

## ADVISORS<sup>1</sup>

|       | <b>WORKERS' ADVISORS<sup>2</sup></b> (also called counsellors, advocates)   | <b>Section of Act</b>                                       | <b>Policy (if any)</b>   | <b>Related links (if any)</b>   |
|-------|---|---|--|---|
| AB    | In Alberta, there are internal Appeals Advisors who assist workers' who disagree with decisions made on their claims. The Appeals Advisors will try to resolve the issue (pre-hearing resolution) and/or represent the worker in pursuing a formal appeal. This is not specifically referred to in the <i>Workers' Compensation Act</i> .   | No reference  | <a href="#">Policy 01-07, Mandate: Office of the Appeals Advisor</a> | <a href="#">Office of the Appeals Advisor</a>   |
| BC    | Workers' advisors can be appointed by the Lieutenant Governor in Council in British Columbia.   | <a href="#">Workers' Compensation Act</a> (s. 94)           | N/A  | <a href="#">Workers' Advisers</a>   |
| MB    | Worker advisors can be appointed by the Lieutenant Governor or Minister. Under the Act, the Board of Directors must appoint a Fair Practices Advocate. This person functions as an organizational ombudsman for employers and claimants. The Fair Practices Advocate does not operate as a level of appeal.   | <a href="#">Workers' Compensation Act</a> (s. 108, 108.1)   | <a href="#">Policy 21.90, Fair Practices Advocate</a>                | <a href="#">Fair Practices Office Manitoba Labour and Immigration – Worker Advisor Office</a> |
| NB    | Workers' Advocates are appointed by the Lieutenant Governor in Council in New Brunswick.  | <a href="#">Workers' Compensation Act</a> (s. 83.1)         |  |   |
| NL    | In Newfoundland & Labrador, workers' advisors operate independently of the Commission under the NL Federation of Labour and costs are paid out of the Injury Fund.  | No reference (by agreement)                                 | N/A  | <a href="#">WHSCC - Workers' advisor</a>  |
| NT/NU | The Act permits the Minister to appoint a Workers' Advisor and one or more Deputy Workers' Advisors. Functions are to assist claimants unless the Workers' Advisor is of the opinion that the claim is without merit, and to advise workers and dependants on the application and administration of the Act. The Workers' Advisor may also make submissions in support of a request to the Governance Council, or an appeal to the Review Committee or Appeals Tribunal. Related costs are paid out of the WSCC Workers' Protection Fund. Workers' advisors can be appointed by the Minister. | <a href="#">Workers' Compensation Act</a> (s. 107 - 111)    | N/A  | <a href="#">Workers' Advisor</a>  |
| NS    | In Nova Scotia, only the Chief Worker Adviser is appointed by the Governor in Council, on the recommendation of the Minister. The Chief Worker Adviser is responsible for recruiting and hiring other workers' advisers in accordance with the <i>Civil Service Act</i> . The advisor's remuneration and reasonable expenses are paid from the Accident Fund. Also in Nova Scotia, the Chief Workers' Adviser may engage any member of the N.S. Barristers Society to act as a temporary adviser to a particular worker or groups of workers.   | <a href="#">Workers' Compensation Act</a> (s. 262 and 269)  |  |   |
| ON    | The Office of the Worker Advisor exists primarily to help non-unionized employees with workplace safety and insurance issues. While the Office is funded by the Ontario Board, it is independent of the Board and reports to the Ontario Government. Workers' advisors can be appointed by the Lieutenant Governor or Minister.   | <a href="#">Workplace Safety and Insurance Act</a> (s. 176) |  |   |

1 Some provinces or territories have established an advisory or counselling function where the worker can receive assistance to start or continue a claim and obtain an explanation of the compensation system and process. Assistance with presenting an appeal may also be available.

2 An advisor might:

- a) give assistance to a worker or a dependant with a claim;
- b) communicate with an appeal body, or act on behalf of the worker or dependant, if assistance is required;
- c) advise the worker or dependants on interpretation of legislation, administration or decisions.

*Source: Association of Workers' Compensation Boards of Canada – 2011*

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| <b>WORKERS' ADVISORS (also called counsellors, advocates)</b> |  | <b>Section of Act</b>                                       | <b>Policy (if any)</b>  | <b>Related links (if any)</b>               |
|---|--|---|---|---|
| PE  | The workers advisor is to assist workers or dependants of workers in respect of claims for compensation and is appointed by the Lieutenant Governor in Council.  | <a href="#">Workers Compensation Act</a> (s. 85)            | <a href="#">POL-88 Workers Compensation Appeal Tribunal Decision Implementation</a> |   |
| QC  | Does not apply in Quebec.  |   |   |   |
| SK  | A Worker's Advocate may assist a worker in any claim being advanced for compensation. The Fair Practices Office may also receive, investigate and resolve complaints about unfair practices in all areas of service delivery raised by workers, employers and external service providers; and identify complaint trends, policy matters and systemic issues and make recommendations for improvements. | <a href="#">Workers' Compensation Act</a> (s. 161)          | <a href="#">Policy &amp; Legislation</a><br>POL 15/2010                             |   |
| YT  | The Yukon's Act requires the Minister of Justice to appoint a workers' advocate, who shall then be a member of the public service.   | <a href="#">Workers' Compensation Act</a> (s. 109)          |   |   |
| <b>EMPLOYERS' ADVISORS (advocates)</b>                        |  | <b>Section of Act</b>                                       | <b>Policy (if any)</b>  | <b>Related links (if any)</b>               |
| AB  | In Alberta, there are no internal Appeals Advisors who assist employers' who disagree with decisions.  | No reference  |   |   |
| BC  | The appointment and expenses of Employers' Advisors are handled in the same way as those for <u>workers'</u> advisors. The assistance they provide to employers is similar to the help a workers' advisor provides a claimant.   | <a href="#">Workers Compensation Act</a> (s. 94)            | N/A   | <a href="#">Employers' Advisers Offices</a> |
| MB  | Employer advisors are not appointed in Manitoba.   | No reference  |   |   |
| NB  | Employers' Advocates are appointed by the Lieutenant-Governor.   | <a href="#">Workers' Compensation Act</a> (s. 83.2)         |   |   |
| NL  | In Newfoundland & Labrador, employers' advisors operate independently of the Commission under the Newfoundland & Labrador Employers' Council and costs are paid out of the Injury Fund.  | No reference (by agreement)                                 | N/A   | <a href="#">WHSCC - Employer advisors</a>   |
| NT/<br>NU   | There is no reference to employers' advisors in the legislation of the Northwest Territories and Nunavut.  | No reference  | N/A   | N/A   |
| NS  | There is no specific reference to employers' advisors in the Nova Scotia workers' compensation legislation. Any expenses of employers' advisors paid for from the accident fund are in connection with safety programs (s. 162)  | <a href="#">Workers' Compensation Act</a> (s. 162)          |   |   |
| ON  | The appointment and expenses of Employers' Advisors are handled in the same way as those for <u>workers'</u> advisors. The assistance they provide to employers is similar to the help a workers' advisor provides a claimant.   | <a href="#">Workplace Safety and Insurance Act</a> (s. 176) |   |   |
| PE  | The employer's advisor is to assist employers in respect of assessments, classifications and claims for compensation and is appointed by the Lieutenant Governor in Council.   | <a href="#">Workers Compensation Act</a> (s. 85)            | <a href="#">POL-88 Workers Compensation Appeal Tribunal Decision Implementation</a> |   |
| QC  | Does not apply in Quebec.  |   |   |   |
| SK  | N/A  |   |   |   |
| YT  | N/A  |   |   |   |

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|           | LEGAL ADVICE OR ASSISTANCE  | Section of Act  | Policy (if any)   | Related links (if any) |
|-----------|---|---|---|------------------------|
| AB        | N/A   | N/A   |   |                        |
| BC        | <p>Section 94.1 of the Act permits a non-lawyer to represent a person in a worker's compensation matter without contravening the Legal Profession Act, which governs who may engage in the practice of law.</p> <p>Section 100 of the British Columbia Act provides for the awarding of reasonable expenses to the successful party of a contested claim or other matter. They can be legal or travel expenses. The award, if any, would be paid to the successful party by the other party, and not the WCB.</p> | <a href="#">Workers Compensation Act</a> (s. 94.1, 100) | N/A   | N/A                    |
| MB        | The WCB will not ordinarily pay legal expenses in excess of those ordered by the court. By policy, the Board of Directors considers applications for reimbursement of legal expenses if the applicant has exhausted all levels of appeal and the application has been successful at judicial review.  |   | <a href="#">Policy 22.80, Legal Expenses of Judicial Review</a>                     |                        |
| NB        | New Brunswick's Act is silent on this subject.  | No reference  |   |                        |
| NL        | No provisions to cover legal advice or assistance.  | No reference  | N/A   | N/A                    |
| NT/<br>NU | Legal advice is not provided and the reimbursement of legal costs is not practiced in the Northwest Territories and Nunavut.  | No reference  | N/A   | N/A                    |
| NS        | No provisions to cover legal advice or assistance.  | No reference  |   |                        |
| ON        | Ontario has no legal authority to reimburse employers or workers for legal costs.   |   |   |                        |
| PE        | Should the worker or employer hire a third party to represent them, all associated costs are their responsibility.  | No reference  | <a href="#">POL-88 Workers Compensation Appeal Tribunal Decision Implementation</a> |                        |
| QC        | The <i>Act respecting legal aid and the provision of certain other legal services</i> may, at certain conditions, cover lawyers' fees.  |   |   |                        |
| SK        | N/A   |   |   |                        |
| YT        | Payment of legal expenses to third parties is expressly prohibited by the Yukon's Act, except for legal expenses incurred in a cause of action (when the board gives approval to indemnify).  | <a href="#">Workers' Compensation Act</a> (s. 92(3))    |   |                        |

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