

# The Liversidge e-Letter

An Executive Briefing on Emerging Workplace Safety and Insurance Issues

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An Electronic Letter for the Clients of L.A. Liversidge, LL.B.

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## WSIB re-opens door to constructive dialogue with stakeholders

### High level discussions start now

#### WSIB reaching out to strengthen partnerships

In an important move, the Workplace Safety & Insurance Board ["WSIB" or "Board"] under the direct leadership of WSIB President, Ms. Jill Hutcheon, is reaching out to Ontario employers. In what I consider to be an earnest and sincere step, the Board's CEO is inviting representatives of Ontario employers to participate in several connected discussions on all of the leading issues.

#### This is not directly about WSIB funding – it is about the drivers behind WSIB funding

The Board has set up four discussion groups – *prevention; health care; occupational disease; and claim persistency*. They start "work" next month. That the Board is establishing and is committed to supporting a dialogue on these four key policy issues is a strong and important signal. That the impetus for this comes from the top is, in my view, pivotal. *Frankly, it is my take that the commitment behind these discussions is far more important than the actual substance of the agenda at the moment.* The agenda will define itself once the process is commenced.

#### The workplace safety and insurance debate is volatile

Over the past three decades, at times the workplace safety and insurance ["WSI"] debate has been volatile and vitriolic. But, from the tumultuous 1970s and early 1980s sprouted seeds of justness which have, after much cultivation, ripened into a rather remarkable garden. In fact, while always inherently political and latently potent, the "WSI tiller" has for the most part, been steered with skill and dexterity.

#### WSI is inherently political

As I have repeatedly said in *The Liversidge e-Letter*, WSI is more "*social contract than insurance contract*". At its core it is inherently political. This is *not* a negative. The broad based political undercurrent is a "social good" which has been a driving force for much legitimate WSI reform. But, from time to time, this bubbles up to old-time *partisan* politics. Not so good. When this happens, if the discussion is not effectively channelled, the train can run off the tracks. A train wreck serves no one.

#### WSI politics are effectively managed through solid and open process

For most of the last 2 ½ decades the small "p" politics of WSI have been properly managed through the emergence of *responsive and responsible* process (at the Board and within government). However, as my commentaries in these pages note, starting with last year's *Budget Reforms*, a shorter-term political focus has taken root which has ignited a new partisan approach to WSI. If uncorrected this may realign stakeholder tactics. We have recently seen an increased polarization in the expression of some stakeholder interests.

#### Stakeholders are more polarized today

Workers and employers seem farther apart today than in past years. This is unfortunate, in no one's interests, and unproductive for both sides. In fact, it has the effect of potentially triggering an undisciplined style of advocacy, unencumbered by any sense of partnership or ownership.

#### Polarization serves no group's long-term self-interest

This allows for a "*give me the moon*" approach from each side, ensuring perpetually contrary positions, all the while, assisting little in the responsible stewardship of the WSI scheme. (Paradoxically, the founding WSI design represents a conjoining of self-interest. If these two groups joined at points of interest over-lap (and I refuse to admit there are none beyond the "historic compromise" concept), this would represent an unstoppable coalition. The absence of this coalition is a luxurious waste and is a perpetual head-scratcher.)

It is easy to place blame at the feet of those engaging in this advocacy style – but it is my assessment that they are quite blameless. Such a style simply represents a predictable reaction to the absence of a process that can only be piloted by the Board or government. *WSIB leadership is the essential ingredient.* To its credit, the Board seems to have recognized this and is willing to start writing a fresh chapter.

To counteract this will require a return to the consultative conventions of the not too distant past. If managed astutely, this should allow for a rekindling of a more cooperative, longer-term focus. The discussion groups are a good first step. But they are just that – a first step.

**My message to the WSIB - Good timing. Open and transparent process is the key. Follow through critical.**