

Present:

Michael Werier, Chair of the Board of Directors

Richard Deacon, President & CEO (ex officio)

Glenn Hildebrand

Ranbir Dhillon

Randal Smith

Jean-Guy Bourgeois

Sylvia Farley

Marc Lafond

Michael Bereziak

Yvette Milner

Ron Koslowsky

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

Also Attending:

Cathy Skinner, Vice President, Legal, Compliance & Corporate Services

Heather Baete, Recording Secretary

Candace Crossland, Technical Support

Call to Order

The meeting was called to order and the agenda confirmed at 12:02 p.m.

Introductions

The Board Chair welcomed Ranbir Dhillon and Randal Smith to their first meeting of the Board of Directors. He congratulated Sylvia Farley on her reappointment and acknowledged Peter Dyck for his dedicated work on the Board. Board Members introduced themselves.

Conflict of Interest Declaration

With respect to the discussions anticipated at this Board meeting Michael Werier and Yvette Milner declared conflicts of interest for Application under Section 60.9 and Michael Werier for Re-Appointment of the Board Chair.

Minutes of Previous Meeting

The Chair presented the minutes from the April 20, 2022 meeting of the Board of Directors.

On motion duly made and carried,

BE IT RESOLVED THAT the minutes of the April 20, 2022 Board of Directors Annual meeting are confirmed as a reasonable record.

Business Arising

COVID Claims: The Board discussed the information provided. It was agreed that regular updates be provided at each Board meeting.

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

For Decision

Revised Policies 44.80.10.10, Average Earnings, and 44.80.30.30 Prospective Earnings - Apprentices and Youthful Workers

(Board Order No. 15/22)

Jean-Guy Bourgeois introduced this item on behalf of the Governance Committee noting the proposed policy changes are in response to the Legislative Review Committee recommendation that older workers, and in particular women, may be disadvantaged by the WCB's wage loss model. It was determined that the appropriate policy response was to create a new category of 'working students', who, regardless of age, would be eligible for average earnings adjustments similar to those of 'youthful workers'. In addition to the two noted policies, a number of consequential amendments to other policies are also required.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors approve

1. Approve the following revised Policies, effective January 1, 2023;
 - i. 35.10.60, *Coverage Under a Work Experience Program*
 - ii. 35.10.70, *Coverage for Volunteers*
 - iii. 44.30.60, *Notice of Change in Benefits or Services*
 - iv. 44.80.10.10, *Average Earnings*
 - v. 44.80.30.30, *Determining Average Earnings for Apprentices, Youthful Workers and Working Students*

- vi. 44.80.30.35, *Determining Average Earnings for Declared Workers*
- 2. Approve the decision to archive the following policies, also effective January 1, 2023;
 - i. 35.10.60, *Coverage Under a Work Experience Program*
 - ii. 35.10.70, *Coverage for Volunteers*
 - iii. 44.30.60, *Notice of Change in Benefits or Services*
 - iv. 44.80.10.10, *Average Earnings*
 - v. 44.80.30.30, *Prospective Earnings - Apprentices and Youthful Workers*
 - vi. 44.80.30.35, *Determining Average Earnings for Declared Workers*

Policy 52.40, Prevention Rebate Program

(Board Order No. 16/22)

Jean-Guy Bourgeois introduced this item on behalf of the Governance Committee. The policy changes specifies that employers will not be eligible for a prevention rebate if they have received an administrative penalty or a conviction for certain violations of the Act. Bill 18, the *Workers Compensation Amendment Act* added two new contraventions including making a false statement to the WCB and failing to inform the WCB of a material change in circumstance to the list of contraventions that may render an employer ineligible for a prevention rebate.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors approve the revised Policy 52.40 *Prevention Rebate Program*, effective July 1, 2022.

Self-Insured Employers Regulation MR 278/91

(Board Order No. 17/22)

Jean-Guy Bourgeois introduced this item on behalf of the Governance Committee. He reported *The Minor Amendment and Corrections Act 2022* came into force on June 1, 2022. This legislation replaced the term "self-insured employer" with "individually assessed employer" and the schedule clarified the companies and its subsidiaries to which it applies. Changes are required to the regulation to ensure consistency.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors approve amendments to the *Self-Insured Employer's Regulation*, to come into force on the date the amending regulation is registered with the Registrar of Regulations under *The Statutes and Regulations Act*.

Healthcare Position Statements

(Board Order No. 18/22)

Jean-Guy Bourgeois introduced this item on behalf of the Governance Committee. Concern has been raised by stakeholders over unpublished WCB "healthcare position statements" that have been used by adjudication and case management staff in their adjudicative and benefit entitlement decisions. The statements will be reviewed and then made available on the WCB's website to enhance transparency and accountability.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors approve the WCB Administration's plan to publish revised healthcare position statements on the WCB internet site, and to identify these documents as healthcare standards.

Research and Workplace Innovation Program Annual Funding Priorities

(Board Order No. 19/22)

Jean-Guy Bourgeois introduced this item on behalf of the Governance Committee noting the proposed funding priorities are aligned with the WCB's strategic framework.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors approve the following four funding priorities for applications submitted under the 2023 RWIP Call for Applications:

- Data driven initiatives that target meaningful and measurable reduction in injuries, illnesses or days lost as a result of injury
- Initiatives targeting injury reduction in the healthcare sector
- Effective tools, resources and disability management models to support employers reintegrating workers into the workplace following mental health or psychological injuries
- Innovative approaches that leverage technology or analytics to improve safe return to work outcomes

Asset Mix Review Implementation: Private Debt Manager Search

(Board Order No. 20/22)

Marc Lafond introduced this item on behalf of the Investment Committee. He reported that at the April 20, 2022 meeting the Board of Directors approved the Fund's recommended asset mix changes to incorporate a new 10% target allocation

to Private Debt. Eckler identified a short list of four Private Debt managers. The CIO and Eckler further narrowed the candidates to two recommended firms.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors select Northleaf Senior Private Credit Fund (Northleaf) and Neuberger Berman Private Debt Centennial Fund (Neuberger Berman) as Private Debt managers for the Fund.

Statement of Investment Policies & Objectives - Retirement Plan

(Board Order No. 21/22)

Marc Lafond introduced this item on behalf of the Investment Committee. The policy has been updated to reflect the annual revisions to the Plan's liability characteristics.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors approve minor revisions to the Retirement Plan SIP&O effective June, 21, 2022.

Removal of COVID-19 Claim Costs from Rate-Setting

(Board Order No. 22/22)

The President & CEO introduced discussion noting that costs for COVID-19 claims have been excluded from individual employers' claims costs for rate-setting purposes for 2020 and 2021. As COVID-19 moves into an endemic phase, it is becoming harder to tie specific instances to the work place. The President provided an overview of how other jurisdictions are handling these types of claims.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors approve the removal of COVID-19 costs for claims occurring in the first six months of 2022 from all Class E employers' claims costs experience, relying on section 81(1)(b) of *The Workers Compensation Act*.

Request for Reconsideration Under Section 60.9

(Board Order No. 23/22)

Michael Werier and Yvette Milner declared potential conflicts of interest and left the

meeting for this item. Jean-Guy Bourgeois assumed the chair.

The Vice President, Legal, Compliance & Corporate Services reviewed the Section 60.9 process. This matter is being brought forward by the WCB Administration as there was a clear error in the application of the Act and the Commission's Rules of Procedure.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors set aside Appeal Commission Decision 41/22 and order a re-hearing.

Yvette Milner rejoined the meeting.

Re-Appointment of Board Chair
(Board Order No. 24/22)

Michael Werier declared a conflict and was absent from the meeting for this item. Jean-Guy Bourgeois assumed the Chair.

WCB Staff left the meeting and the Board met *in camera*.

The Board came out of *in camera*.

The Acting Chair reported that the Board of Directors unanimously agreed to the proposed motion.

Michael Werier and WCB Staff rejoined the meeting.

For Information

Committee Reports

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

Audit Committee Meeting - May 19, 2022

Governance Committee Meeting - May 25, 2022

Investment Committee Meeting - June 2, 2022

Finance Committee Meeting - June 2, 2022 - cancelled

2023 Board of Directors Meeting Schedule

The Board received the meeting schedule for information.

Administration Reports

The President & CEO provided highlights of his report.

Healthcare IBSP: The CEO reported the eight largest employers in the Health Services classification has unanimously agreed to support a levy on their WCB premiums in order to fund an IBSP.

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

Report of the Corporate Secretary

The Board of Directors received the report for information.

363 Broadway Update

(Board Order No. 25/22)

The CEO reported the WCB has been approached by the CSSB regarding the divestiture of the real estate property at 363 Broadway. The WCB currently owns a 50% interest in this property as a legacy directly held real estate investment.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors agree to authorize the CSSB to look for a buyer for 363 Broadway, including the WCB's interest in that building.

Board of Directors Work Plan

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

Other Business

A Board member noted that a concern has been raised by their caucus about the terms of Appeal Commissioners. Current legislation provides that Appeal Commissioners are removed at the end of their terms and do not continue to sit until reappointed or replaced. It was suggested that this could create a backlog at the Appeal Commission.

The Board was advised that this matter should be raised through the Minister's Office as the WCB has no jurisdiction over this matter.

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 2:25 p.m.

The next regular meeting will be held on Thursday, September 29, 2022 at 12:00 noon.