Director, Fair Practices Office will make recommendations when, in their judgement, a practice, act or omission of the WCB was unfair.
8. The Director, Fair Practices Office may, on their own initiative, investigate, identify and make recommendations on systemic issues within the WCB. Systemic issues are those that are pervasive within the WCB system. They are customary and are frequently observed over a long period of time. A systemic issue involves more than one WCB decision maker and affects more than one worker, employer, or other party.
9. If on completion of an investigation, the Director, Fair Practices Office determines that an unfair practice has occurred they will make recommendations to address the unfair practice.

**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 through the Corporate Secretary. The Director, Fair Practices Office may meet directly with the Chair of the Governance Committee.
2. 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.
3. 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.
4. The Fair Practices Office budget will form part of the Corporate Secretary Office budget.
5. The Director, Fair Practices Office will provide a quarterly summary of enquiries, investigations and recommendations to the Executive Management Committee of the WCB.
6. The Director, Fair Practices Office will report to the Governance Committee quarterly throughout the year and will issue an annual report that forms part of the WCB's Annual Report.
7. 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.
5. Policy 21.90, *Fair Practices Office* was revised on September 28, 2023 by Board Order 30/23, effective October 1, 2023. Revisions include a change in the reporting structure of the Director, Fair Practices Office. The previous policy version was removed from the policy manual and archived.