

## ABSTRACT

### **Adversariality in Workers' Compensation: A Tale of Two Systems By Dr. John Frank**

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It is widely accepted that research without “research transfer” – that is the application of the knowledge gained through research to actual real world problems – is not “full value” research. The presenter reflects upon 12 years of experience in work and health research, initially as the first Director of Research at the Institute for Work and Health in Toronto, and from 1997 to 2001, at the University of California, Berkeley, School of Public Health and Center for Occupational and Environmental Health (COEH), in a project funded by the California Commission on Health and Safety and Workers' Compensation (CHSWC).

In the early years of the development of research and research transfer capacity at the Institute for Work and Health, it was frequently a challenge to simply engage workplaces – either unions or management – in projects to examine workplace health and safety, even when no direct costs would be involved for the workplace partners. As time went on, relationships were built, trust developed and the reputation of the Institute grew to the point where now a large and complex suite of projects are thoroughly engaging workplace stakeholders in a range of activities, producing new knowledge and also applying existing knowledge from the global literature to the challenge of improving workforce health in Ontario, and farther afield. One project in particular, WorkReady, is described in detail. Focused on having mixed groups of stakeholders identify barriers and solutions to safe, sustainable return-to-work after injury, the project received high ratings by those it engaged. It has thus many of the best elements of collaborative research transfer activity, because the basic trust between WC stakeholders was adequate for group problem-solving.

In contrast, the process of engaging workers' compensation stakeholders – management, labour, insurers, health professionals and regulators – was found by the presenter and his COEH colleagues to be a much more complex process in California. Experience with a rather similar CHSWC project, “Listening to Stakeholders Voices”, shows that adversarial relationships in the workers' compensation arena in California make it much more difficult to have stakeholders directly communicate with each other in order to problem-solve, and that their perceptions of the system's failings are tainted by biased assessments of *other stakeholders' behavior*. Suggestions are offered on how to mitigate some of the adversariality in the California workers' compensation system. Pending the achievement of a more cooperative and collegial approach to the issues, stakeholders in California are unlikely to be successfully influenced, to problem-solve together, by even the best research transfer processes.