

# The Liversidge e-Letter

An Executive Briefing on Emerging Workplace Safety and Insurance Issues

February 4, 2010

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

1 page

## Government Creates Expert Panel to Review Workplace Safety System

### The announcement: Government commits to comprehensive review of prevention and enforcement

On January 27, 2010, the government announced it will appoint **Tony Dean** as chair of an *Expert Advisory Panel* to conduct a comprehensive review of the province's occupational health and safety prevention and enforcement system. *The announcement:*

Mr. Dean will lead a panel, comprised of safety experts from labour groups, employers and academic institutions to *recommend options* for structural, operational and policy improvements. The panel will research best-in-class approaches to improving workplace safety in national and international jurisdictions and will look at a range of issues including: Continuum of safety practices in a workplace and entry-level safety training; Impact of the underground economy on health and safety practices; how existing legislation serves worker safety. Part of the review will be supported by the **Institute for Work & Health**, an independent research centre for occupational health and safety. The *Expert Advisory Panel* will report back to the Minister of Labour in the Fall 2010.

**Tony Dean** is a professor in the School of Public Policy and Governance at the University of Toronto and a Senior Research Fellow at the Harvard Kennedy School. He is a former Secretary of the Cabinet and has also served as Deputy Minister of Labour. Mr. Dean is a recipient of the Order of Ontario.

### The process: Consistent with LAL's Stakeholder Empowerment theme

As readers of *The Liversidge e-Letter* know, I have been promoting increased *Stakeholder Empowerment* for years. Most recently, in the December 7, 2009 issue, "A *Plan for Change*" I repeated my suggestion for the creation of "*Stakeholder Advisory Committees*". I have long held the view that sound reform *process* will, over time, give rise to the best ideas, allow for broad participation, and most importantly, assist in solidifying a policy partnership with the key players, labour, management, government. In fact, the prevention review model is precisely the approach I suggested on another pressing issue - increasing time on claim. In the December 1, 2009 issue of *The Liversidge e-Letter*, I repeated by recommendation for the Board to strike an expert "*Claims Persistency Task Force*" to investigate this pressing challenge.

The prevention *Expert Advisory Panel* is *exactly* the type of process I had (have) in mind. *So, strong kudos to the government for this process.* If successful, and there is no reason why it shouldn't be, it could well serve as a template negotiable for other pressing policy issues. In fact, I would suggest that this model be deployed now for the claims persistency issue.

### The substance of the review: No one should quarrel with a wide-ranging approach

More than six (6) years ago, I suggested almost precisely the same approach to review the myriad of programs tied to occupational health & safety. While I did not link the enforcement elements, there is every reason to address all programs focused on OH&S. This is what I said in a 2004 letter to the (then) Minister of Labour:

*On the question of linking WSIB programs to occupational health and safety:* It is time to think "outside the box" and coordinate a new approach with existing tools. At present, experience rating, Workwell, safety groups, safe communities, safe workplace association ["SWA"] programs, etc. are all programs with the same objectives, but which suffer from a systemic disconnect. While all chase the same goals, there is a dearth of program coordination. Each program operates in a *de facto* policy vacuum while being administered independently. With some simple realignment, a coordinated administration, building on program strengths and recognizing program limitations, will enhance success. **Recommendation:** Link the administration and policy objectives of all prevention focused programs.

### Change always fuels apprehension

Notwithstanding concerns with the *status quo* of any system, change will always fuel apprehension. This is a very rational response. **Change is risky.** But, a sound process, with an inclusive approach, reduces that risk. More to the point, by involving key stakeholders, with capable and strong leadership, fuelled by a will to consider alternatives, a strong partnership is formed. I have long argued that this, more than anything else, is the essential component to positive reform. Change isn't to be feared. Stagnation in the guise of blind adherence to the *status quo* is the real culprit and impediment to progress.

*My preliminary reaction? Thumbs Up.*