

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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The Mahoney Report The Primary Recommendation: *A never-ending conversation*

The Mahoney Report presents a balanced, thoughtful review of today's WSI challenges

A year ago, in the February 2, 2009 issue of **The Liversidge e-Letter**, I provided early comment on WSIB Chair Steve Mahoney's announcement that he would lead a wide-ranging consultation process. I have been suggesting an invigorating broad based review for years and, as readers know, I have long argued for "a new way". Well, it seems that "a new way" may be just around the corner.

Last night Steve Mahoney released his report, simply entitled, "**Report on Stakeholder Consultations**". In a tight, concise 20 pages, the leading issues are introduced, compactly discussed, and reasonably assessed. Those expecting a "treasurers trove" of policy solutions, "silver bullets" and a recipe for an instant fix will be disappointed. But then, such fanciful expectations are nothing but policy comfort food. The work ahead won't be easy.

Repeatedly over the past year I have cautioned readers not to expect a cry of *Eureka!* In the March 10, 2009 issue of **The Liversidge e-Letter** I repeated my long-held conviction that an enduring reform process is needed:

The "on again, off again" approach to reform must end

I have long argued that what is really needed is a vibrant ongoing reform process, one that ends the "on again, off again" approach to workplace safety and insurance ["WSI"] reform. For thirty years we have seen this endless cycle - pressures build, the system responds, solutions are developed and implemented, the solutions wear out, and pressures re-build. And, then the cycle repeats.

An enduring reform process is needed

The best result of this newest dialogue will be this - a *never-ending conversation*. Some may say we are already there - that endless complaints, grievances, gripes and grumbles, is the one certain and resilient legacy of the modern Ontario WSIB. But, actually what I am seeking is an end to this constant moaning from all quarters. I have long argued that the best way to bring the antagonist in from the cold is for the Board to take the lead and "partner up" with all stakeholders. Welcome all sorts of complaints and protests, by

all means, so long as the price of admission includes some thoughtful and viable solutions. *I see the Mahoney Consultation as starting that very process.*

This is what "*The Mahoney Report*" says (at p. 13):

Ongoing Consultation

The 2009 consultation process has been successful and *ongoing dialogue must continue* if we all are to deliver a sustainable workplace safety and insurance system for Ontarians. Quite candidly, *we do not have all the solutions and we benefit from the experience and expertise of others*. As such, there is a strong call for increased, timely and more meaningful communication with stakeholders.

Many groups suggested a more formal method for regular and ongoing dialogue between stakeholders and the WSIB. We received recommendations that the WSIB work with Stakeholder groups to establish permanent Advisory Committees to the Workplace Safety & Insurance Board - ideally one from each of (i) the construction sector, (ii) general business, (iii) small business and (iv) labour and injured workers.

Stakeholders anticipate that such permanent advisory committees would play a key role in shaping and developing the practical administrative and operational policies necessary to deliver a sustainable workplace health and safety system for the future.

Summary

The measure of success of the consultation process was the positive, two-way communication between the WSIB and those we serve. Stakeholders shared their concerns and at the same time, learned about the complexity of the WSIB's mandate.

The dialogue with stakeholders does not end with this consultation exercise. *We are committed to further examination and discussion on the key themes presented, including the establishment of permanent stakeholder advisory committees.*

In the final analysis, the WSIB needs to be seen as a "value proposition" among stakeholders and that will translate into a collective effort to ensure its long term sustainability.

Creating Advisory Committees is a bold step forward

There is much more to the report, and I will be writing on several core issues in future issues, from LMR, to SIEF, to small business, benefits, funding, and service delivery. I encourage readers to read it (go to www.wsib.on.ca). *But, as I see it, the creation of permanent advisory committees is the most important and durable recommendation.* The future of the system will now be guided more than ever by the ideas of its stakeholders. The challenge of the Board is to encourage and feed those ideas, and the challenge of stakeholders is to see opportunity when presented, embrace it, and make the most of it. *A new way is possible.*