

**Present:**

Michael Werier, Chairperson

Winston Maharaj, President & CEO (ex officio)

Peter Dyck

Sonya Penner

Liz Roberts

Jean-Guy Bourgeois

Marc Lafond

Ron Koslowsky

Being a quorum of the Board of Directors under *The Workers Compensation Act*.

**Also Attending:**

Cathy Skinner, General Counsel & Vice President, Compliance & Corporate Services

Heather Baete, Recording Secretary

**In Attendance for Specific Items:**

Shannon Earle, Vice President, Human Resources & Strategy

**Regrets:**

Chris Lorenc, Director

Yvette Milner, Director

Sylvia Farley, Director

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The recently appointed Director, Fair Practices Office, Alex McCuaig was introduced to the Board.

**Call to Order**

The Chairperson called the meeting to order at 12:25 p.m. He noted regrets were received from Sylvia Farley, Yvette Milner and Chris Lorenc.

**Minutes of Previous Meeting**

The Chairperson presented the minutes from the February 28, 2019 meeting of the Board of Directors.

On motion duly made and carried,

BE IT RESOLVED THAT the minutes of the February 28, 2019 Board of Directors meeting are confirmed as a reasonable record.

**Business Arising**

The Board of Directors received the information provided with the agenda.

**For Decision**

**2018 WCB Annual Report and 2019-2023 Five Year Plan**

(Board Order No. 05/19)

Peter Dyck introduced this item on behalf of the Audit Committee. Suggestions were made for enhancing the section "Grow our People" for the 2020-2024 Five Year Plan.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors approve the 2018 WCB Annual Report and 2019-2023 Five Year Plan; and authorize the President & CEO to approve any further minor changes.

**Disposition of Excess Reserves**

(Board Order No. 06/19)

Ron Koslowsky introduced this item on behalf of the Finance Committee.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors approve the disposition of excess reserves in 2019 through a surplus distribution from the Accident Fund based on the financial outcomes in the audited 2018 Annual Report.

**2018 WCB Retirement Plan Valuation Assumptions**

(Board Order No. 07/19)

Ron Koslowsky introduced this item on behalf of the Finance Committee. The Board noted the inclusion of the going concern and solvency valuations. They questioned the absence of the accounting valuation.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors approve the 2018 valuation assumptions for the WCB Retirement Plan.

**2018 Financial Report and Annual Newsletter of the WCB Retirement Plan**

(Board Order No. 08/19)

Peter Dyck introduced this item on behalf of the Audit Committee. It was noted, due to year end investment results, the WCB will be required to make a special payment for 2018.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors approve the WCB Retirement Plan Financial Report and Annual Newsletter.

**Retirement Fund Statement of Investment Policies and Objectives**

(Board Order No. 09/19)

Ron Koslowsky introduced this item on behalf of the Investment Committee.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors approve minor revisions to the Retirement Plan Statement of Investment Policies and Objectives effective April 16, 2019.

**WCB Retirement Plan Funding Policy Review**

(Board Order No. 10/19)

Ron Koslowsky introduced this item on behalf of the Finance Committee.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors approve the minor housekeeping change made to the Policy.

**WCB Retirement Plan Communication Policy Review**

(Board Order No. 11/19)

Jean-Guy Bourgeois introduced this item on behalf of the Governance Committee.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors approve the updated Plan Member Communication Policy.

**Modernization of Policy Manual**

(Board Order No. 12/19)

Jean-Guy Bourgeois introduced this item on behalf of the Governance Committee.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors approve the repeal and removal from the Policy Manual of the policies identified in Appendix A.

**Policy 43.00 Vocational Rehabilitation**

(Board Order No. 13/19)

Jean-Guy Bourgeois introduced this item on behalf of the Governance Committee.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors approve amendments to Policy 43.00 *Vocational Rehabilitation* as described.

**Board of Directors Committees' Terms of Reference**

(Board Order No. 14/19)

Jean-Guy Bourgeois introduced this item on behalf of the Governance Committee.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors approve the revised Terms of Reference for:

1. Audit Committee
2. Finance Committee
3. Governance Committee
4. Investment Committee
5. Prevention Committee

**Recruitment of External Member to Audit Committee**

(Board Order No. 15/19)

Peter Dyck introduced this item on behalf of the Audit Committee.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors confirm the appointment of Doug Einarson as an external member of the Audit Committee for a three year term ending December 31, 2022.

**CPO Mandate and Title**

Consideration of this item was deferred to a future meeting.

**For Information**

**Committee Reports**

The Board of Directors received the following Committee reports as information:

- Prevention Committee Meeting - March 6, 2019
- Governance Committee Meeting - March 13, 2019
- Investment Committee Meeting - March 20, 2019
- Finance Committee Meeting - March 20, 2019

**Annual Investment Performance Overviews**

The Board of Directors received the information provided with the agenda. It was noted a presentation on the WCB's investment portfolio is planned for the next meeting.

### **Administration Reports**

The Board of Directors received the information provided with the agenda.

The Board of Directors adjourned to an *in camera* meeting to discuss a labour relations matter.

### **Report of the Fair Practices Office Q4-2018**

The Board of Directors received the information provided with the agenda.

Board members discussed the format and content of this report and suggested more analysis of trends and issues could be included. Members were invited to forward any further suggestions to the office of the CEO.

### **Management Response to the Fair Practices Office Report Q4-2018**

The Board of Directors received the information provided with the agenda.

### **Board of Directors Work Plan**

The Board of Directors received the information provided with the agenda.

### **In Camera Discussion**

The Board of Directors adjourned to an *in camera* session.

### **Conclusion**

As all matters coming before the Board had been dealt with, the meeting concluded at 1:35 p.m.

The next regular meeting will be held in the 6<sup>th</sup> floor Boardroom, 333 Broadway on Thursday, June 20, 2019 at 12:00 noon.

**Policies Recommended for Repeal and Removal Summary**

**Policy 22.30.20, *Employer Adjudication.***

- The Act gives the WCB broad authority to delegate certain powers to agents or local representatives (Section 109.5(1)).
- This policy, approved in 1992, contemplated that the WCB could choose to delegate its authority to adjudicate claims to an employer wishing to perform that function for its employees' claims
- The WCB does not delegate its adjudicative authority to employers in the manner contemplated by the policy. The WCB does permit certain employers to keep their workers in pay ("compute for information only"), but this is a limited use of the statutory delegation authority.

**Policy 35.20.20, *Construction Health and Safety Incentive Program***

- This policy became ineffective in 2017, and the principles and rules it embodies are now contained in Policy 52.40, *Prevention Rebate Program Policy.*
- The Board approved the rescission of this policy in November 2016.

**Policy 35.40.45, *Mid-Year Increase of 4.7 Percent in Rates for 2002.***

- In the fourth quarter of 2001 the Board made a decision to increase all assessment rates by 4.7% midway through 2002 in order to ensure financial stability.
- This was a policy written to address a very specific and time-limited issue and has no relevance to operations today.

**Policy 42.20.50, *Chiropractic X-Rays***

- Brief policy approved in 1984 simply requires qualified health care professionals to read and report on x-rays.
- This policy imposes a requirement that is part of widely accepted medical practice. The policy is not used in the adjudication or management of WCB claims.

**Policy 44.10.10.50, *Lead Toxicity***

- This policy came into effect in 1989 and was rescinded in 2014. Claims related to Lead Toxicity are now considered under Policy 44.20, *Disease/General.*

**Policy 44.10.20.20, *Ganglia***

- This specific issue can be dealt with consistently without a separate policy. The principles set out in this policy are contained in Policy 44.05, *Arising Out of and In the Course of Employment.*



**Policy 44.10.40.10, *Insect Bites***

- This policy has not changed substantially since it was made effective in 1973. It confirms that insect bites are compensable if they arise out of and in the course of employment and disable a worker.
- The principles set out in this policy are contained in Policy 44.05, *Arising Out of and In the Course of Employment*.

**Policy 44.80.20, *Apprentices***

- This policy was approved in 1991.
- The principles and rules set out in this policy are now contained in Policy 43.00, *Vocational Rehabilitation*.

**Policy 44.101, *Financial Assistance for Self-Employment***

- This policy came into effect in 1990. It affirms the WCB's authority to assist self-employment or business opportunities as an option under vocational rehabilitation if it is determined to be cost-effective.
- In practice, the WCB does not provide assistance for self-employment or business opportunities to injured workers. The policy is therefore misleading as it suggests that this type of assistance is available.