

Advisor Office Policy Manual

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Advisor Office Policy Manual

This manual outlines the policies of the Advisor Office (AO), which the AO Procedure Manual accompanies to outline application in practice. This manual applies to the employees, contractors, and clients of the AO.

Interpretation of Policy

1.1 Definitions of Acronyms

- “**AC**” is the Appeals Commission for Alberta Workers’ Compensation.
- “**AO**” is the Advisor Office for Alberta Workers’ Compensation.
- “**APS**” is the Alberta Public Service.
- “**EAB**” is the Employer Advisor Branch within the AO.
- “**WAB**” is the Worker Advisor Branch within the AO.
- “**WCB**” is Workers’ Compensation Board.

1.2 Order of Precedence

AO policies apply to AO operations. Where AO policies are silent on a matter, then the policies of the AC apply. When the policies of the AC are silent on a matter, then the policies applicable to the APS apply. In all cases, these documents are interpreted in light of the laws of Canada and Alberta.

AO Service Provision Policy

Purpose

The AO Service Provision Policy sets out what services clients can expect from the AO. These standards supplement the AO's governing legislation, policies, and procedures, and those prevail if there is a conflict.

The public-facing "AO Service Commitment" document sets out the work and expectations of the AO, as well as the expectations that the AO has of its clients. The AO Service Commitment forms an appendix to this document.

Policy

The AO will provide fair, transparent, and consistent appeal advisory and representation services for clients wanting to appeal WCB decisions. The AO uses its human and financial resources to provide the greatest benefits to the greatest number of clients. The AO Executive Director may intervene in proceedings that impact the authority or practices of the AO.

AO Services

An AO Advisor will identify appealable issues and provide advice, advocacy and representation services to clients.

This can include the following services:

- Providing general advice about a WCB claim
- Attempting to resolve issues with the WCB Customer Service Department
- Filing appeals, making submissions, and attending internal reviews at the WCB's Dispute Resolution & Decision Review Body (DRDRB)
- Filing appeals, making submissions, and attending hearings at the AC

An Advisor may also provide these additional services:

- If a time limitation is missed, an Advisor may assist the client with submitting an application to extend the deadline of a time limitation to the WCB or the AC.
- If a file is lacking evidence, an Advisor may undertake the collection of information on behalf of the client.
- An Advisor may also review the client's other claims to determine if there are any missed entitlements.
- Advisors may make educational presentations to the worker and the employer groups.

If an Advisor is unable to identify an issue for appeal or review, the Advisor may refer the client to alternate bodies for assistance such as the WCB's Fair Process Review Centre, the Alberta Ombudsman, or Employment Standards, depending on the issue.

In certain cases, the AO may withdraw services in accordance with the Service Withdrawal Policy.

[See Appendix: AO Service Commitment](#)

Operational Independence Policy

Purpose

The AO represents clients - workers and employers - with appeals before WCB and the AC. The AO is independent from WCB. While the AO is an independent program that formally reports to the AC, the AO's operations are independent from the AC. The AO's WAB and EAB represent clients independently from each other. A WAB representative and EAB representative may provide representation to opposing parties on the same appeal, and therefore the careful management of these different relationships is paramount for the AO.

Policy

The AO works to minimize conflicts of interest (real and perceived), with respect to the AO's organizational structure.

WAB and EAB Independence

Worker and employer matters are kept separate and apart at the AO. The AO may represent opposing parties on the same file. Staff of the WAB and the EAB will not discuss the client file with each other, except to acknowledge their involvement. Should WAB and EAB services be representing opposing clients on the same claim (i.e. injured worker, and the client's employer respectively), the two branches will notify the client that their counterpart Branch is active on the file.

Advisors work exclusively for either the EAB or WAB (i.e. Worker Advisors exclusively handle WAB files, whereas Employer Advisors exclusively handle EAB files).

AO staff only communicate about their files to other members of their branch for operational purposes. EAB and WAB use separate case management systems and electronic folders, which are only accessible to their respective branch members. AO administrative support staff may provide service to both branches; however, they are required not to discuss claim details and to maintain confidentiality in the course of their work.

The AO may deny or withdraw services from a client in cases where the conflict of interest cannot reasonably be managed without prejudicing a party to the appeal matter. The reasons for a withdrawal decision will be communicated to clients in writing.

AO Independence from AC and WCB

The AO maintains independence from the AC and WCB on specific client files, including not communicating file facts and strategy with other organizations. AO employees must adhere to a strict confidentiality agreement, as well as the Code of Conduct, and annually complete training on managing client information

This policy is interpreted according to the [AC Governance and Independence Framework](#), as updated from time to time.

AO Leadership Involvement

- When a conflict of interest arises the AO's General Counsel provides legal information on matters to AO employees and management, but shall not provide legal and related strategic advice to an Advisor.
- The AO's Executive Director, Case Assistants, and Quality and Training Officer, among other staff, may assist in managing information or provide services to both the EAB and WAB. These individuals, as with Advisors, also adhere to strict confidentiality expectations, as well as the Code of Conduct and complete annual training on managing client information in operational matters.

Employee Conflict of Interest Policy

Purpose

The purpose of this Policy is to help AO employees and contractors recognize and avoid conflicts of interest. Managing real and perceived conflicts of interest is central to advising clients - both workers and employers - who may be opposing parties on the same appeal issue. This Policy enables our clients and stakeholders to hold the AO to account.

Definition

1. **“Conflict of interest”** refers to a situation that has the potential to undermine the impartiality of an AO employee or contractor when two or more interests come into conflict. Interests will conflict if they cause or are likely to cause:
 - i. An AO employee or contractor to be biased; or
 - ii. An AO employee or contractor to favor another party’s interest over that of a client.

Policy

AO employees must work to minimize real or perceived conflicts of interest.

Competing Client Interests

- Representing two or more clients whose interests are in opposition, is a conflict of interest. Care should be taken if clients are engaged in legal proceedings against one another outside of their workers’ compensation claims, especially if the facts overlap on claims. This could include third party actions.

Relationship with Employer

- AO employees or contractors should not accept a case file when they have a relationship with a party that may conflict with their loyalty or duty to the AO by virtue of the client. For example, AO employees or contractors should not take on matters in which they or family members have a financial interest or business dealings.

Personal or Business Relationship with Client

- AO staff and managers should avoid serving clients with whom they have close personal and business relationships outside of their work with the AO. However, such a relationship do not automatically constitute a conflict of interest. Failing to disclose such relationships may leave AO employees or contractors open to accusations of providing an improper advantage to the client. Similarly, the interests of the client and an AO employee may be misdirected when a prior personal or business relationship exists between the AO employee and external party.

The AO may deny or withdraw services from a client in cases where the AO cannot reasonably manage a conflict of interest without prejudicing a party to on an appeal matter. The reasons for such a decision will be communicated to the client in writing.

Errors and Omissions Policy

Purpose

AO advisors may make an error or omission in their work that could potentially cause harm to a client's appeal. This error or omission may be considered negligence. Section 13.1(9) of the *Workers' Compensation Act* generally protects AO employees from liability that arises in their work. Furthermore, the Government of Alberta Risk Management and Insurance Program generally covers the negligence of APS employees that arises in the course of their employment (despite acting in good faith). Quality assurance tools help prevent liability that the AO may face as a result of a staff member's error or omission.

Policy

If an AO employee or contractor commits an error or omission, it may create a conflict of interest with the client. The conflict arises when, as a result of an employee error, the likelihood of a complaint develops. In such a situation, it is also possible for the AO employee or contractor's judgment to be clouded and therefore difficult to remain objective in the situation.

AO employees must comply with quality assurance guidelines in their work.

Respectful Behaviour Policy

Purpose

The AO must ensure the safety and well-being of its employees by providing a workplace in which staff may work free from disrespect and harassment at work. AO employees are not expected to tolerate disrespectful or abusive behaviours on the part of clients, contractors or external colleagues.

Definition

- **“Disrespectful or Abusive Behaviour”** includes but is not limited to, language or actions that would reasonably be viewed as aggressive, threatening, intimidating, insulting, degrading, racist, sexist, hateful, obscene or violent, or which could reasonably be expected to cause fear, distress, or anxiety in the person who is the target of the behaviour.

Policy

The general requirement is that all interpersonal behaviour is respectful and abides by legislation, regulations, and policies. This policy is applicable to AO employees, clients, contractors or external colleagues encountered in the course of work.

AO employees must report disrespectful or abusive behaviour in accordance with the relevant procedures.

In accordance with the policies of the AO, the AO may deny or withdraw service to workers or employers who exhibit disrespectful or abusive behaviour.

Service Denial and Withdrawal Policy

Purpose

This policy outlines the reasons a client - a worker, their dependants, or an employer - may be denied services, or have services withdrawn by the AO.

Definitions

- **“Disrespectful or Abusive behaviour”** includes but is not limited to, language or actions that would reasonably be viewed as aggressive, threatening, intimidating, insulting, degrading, racist, sexist, hateful, obscene or violent, or reasonably be expected to cause fear, distress, or anxiety for the targeted person.
- **“AO Client”** is defined as either a “worker” or “employer” under the Alberta *Workers’ Compensation Act*, and includes the estate of a deceased worker.
- **“Conflict of Interest”** is when the AO finds a real or perceived conflict of interest that would prevent the branch from representing the client objectively.
- **“Inconsistent Purpose”** is when a client requests assistance with:
 - disentitlement of their own or another’s workers’ compensation claim benefits under Section 21(3) of the Act; or
 - waiving or foregoing benefits under Section 140 of the Act.

Services the AO Will Not Provide

The AO does *not* advise, represent, or otherwise support clients with:

- lawsuits or other non-WCB or non-AC proceedings;
- service complaints regarding the WCB or AC;
- appeals of administrative WCB decisions;
- statutory appeals or judicial reviews;
- actions already before the courts;
- furtherance of illegal conduct;
- fairness complaints to the Alberta Ombudsman, Office of the Information and Privacy Commissioner, WCB Fair Process Review Centre, or other similar oversight bodies.

Situations in Which Services May be Denied or Withdrawn

- engaging in conduct contrary to the AO Service Commitment;
- not fitting the definition of an AO client;
- client wants the AO to provide services that are out of scope, as set out by the AO’s mandate and this policy;
- client already has (or is obtaining) a formal representative (‘dual-representation’);
- disrespectful or abusive behaviour by a client;
- vexatious behaviour by a client (‘abuse of process’);
- having a conflict of interest or an inconsistent purpose with the AO’s mandate; or
- lacking appealable issue(s) with WCB or to the AC, including being premature, or past time limits including extensions.

Privacy Policy

Purpose

This policy supplements the AC's privacy policy, and reflects the AO's unique operational structure. The preservation of client privacy is paramount for confidence in AO services. WCB provides the AO with access to client's claims to enable advisors to prepare client appeals.

Policy

AO staff shall only access client's claim files when it is necessary to carry out the purposes of their role in the AO including training.

AO staff shall not share privileged and confidential legal opinions and related strategic advice with non-employees of the AO, including clients, and representatives of the AC or WCB. AO staff shall not store or reproduce privileged and confidential legal opinions and related strategic advice in eCO that were prepared for the Advisor Office or another agent of Her Majesty the Queen in Right of Alberta.

AO staff shall note when they access WCB files in error.

Communications Policy

Purpose

This Policy provides guidance in communicating with AO employees and contractors, system partners, stakeholders and clients. The AO will provide clear, coordinated and appropriate information for exercising its mandate.

Policy

Communications include the AO website, information sheets, service request forms, letters, phone discussions, and similar media of communication regarding the AO. The AO must present a unified brand and message to its employees, clients, and stakeholders, while using its resources efficiently.

Only the AO Executive Director may authorize individuals to engage in any communication, including advertising, social media, or education, among others, on behalf of the AO.

To apply this policy in the AO's operations:

- The Executive Director will direct internal and external communications priorities, activities, and standards.
- Information is presented in a clear, coordinated, accurate and relevant manner that conforms to relevant laws and regulations.
- Communication channels will incorporate the *AO Visual Identity Guidelines*.
- Communication will be timely, courteous, fair, cost-effective, and support the privacy, safety, and efficiency needs of staff, clients and stakeholders.
- As required by the *Elections Act*, communications activity may need to be restricted during election and by-election periods as determined by the Executive Director.

ADVISOR OFFICE Service Commitment



Independent experts. Free of charge.

Purpose

The Service Commitment sets out the standards you can expect from the Advisor Office (AO), and what we expect from you. The Service Commitment supplements the Advisor Office's governing legislation, policies, and procedures.

Our Commitment

The Advisor Office commits to providing workers and employers with a fair, client-focused experience. We adhere to our core values of respect, service, integrity, and accountability.

What You Can Expect Us to Do

- Provide a safe and respectful environment for you to share your perspective
- Act honestly and in good faith with you, WCB, the Appeals Commission, and other relevant parties
- Guide you through the appeal processes
- Provide clear and timely advice
- Respect your privacy, subject to the applicable laws
- Maintain independence from WCB and the Appeals Commission
- Maintain independence and separation between worker advisors and employer advisors
- Manage actual or perceived conflicts of interest
- Withdraw from serving you if you ask us to help you break the law, demonstrate abusive or disrespectful behaviour, or repeatedly fail to follow this Service Commitment
- Provide a fair, consistent and transparent process for filing a complaint about us

What We Cannot Do for You

- Guarantee an outcome from WCB or the Appeals Commission
- Represent you in a court of law
- Represent a worker seeking to overturn another worker's claim
- Represent a client who already has a formal representative not with the Advisor Office
- Pursue an action that is before the courts, another tribunal, or the Alberta Ombudsman
- Break the law, further unethical or frivolous conduct, or abuse the workers' compensation process

What We Expect from You

- **Commitment:** Review this Service Commitment to understand what is expected from you
- **Respect:** Treat us with respect, including in emails, in letters, and on phone calls
- **Transparency:** Tell the truth and not withhold information from us
- **Openness:** Provide us the information that is requested by us or related to your claim file
- **Partnership:** When we need your help to obtain information about your claim, help us get that information
- **Communication:** Timely responses to our phone calls, email messages, or letters to help meet appeal deadlines

