

# Advisor Office Policy Manual

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# Advisor Office Policy Manual

This Policy 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 AO's employees, contractors, and clients.

## Interpretation of Policy

### 1.1 Definitions

- “**AC**” is the Appeals Commission for Alberta Workers’ Compensation.
- “**AO**” is the Advisor Office for Alberta Workers’ Compensation.
- “**APS**” is the Alberta Public Service.
- “**Client**” is defined as either a “worker” or “employer” under the Alberta *Workers’ Compensation Act*, and includes the estate of a deceased worker.
- “**EAB**” is the Employer Advisor Branch within the AO.
- “**WAB**” is the Worker Advisor Branch within the AO.
- “**WCB**” is the 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 APS policies apply. In all cases, these documents are interpreted in light of the laws of Canada and Alberta.

## Effective Date

This Policy Manual is effective November 1, 2023, and, from that date, supersedes all previous Policy Manuals.

# AO Service Provision Policy

## Purpose

The AO Service Provision Policy outlines what services clients can expect from the AO. A client is defined as a worker, their dependent, or an employer in the province of Alberta. These service standards supplement the AO's governing legislation, policies, and procedures, which 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 benefit the greatest number of clients. The AO Executive Director may intervene in proceedings that impact the jurisdiction or practices of the AO.

## AO Services

An AO Advisor will identify appealable issues and advise, represent, and advocate for clients regarding those issues.

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 services:

- If a time limitation is missed, an Advisor may assist the client with submitting an application to extend a time limitation to the WCB or the AC.
- If a client is dissatisfied with a DRDRB or AC decision, an Advisor may assist the client with submitting an application for reconsideration.
- If a file lacks evidence, an Advisor may collect information on behalf of the client.
- An Advisor may also review the client's other claims to determine if there are any missing entitlements.
- Advisors may provide educational presentations to worker and 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.

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 with appeals before the WCB and the AC. The AO is independent from the 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 for opposing parties on the same appeal; therefore the careful management of these different relationships is paramount for the AO.

## Policy

The AO works to minimize conflicts of interest within the AO's organizational structure.

## WAB and EAB Independence

The AO keeps worker and employer matters separate and apart. The AO may represent opposing parties on the same file; however, 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 represent opposing clients on the same claim - the injured worker and the injured worker's employer respectively - the two branches will notify their client that the counterpart Branch is active on the file.

Advisors work exclusively for either the EAB or WAB: Worker Advisors handle only WAB files while Employer Advisors handle only EAB files. 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 to maintain confidentiality and not discuss claim details.

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

## AO Independence from AC and WCB

The AO maintains independence from the AC and the WCB. AO employees must adhere to a confidentiality agreement, as well as the Code of Conduct, and annually complete training on managing client information.

The AO will not share client file facts and strategy with these organizations.

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 conflicts of interest, both real and perceived, is central to advising clients who may be opposing parties on the same appeal issue. This Policy enables 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 favour another party’s interest over that of a client.

## Policy

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

## 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 or business relationship outside of their work with the AO. However, such a relationship does 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 the 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 on an appeal matter. The reasons for such a decision will be provided 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 constitute 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 because 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 a complaint is made because of an employee's error. This may also cause the AO employee's or contractor's judgment to become clouded affecting their ability to maintain objectivity.

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 disrespectful, abusive and harassing behaviour. AO employees are not expected to tolerate disrespectful or abusive behaviours on the part of clients, contractors or third parties.

## 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 expectation is that all interpersonal behaviour is respectful and abides by legislation, regulations, and policies. This policy applies to AO employees, clients, contractors, and third parties met during work.

AO employees must report disrespectful or abusive behaviour per the relevant policies and procedures.

The AO may deny or withdraw service to workers or employers, in accordance with policy, who exhibit disrespectful or abusive behaviour.



# Service Denial and Withdrawal Policy

## Purpose

This policy outlines the reasons why the AO may deny or withdraw services to a client.

## 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.
- **“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.
- **“Serious Loss of Confidence”** is when the client-advisor relationship has broken down in a way which prevents open communication and zealous representation. Examples include, but are not limited to, a client deceiving the advisor, consistently refusing the advisor’s advice on a significant issue, persistent unreasonable or uncooperative conduct, inability to obtain adequate instructions from the client, or repeated accusations that the advisor is nefariously acting in interests of parties other than the client.

## Services the AO Will Not Provide

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

- 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;
- 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

The AO may also deny or withdraw services to clients in these situations:

- 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 outside the scope of the AO’s mandate and this policy;

- client already has a representative outside of the AO;
- client engages in Disrespectful or Abusive Behaviour;
- vexatious behaviour by a client which may constitute an abuse of process;
- having a conflict of interest or an inconsistent purpose with the AO's mandate;
- client makes an audio or visual recording of AO personnel without seeking permission to make such a recording;
- client has a Serious Loss of Confidence in the advisor; or
- client has no appealable issue(s) including premature issues or missed time limits where extension requests have been denied.

### **Notice to Withdraw Services**

In most cases, the AO must notify the client by email or mail that the client's conduct is in violation of the AO Service Provision Policy and that a subsequent violation will result in the withdrawal of services. In cases of Disrespectful or Abusive Behaviour, the services may be withdrawn immediately without prior notice. Withdrawal notices must set out when, if ever, the client may re-apply for services.

# Data Protection and 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. The WCB provides the AO with access to client claims to enable advisors to prepare client appeals.

## **Policy**

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

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 the 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 His Majesty the King in right of Alberta.

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

# Communications Policy

## Purpose

This Policy guides communications with AO employees, contractors, system partners, stakeholders and clients. The AO will provide clear, coordinated and appropriate information in 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 communicate on behalf of the AO to others including advertising, social media, and education.

## 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 and accurate manner that conforms to relevant laws and regulations.
- Communication channels will incorporate the *AO Visual Identity Guidelines*.
- Communications will be timely, courteous, fair, cost-effective, and support the privacy, safety, and efficiency needs of staff, clients and stakeholders.
- Communications activity may need to be restricted during certain periods as determined by the Executive Director or the Government of Alberta.

# 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