

Present:

Michael Werier, Chair of the Board of Directors (Virtual)

Richard Deacon, President & CEO (ex officio)

Glenn Hildebrand

Randal Smith

Ranbir Dhillon

Jean-Guy Bourgeois

Marc Lafond

Sylvia Farley

Ron Koslowsky

Chris Lorenc

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

Also Attending:

Cathy Skinner, Vice President, Legal, Compliance & Corporate Services (LCCS)

Heather Baete, Recording Secretary

Candace Crossland, CEO Office Liaison

In Attendance for Specific Items:

Leslie Hurley, Vice President & Chief Financial Officer

Regrets:

Yvette Milner, Director

Call to Order

The meeting was called to order at 12:15 p.m. The agenda was confirmed as circulated.

Regrets were received from Yvette Milner.

Conflict of Interest Declaration

There were no declared conflicts.

Minutes of Previous Meeting

The Chair presented the minutes from the December 7, 2023 Board of Directors meeting.

On motion duly made and carried,

BE IT RESOLVED THAT the minutes of the December 7, 2023 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

2023 Annual Report

(Board Order No. 01/24)

The President & CEO presented the initial draft of the Annual Report narrative. The Board provided feedback.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors approve the narrative section of the 2023 WCB Annual Report and authorize the Chair or the President and CEO to approve any further necessary changes.

Digital Modernization Oversight Committee Terms of Reference

(Board Order No. 02/24)

Glenn Hildebrand introduced this item on behalf of the Digital Modernization Oversight Committee. The Terms of Reference were updated to reflect the work of the Committee.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors approve the revised Digital Modernization Oversight Committee Terms of Reference.

Digital Modernization Foundation Phase

(Board Order No. 03/24)

Glenn Hildebrand introduced this item on behalf of the Digital Modernization Oversight Committee. He reported the Committee recently met to discuss a number of questions that had been raised relating to the Digital Modernization Program.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors direct that the WCB Administration continue its work on the foundation phase of the digital modernization program to its conclusion, at a total cost of no more than \$30,000,000.

Prevention Discussion

(Board Order No. 04/24)

Jean-Guy Bourgeois introduced this item on behalf of the Governance Committee. He noted the Committee discussed the prevention mandate and the apparent lack of understanding between the various stakeholders as to their roles and responsibilities. The Committee suggested a facilitated discussion as a means to provide better understanding of each stakeholder's role in the system.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors approve the scheduling of a third-party facilitated discussion among the Board of Directors, WCB senior management, Industry Based Safety Programs, the Manitoba Federation of Labour, the Manitoba Employers' Council, and others.

Occupational Disease

(Board Order No. 05/24)

The Board Chair introduced discussion noting the correspondence he received from the Manitoba Federation of Labour (MFL) relating to the Occupational Disease Regulation. There was discussion about the development of the regulation and the approach taken in its drafting.

The Vice President, Legal, Compliance & Corporate Services reviewed challenges faced by Manitoba with respect to the 'dominant cause standard' for determining occupational disease claims. The use of dominant cause creates a higher standard of causation on occupational diseases claims than on other types of injury claims. This can also lead to the rebuttal of these claims under the Act. She reviewed

several options available to move forward on the development of the occupational disease regulation. There was also discussion regarding independent experts.

The Board discussed the challenges created with the dominant cause standard. It was noted, the last Legislative Review Committee had recommended the removal of dominant cause, however this was never pursued. There was discussion relating to the current process for adding occupational diseases to the regulation.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors agreed to table this matter to the next meeting and that a discussion take place between the MFL and the WCB.

2023 Audit Opinion Surplus Funds & IFRS 17

(Board Order No. 06/24)

The CFO joined the meeting and introduced discussion noting there have been ongoing discussions with the external auditor with respect to that application of IFRS 17. The Administration believes that the option to include the entire accident fund reserve as part of the insurance liability as an 'unallocated surplus' will be acceptable to the auditors from an accounting perspective. Further discussions will need to take place relating to the disclosures.

It was reported that the auditors have been advised of the WCB's approach. There was discussion about the legal opinion from TDS, the Board's jurisdiction to deal with surplus funds and that surplus funds belong to the system as a whole and not one particular group. Discussion also took place on the risks associated with the various types of accounting opinions that could be issued by the auditor and the impact on the financial statements and the organization. The Administration will work with the auditors to complete the preparation of the financial statements.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors approve the recording of the entire accident fund reserve as part of the insurance liability as an "unallocated surplus".

The CFO left the meeting.

For Information

Committee Reports

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

Digital Modernization Oversight Committee - December 1, 2023

Audit Committee Meeting - January 19, 2024

Digital Modernization Oversight Committee - January 24, 2024

Audit Committee Meeting - January 30, 2024

Governance Committee Meeting - February 9, 2024

Annual Conflict of Interest Declarations

The Vice President, LCCS noted the Board is annually asked to review their roles and responsibilities as Board members and to complete their annual conflict of interest declaration.

The Board received the information provided with the agenda.

Administration Report

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

Corporate Secretary Report

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.

Digital Modernization Cost Estimate Update

The President & CEO noted the document was updated on the direction of the Digital Modernization Oversight Committee to better reflect the potential costs of the project.

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

Other Business

No other business

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 2:23 p.m.

The next meeting will be held on Thursday, April 25, 2024 at 12:15 p.m.