

Present:

Michael Werier, Chairperson

Winston Maharaj, President & CEO (ex officio)

Peter Dyck Glenn Hildebrand

Jean-Guy Bourgeois Sylvia Farley Marc Lafond

Ron Koslowsky Michael Bereziak Yvette Milner

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:

Brad Janzen, Director, Compliance Services

Regrets:

Liz Roberts, Director

Call to Order

The Chairperson called the meeting to order at 12:52 p.m.

Conflict of Interest Declaration

There were no conflicts of interest declared, potential or perceived, with respect to the discussions anticipated at this Board meeting.

Minutes of Previous Meeting

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

On motion duly made and carried,

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

Business Arising

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

For Decision

Revised RWIP Policy

(Board Order No. 44/19)

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 Policy 52.10 *Research and Workplace Innovation Program* which implements the June 2019 Board of Directors decisions on the program.

Research and Workplace Innovation Program Annual Priorities

(Board Order No. 45/19)

Jean-Guy Bourgeois introduced this item on behalf of the Governance Committee. The Board discussed the priority setting process for future years.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors approve the following general priorities for applications submitted under the streams for Workplace Innovation and Education and Training in the 2020 RWIP Call, aligned and in support of the key priorities in our Strategic Framework:

- Enable Successful Return to Work
- Create a Safe Work Culture.

Modernization of Policy Manual

(Board Order No. 46/19)

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 44.10.20.50.20 Recurring Effects of Injuries and Illness (Recurrences)

(Board Order No. 47/19)

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 44.10.20.50.20, *Recurring Effects of Injuries and Illness* (the "Recurring Effects Policy"), including the renumbering of the policy to 44.10.20.70

Appointment of External Member to Audit Committee

(Board Order No. 48/19)

The President & CEO advised the Board that recruitment for an additional External Audit Committee member with expertise in Information Technology has identified a qualified candidate. Due to the timing of the Board of Directors and the next Audit Committee, the Board is asked to approve the appointment of the candidate subject to a successful meeting with the selection Committee.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors confirm the appointment of Scott Greenlay as an external member of the Audit Committee for a three year term ending December 31, 2023; subject to the Chair of the Audit Committee, Chair of the Board and CEO meeting with Mr. Greenlay and successfully completing the recruitment process.

For Information

Program Presentation: Compliance Services

The Director, Compliance Services joined the meeting. He provided an overview of the types of Program Abuse investigated by Compliance Services. The WCB Compliance Model was reviewed and noting the importance of educating stakeholders on their roles and responsibilities. The Director reported that approximately 2/3 of their cases are internal referrals with 25% arising from the tip line.

The Director reviewed the types of program abuse they investigate and provided examples. He reported that Manitoba is comparable to other jurisdictions with respect to the number of cases of fraud.

The Director, Compliance Services left the meeting.

Board Briefing: Bill 21 *The Workers Compensation Amendment Act*

General Counsel reviewed the materials included with the agenda noting the amendments give effect to recommendations of the Legislative Review Committee 2016-2017 and the government's removal of the WCB from the Government Reporting Entity.

The Board of Directors received the update for information.

Committee Reports

The Board of Directors received the following Committee reports as information:
Governance Committee Meeting - December 4, 2019
Investment Committee Meeting - December 11, 2019

Administration Reports

The President & CEO noted the inclusion of the AWCBC Information Paper on 'Safer Care in Canada' in his report. The Board discussed the potential uses of this document.

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 2:17 p.m.

Policies Recommended for Repeal and Removal Summary

34.10, Security Provisions of WCB Buildings

- This 1989 policy addresses a variety of topics including code of conduct, public access to WCB buildings and security provisions. Since these matters are administrative in nature and are addressed in more up-to-date corporate policies, this policy should be repealed.

36.55, Continuation of Monthly Spousal Benefits

- Under this 1999 policy, the WCB retroactively reinstated the survivor's pensions of widows who remarried or entered into a common-law relationship after Section 15 of the *Canadian Charter of Rights and Freedoms* ("Charter") took effect.
- Prior to the *Charter* being enacted, the surviving spouses of deceased workers became entitled to a lifetime pension under *The Workers Compensation Act*. When a surviving spouse remarried or entered into a common-law relationship, these benefits were terminated and a lump sum was paid.
- This policy has achieved its specific purpose of reinstating lifetime survivor pensions and should be repealed.

43.20.20, Modified and Alternate Return to Work with the Accident Employer

- This policy provides a framework for returning injured workers to work with modified and alternate duties and applies to accidents occurring between June 1, 2000 and December 31, 2006. The principles articulated by the policy are also set out in policy 43.00, *Vocational Rehabilitation*, which would apply in these circumstances. Effective January 1, 2007, this policy was replaced by policy 43.20.25, *Return to Work with the Accident Employer*. Policy 43.20.20 should be repealed as its application time period has expired and it is redundant.

43.20.30.10, Rehabilitation Services for Part-time Workers

- This policy provides guidance for a specific set of circumstances involving part-time workers. However, the principles and framework set out in policy 43.00, *Vocational Rehabilitation*, also apply to part-time workers. As policy 43.00 provides guidance to decision makers on vocational rehabilitation matters, policy 43.20.30.10 is therefore redundant and can be repealed.

44.10.20.55, TTD Benefits to Retired Workers in Cases of Recurrence

- When a worker has retired from the labour force and suffers a recurrence of an original injury, the WCB will not pay temporary total disability (TTD) benefits. This policy applies to accidents prior to January 1, 1992, meaning the worker would have to have been injured before January 1992, retired,

and suffer a recurrence of a compensable injury in 2020 or later. It is now statistically very unlikely the policy will be used in future and, in any event, the pre-1992 Act would direct this result even in the absence of the policy. The policy can now be repealed.

44.40.20, *Maximum Compensation - Temporary Partial Disability*

- This policy reiterates that the earnings used to calculate benefits are subject to the maximum annual earnings in effect at the time of the accident. This is a well-established principle and is required under *The Workers Compensation Act*. For these reasons, the policy can be repealed.