

Initiative for Workers Compensation Benefits for Dental Staff in Alberta

Update March 13, 2010

Exactly 2 years ago today on March 13, 2008, the EDAA held a consultation session for our membership at the Edmonton Petroleum Club on Workers Compensation benefits for dental staff in Alberta. Our guest speaker was Donna Chimko, a Large Accounts Manager with the WCB. Donna presented us with information on the current status of WC benefits for dental staff in our province and answered questions relating to the coverage offered under their plan.

Current legislation in Alberta does not require compulsory participation by Medical or Dental offices in providing Workers Compensation for their employees. Under Industry Code 82500 participation is voluntary for these employers. The majority of industries covered under this code were consolidated into this category in 1995. The operations of a dental laboratory, denture clinic or dental mechanics are classified under Industry Code 82700 and coverage for employees working in those businesses is compulsory. If you work as an RDA for a Regional Health Authority then you are covered by Workers Compensation as all operations for the RHA are compulsory for this coverage.

As we have indicated in our FACT SHEET, that can be obtained on our website, all dental employees across Alberta face exposure to the same workplace related injuries and illnesses, work in similar environments with comparable equipment, materials and patient populations.

Workers Compensation coverage for a single dental staff member earning \$50,000/yr would cost the employer \$17.50/mo or approximately \$0.11 per patient treatment hour. This is based on current premiums for voluntary coverage at \$0.42/\$100 of insurable earnings. Under compulsory coverage the premiums could be less than that as the premiums would be based on a greater number of accounts for the industry.

WCB Coverage provides dental employers a means of risk management with immunity from a lawsuit in the event an employee is injured at work or develops a work related illness. It provides a disability benefits package for all employees including replacement of lost wages (based on 90% of net earnings) and comprehensive medical and rehabilitation services. It provides the option of personal coverage for the employer upon request. It is no fault insurance.

Donna indicated to us that she had spoken several times over the years with groups of dentists to discuss and encourage coverage; however, very few dental employers had opted to take that coverage voluntarily. The members present agreed that they would like the EDAA to pursue an initiative to obtain the support of other Alberta Locals/Chapters and the Alberta Dental Hygienists in pursuing compulsory WCB for dental staff. The EDAA brought this topic to the Focus on Locals in Calgary on April 5, 2008 and were encouraged by the discussions there.

With the cooperation of the CADA, through the use of their website, the EDAA prepared a survey to determine the extent of coverage already provided to dental staff in our province and the types of injuries experienced in our industry. The results of this survey were tabulated and provided to us by the CADA in October 2008. We learned that less than 15% of dental staff in Alberta had been provided with WCB coverage by their employer. Less than 25% of dental staff received wage loss benefit coverage through private insurance provided by their employer. Approximately 25% of those surveyed pay their own private insurance for disability wage loss coverage. Approximately 60% indicated they have experienced a workplace related injury or illness with a large number being Needlestick, Wrist/hand/back/neck injury, Repetitive Strain injury, slipping/carrying/lifting injury, inhalation of harmful chemicals, open wounds and burns. Over 97% of those surveyed were in favor

of a change to compulsory WCB coverage for dental staff. There are over 4500 RDA's, 1900 RDH's and a large number of administrative staff working in approximately 1018 dental offices/facilities in Alberta.

In addition to the survey, the EDAA sent letters and requests for support across the country and within the province to other dental auxiliaries organizations. We received letters of support from:

- 1-Edmonton Dental Assistants Association
- 2-Calgary Dental Assistants Association
- 3-Grande Prairie Dental Assistants Association
- 4-College of Alberta Dental Assistants
- 5-College of Registered Dental Hygienists of Alberta
- 6-Certified Dental Assistants of British Columbia
- 7-Saskatchewan Dental Assistants Association
- 8-Canadian Dental Assistants Association

Supporting Documentation

- 9-2008 Industry Description 82500 Medical Centre – Private
- 10-2008 Industry Synopsis for 82500 Medical Centre – Private
- 11-2008 Industry Description 82700 Dental Labs/Denture Clinics
- 12-2008 Industry Synopsis for 82700 Dental Labs/Denture Clinics
- 13-2008 WCB Schedule B
- 14-2008 CADA WCB Survey Data Report
- 15-Saskatchewan WCB claims for Dental Assistants 2003-2006
- 16-Correspondence from an RDA retired from the dental profession due to workplace illness
- 17-Correspondence from an RDA currently working who has experienced injuries related to her work (many dental staff have expressed a fear of losing their job should their employer find out they are providing us with this information and we are protecting her identity for that reason)
- 18-Correspondence from an RDA currently working who has experienced injuries related to her work and covered by WCB

Armed with such extensive supporting documentation and with the easiest route in mind to make coverage compulsory, the EDAA sent a letter with this package of documents to the CEO of the WCB in February of 2009. Our hopes were that we could circumvent the legislative jungle by going directly to the WCB to ask for a re-classification of our industry from voluntary to compulsory.

The response we received was disappointing and reads in part:

While the Act empowers the WCB to establish classes or subclasses of industries for the purposes of establishing differentials in the premium rates for industries (the underwriting process), it does not permit the WCB to change the status of an industry under Schedule A. A change to an industry's status would require a change to the General Regulations, which would be a decision for the Government of Alberta rather than the WCB.

The concerns you and your members have with respect to injury and illness in the workplace are appreciated. Your members could approach their individual employers about pursuing workers' compensation coverage on a voluntary basis. While all of the provisions of the WCA would apply to the employer and their employees under this voluntary application, it would not change the exempt status of the industry. The employer would be free to decline coverage or cancel their coverage at a later date.

If you wish to pursue a change in the General Regulations that would remove the exemption for dental clinics, your request should be directed to the Minister responsible for the Workers' Compensation Board, the Honourable Hector Goudreau, Minister of Employment and Immigration. With your approval, I can forward your letter and the accompanying letters of support to Minister Goudreau's attention through our government relations department.

Following this correspondence the EDAA proceeded with several consultation meetings with MLA George Rodgers to determine what process would be required to obtain government consideration of our request and the best method of approaching the minister in charge of employment at that time.

In May of 2009 the EDAA sent a letter with our documentation package to Minister Hector Goudreau. A response was received back from him in August of 2009. In summary, his suggestion was as follows:

The workers' compensation system in Alberta has a long history of operating with a compulsory and exempt list for industries. Industries exempt from mandatory inclusion under WCB are contained in Schedule A of the Workers' Compensation Regulations. Schedule A exempts "medical and dental services, provision of, except when those services are provided by a regional health authority or a subsidiary health corporation under the *Regional Health Authorities Act*. Employers that operate in exempt industries such as dental offices may voluntarily apply for workers' compensation to protect their workers. The WCB has approached dental offices in the past to offer compensation coverage, however the majority of stakeholders preferred to maintain their own private insurance.

At this time, the Alberta Government is not considering removal of dental offices from WCB exempt status to compulsory status. Members of the EDAA continue to have the option to approach their individual employers about purchasing voluntary workers' compensation coverage for protection against workplace accidents or illness. Currently,

In October 2009, the EDAA contacted Prismatic Group Inc, a consulting and lobbying firm to discuss the costs that would be involved in getting government insiders to work on our behalf to effect a change in WCB legislation. Their response can be summarized with the following statements.

"As you have found out through your diligent efforts over the past year and beyond, dealing effectively with the Workers Compensation Board is not an easy or simple task. Our experience is that the WCB is one of the most complex organizations to deal with throughout the entire provincial bureaucracy. You have found this out personally over the past many months. To gain WCB support for your cause of having coverage for dental assistants across the province is a daunting task indeed.

From our experience, the amount of time and effort to bring this issue to a decision at the appropriate policy level would likely include the support of dentists as employers and the preparation of extensive documentation for WCB and political consideration after the support of dentists was secured. This will likely require a considerable amount of time and resources.

This type of endeavour would require our services to be structured under what we refer to as a retainer agreement as there can be no defined end-point to the relationship as we cannot define when the WCB will render a final and binding decision. At Prismatic Group Inc., our charge-out rate is \$250 per hour which has not changed since our inception in 2001. We believe that a minimum of 20 hours per month

would be required to position your issue on the WCB's radar screen and have it scrutinized at the appropriate levels. This would result in a minimal financial commitment by the Association of \$5,000 per month for a term that would likely exceed one year. We would suggest that an initial one year contract would be the way to go; this is standard in our industry."

Upon receipt of this response the EDAA Board agreed that the outlay of long term funding and the unknown time commitment with no guarantee of a positive result would be a last ditch effort and only to be considered once all available options have been determined, examined and explored. If we move forward with this initiative it will need to be using a different strategy.

The EDAA will be sending representative to the upcoming Focus on Locals in Calgary on April 10th. We will be presenting this report to the representatives from across the province and will also discuss what options we now have and whether there is continued support from those stakeholders and how we might proceed from this point.

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