

ENHANCED DISABILITY MANAGEMENT PROGRAM (EDMP)

Case Management Dispute Resolution Process

Disputes arising out of disagreements with Case Management Plans and the implementation of such plans shall be resolved in accordance with the following:

1. Disputes shall be referred to the Working Group (WG).
2. The WG may engage medical or vocational specialists to review cases. The specialist may be requested to conduct an independent examination.
3. Recommendations to resolve disputes must be unanimous and made within five (5) business days of referral to the WG. Recommendations must be in writing.
4. If the WG is unable to resolve the dispute, the issue shall be referred to the Provincial Steering Committee (PSC) within seven (7) business days. The referral shall include a statement of the issue(s) and the agreed and disputed facts.
5. If the WG's recommendations are not implemented in a timely manner by the employer, or accepted by the employee, the matter shall be referred to the PSC. The party that is refusing to implement or accept the recommendations must provide a statement setting out the reason(s) for non-implementation or non-acceptance.
6. The PSC shall review the statement and attempt to resolve the difference within five (5) business days of receiving the referral.
7. If the PSC is unable to resolve the dispute, a referral shall be immediately made to the Dispute Resolution Panel.
8. The employee shall continue to receive benefits to which they are entitled while the dispute is being resolved.

Dispute Resolution Panel (DRP)

1. Unless otherwise mutually agreed, the Dispute Resolution Panel shall be composed of one member appointed by the Union Representatives on the PSC, one member appointed by the Employer Representatives on the PSC and a Chair of the Panel appointed by the PSC.
2. The Chair of the Panel shall be selected from a list of arbitrators approved by the Parties.
3. Panel members can include a range of professionals such as specialists in vocational rehabilitation, education and labour relations.
4. DRP hearings shall be conducted within seven (7) business days of referral.
5. Unless otherwise mutually agreed, hearings shall be at a location central to the geographic area in which the dispute arises.
6. Hearings are informal. The parties shall use staff to present their cases.
7. All presentations are to be short and concise and are to include a comprehensive opening statement. Presentations shall make limited use of authorities.
8. Prior to rendering a decision, the DRP may assist the parties in mediating a resolution. All settlements of the DRP made prior to the conclusion of the hearing shall be without prejudice.
9. The decision of the DRP is to be completed within seven (7) business days of the completion of the hearing. All decisions of the DRP are to be limited in application to that particular dispute and are without prejudice. These decisions shall have no precedential value and shall not be referred to by either party in any subsequent proceeding(s).
10. The parties shall equally share the costs of the arbitrator and hearing expenses.
11. The DRP shall have the same powers and authority as an arbitration board established under the provisions of Article 8 of the Collective Agreement.

Signatures of the Parties

**Signed on behalf of Health Employers Association
of BC**

Signed on behalf of Fraser Health Authority

Signed on behalf of Interior Health Authority

Signed on behalf of Northern Health Authority

**Signed on behalf of Provincial Health Services
Authority**

**Signed on behalf of Vancouver Coastal Health
Authority**

**Signed on behalf of Vancouver Island Health
Authority**

**Signed on behalf Health Science Professionals
Bargaining Association**

Dated this _____ day of _____, 2011.