

Injured Worker Advisory Committee Response to the Proposed Legislative Framework Modernization

Introduction

The Injured Worker Advisory Committee (IWAC) appreciates the opportunity to provide feedback on WorkSafeNB's proposal to strengthen and modernize New Brunswick's legislative framework governing workplace health, safety, and compensation.

IWAC recognizes the value of legislation that is clear, accessible, and responsive to changing workplace realities. We agree that legislative frameworks must evolve over time and that opportunities may exist to reduce duplication, improve clarity, and consolidate existing statutes into a more coherent structure.

We support the continued application of the Meredith Principles and acknowledge WorkSafeNB's commitment to preserving the foundational rights and protections that underpin New Brunswick's workers' compensation system.

At the same time, IWAC believes any modernization initiative must preserve certainty, transparency, accountability, and security of benefits for injured workers.

General Position

IWAC is open to the concept of consolidating multiple Acts into a single legislative framework if doing so improves accessibility and understanding without diminishing worker protections.

However, we have significant concerns regarding proposals that would move substantive benefit provisions, entitlement-related matters, and key occupational health and safety requirements from legislation to Board policy.

While policy can provide flexibility and responsiveness, legislation provides certainty and stability. Injured workers rely on the predictability of legislated protections when navigating some of the most difficult periods of their lives.

Any movement of provisions from legislation to policy should be carefully assessed through the lens of long-term worker protection and public confidence in the system.

Areas of Concern

Benefit Levels and Benefit Administration

The proposal contemplates moving several important benefit-related provisions from legislation to Board policy, including benefit levels, payment structures, annuity set-asides, and death benefit amounts.

IWAC believes these provisions are more than operational details. They directly affect the financial security of injured workers and surviving family members.

We are concerned that future changes to these provisions could be implemented through policy processes rather than legislative amendment. While current leadership may exercise discretion responsibly, legislation should be designed to provide protection regardless of future economic conditions, political priorities, or Board composition.

IWAC recommends that core benefit entitlements and benefit levels remain protected in legislation.

PTSD Presumption Coverage

IWAC supports maintaining the PTSD presumption in legislation. However, we have concerns regarding the proposal to move authority for determining eligible occupations to Board policy.

While this approach may allow coverage to expand more quickly when supported by evidence, it may also create uncertainty regarding future eligibility.

IWAC recommends that any changes to occupational coverage be subject to mandatory stakeholder consultation and publicly available rationale.

Occupational Health and Safety Requirements

The proposal would move various occupational health and safety requirements from legislation to policy, including elements related to training, orientation, Joint Health and Safety Committees, and right-to-refuse processes.

IWAC recognizes that operational details may require periodic updating. However, many of these requirements form an important part of the practical protections workers experience in the workplace. These requirements are not only administrative processes; they are prevention tools that help workers identify hazards, raise concerns, and participate in workplace health and safety.

IWAC recommends that minimum standards and core requirements remain protected in legislation, with policy used to supplement rather than replace those protections.

Legislative Review Cycle

The proposal would extend the mandatory legislative review period from five years to ten years. IWAC does not support extending the review cycle. Workplaces, injuries, occupational diseases, and worker expectations continue to evolve rapidly.

More frequent legislative review promotes accountability, transparency, and stakeholder engagement.

IWAC recommends maintaining the current five-year review requirement.

Recommendations for Safeguards

If WorkSafeNB proceeds with the proposed model, IWAC recommends the following safeguards:

1. Maintain core worker entitlements and benefit levels in legislation.
2. Require meaningful stakeholder consultation before any policy changes that affect worker benefits, eligibility, or access to services.
3. Publish clear rationale and impact analysis for significant policy changes.
4. Establish transparent notice periods before major policy amendments take effect.
5. Clearly define in legislation which matters may be addressed through policy and which matters must remain legislated.
6. Maintain the mandatory five-year legislative review cycle.
7. Ensure policy development processes remain transparent and accessible to workers and employers.

Conclusion

IWAC supports efforts to modernize and simplify New Brunswick's legislative framework. We agree that legislation should be clear, accessible, and capable of responding to emerging workplace realities.

However, modernization must not come at the expense of certainty, transparency, or security of benefits for injured workers.

The Committee believes that foundational worker protections should remain firmly rooted in legislation, while policy should be used carefully and transparently to address operational matters that genuinely benefit from greater flexibility.

As a guiding principle, matters that affect entitlement, benefit levels, eligibility, access to services, appeal rights, or minimum health and safety protections should remain in legislation unless there is a clear and publicly justified reason to move them.

IWAC looks forward to continued engagement as this proposal evolves and appreciates the opportunity to contribute to its development.

Sincerely,

The Injured Worker Advisory Committee

The image shows six handwritten signatures arranged in two rows of three. The first row contains the signatures of Paula Garant, Pamela Baker, and Leica Gahan. The second row contains the signatures of Kirk Westfield, Lee Russell, and André Jobin. The signatures are written in various shades of blue and black ink.

Paula Garant, Pam Baker, Leica Gahan, Kirk Westfield, Lee Russell, André Jobin