

**Present:**

Michael Werier, Chairperson

Winston Maharaj, President & CEO (ex officio)

Peter Dyck

Glenn Hildebrand

Liz Roberts

Jean-Guy Bourgeois

Sylvia Farley

Ron Koslowsky

Michael Bereziak

Yvette Milner (via Teleconference)

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:**

Andria McCaughan, Chief Financial Officer, Finance & Administrative Services (CFO)

Darren Oryniak, Vice President, Compensation Services

Dan Holland, Associate Vice President, Compensation Services

**Regrets:**

Marc Lafond, Director

---

The Vice President, Compensation Services joined the Board of Directors for lunch.

The Chairperson recognized the accomplishments of the Vice President, Compensation Services and thanked him for his more than 35 years of service to the Workers Compensation Board.

**Call to Order**

The Chairperson called the meeting to order at 12:22 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.

**For Decision**

**Worker Care Clinics Pilot Project**

(Board Order No. 32/19)

The Associate Vice President, Compensation Services joined the meeting.

The President & CEO introduced discussion noting this initiative has been underway for some time with the Board being fully briefed at their October meeting. The Administration has incorporated the feedback received from that session into the project plan. He noted, this is a pilot project and the findings from the project will be used to plan for the future.

The Vice President, Compensation Services noted the feedback previously received from the Board. He noted the potential reactions from stakeholders and the financial implications of the pilot project.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors approve the Worker Care Clinic Pilot Project as part of the corporate strategic goal of Enabling Successful Return to Work.

The Vice President and the Associate Vice President, Compensation Services left the meeting.

**Minutes of Previous Meeting**

The Chairperson presented the minutes from the September 26, 2019 meeting of the Board of Directors.

On motion duly made and carried,

BE IT RESOLVED THAT the minutes of the September 26, 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**

**2020 Board of Directors, Fair Practices and Internal Audit Departmental Budgets**

(Board Order No. 33/19)

The CFO joined the meeting.

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 2020 budget for the Board of Directors, Fair Practices Office (FPO) and Internal Audit Departments

**2020 Budgets**

(Board Order No. 34/19)

Ron Koslowsky introduced this item on behalf of the Finance Committee. The Board was advised that additional expenses for 2020 are expected to be incurred relating to two non-discretionary items, pension plan discount rate and capital depreciation. There was discussion regarding the allowance for software development tools.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors approve the 2020 operating, capital and SAFE Work Manitoba budgets.

**Confirm Five Year Plan Financial Projections and Assumptions including the Average Assessment Rate**

(Board Order No. 35/19)

Ron Koslowsky introduced this item on behalf of the Finance Committee. He reviewed the assumptions including the average assessment rate of \$0.95 and the injury rate in the preparation of the Five Year Plan financial projections.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors approve the financial assumptions, including the average assessment rate of \$0.95, and projected outcomes for preparation of the 2020-2024 Five Year Plan.

**Plan Text Changes - WCB of Manitoba Retirement Plan**

(Board Order No. 36/19)

Jean-Guy Bourgeois introduced this item on behalf of the Governance Committee. He noted the minor revisions to the Retirement Plan text were recommended by Aon Consulting and reviewed and approved by the Joint Pension Advisory Committee.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors approve that the WCB of Manitoba Retirement Plan (the Plan) text be amended to:

- Address a minor housekeeping item,
- Remove the annuity option offered in situations when funds are issued back to a member as this is not an option Aon would recommend and it has never been utilized by a member, and
- Align the order of death benefit payment eligibility with the Pension Benefit Act.

The CFO left the meeting.

**Adjustment in Compensation Regulation**

(Board Order No. 37/19)

Ron Koslowsky introduced this item on behalf of the Finance Committee. Annually, compensation is indexed in accordance with the method detailed in *The Workers Compensation Act*.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors approve the Adjustment in Compensation Regulation.

**Research and Workplace Innovation Program Funding Recommendations**

(Board Order No. 38/19)

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 following projects for funding with modification under the 2019 RWIP:

- A Health Promotion Strategy for Long Haul Truck Drivers in Manitoba - Brandon University (\$159,250.00)
- Predictors of Prolonged Recovery Following Acceptance for Disability Benefits: A Systematic Review and Meta-Analysis of Observational Studies - McMaster University (\$160,396.00)
- Occupational Disease Surveillance in Manitoba - Alberta Health Services and University of Manitoba (\$190,592.76)
- "End Dump" Course Development and Training - Heavy Equipment Aggregate Trucking Association of Manitoba (HEAT) (\$186,600.00)
- North Forge Technology Exchange and Bit Space Development VR Safety Orientation Experience - North Forge Technology Exchange (\$100,000.00)
- Effective Use of the Hierarchy of Controls for Machine Safeguarding - Workplace Engineering Solutions (\$74,290.00)
- Chemical Exposure Calculator - Safety in Numbers (\$69,200.00)

**Policy 20.10 Reconsiderations**

(Board Order No. 39/19)

Jean-Guy Bourgeois introduced this item on behalf of the Governance Committee. He noted the revisions eliminate reference to multiple reconsideration bodies within the WCB and describe the single point of registration process that has been developed.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors approve the amended Policy 20.10 *Reconsiderations*.

**Policy 44.120.30 Support for Daily Living**

(Board Order No. 40/19)

Jean-Guy Bourgeois introduced this item on behalf of the Governance Committee. He noted the policy expressly allows for the reimbursement of fees for committeeship and the public trustee in appropriate circumstances, as was recommended by the Legislative Review Committee.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors approve the amended Policy 44.120.30 *Support for Daily Living*.

**Modernization of Policy Manual**

(Board Order No. 41/19)

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.

**Fair Practices Office Guidelines**

(Board Order No. 42/19)

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 Fair Practices Office Guidelines.

**Committee and Chairperson Appointments**

(Board Order No. 43/19)

Michael Werier introduced this item noting the appointments are effective in the new calendar year.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors approve the following:

1. Committee appointments:

- Audit Committee: Peter Dyck  
Sylvia Farley  
Michael Bereziak
  
- Investment/Finance Committee: Liz Roberts  
Ron Koslowsky  
Marc Lafond

- Governance Committee: Michael Bereziak  
Jean-Guy Bourgeois  
Glenn Hildebrand
  
- Prevention Committee: Peter Dyck  
Jean-Guy Bourgeois  
Yvette Milner
  
- 2. Committee Chairperson appointments:
  - Audit Committee Peter Dyck
  - Investment/Finance Committee Ron Koslowsky
  - Governance Committee Jean-Guy Bourgeois
  - Prevention Committee Yvette Milner

### **For Information**

### **Committee Reports**

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

Investment Committee Meeting - June 18, 2019

Finance Committee Meeting - June 18, 2019

Prevention Committee Meeting - September 13, 2019

### **Administration Reports**

The President & CEO provided an update

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 1:55 p.m.



## **Policies Recommended for Repeal and Removal Summary**

### **Policy 22.80, *Legal Expenses of Judicial Review***

- This policy dates from 1993 and has not been amended since then. It has also never been used or applied. It gives the WCB authority to consider paying the legal expenses of an applicant in a judicial review, over and above what is ordered by the court. The WCB has this authority by statute under its broad and exclusive jurisdiction over all matters arising under the Act, and the policy is unnecessary and redundant.

### **Policy 44.05.10, *Definition of "Accident" under the Government Employees Compensation Act (GECA)***

- This policy dates from 1993, with no substantive changes since then. The policy states that the definition of "accident" in *GECA* should be given a broad interpretation. In 2014, the Supreme Court of Canada confirmed that the definition of "accident" in *GECA* is permissive and flexible. In addition, *The Interpretation Act* requires that all remedial statutes such as *GECA* be given a broad interpretation. The policy has become redundant in the current environment.

### **Policy 44.20.10.40, *Spondylosis/Spondylothesis***

- This policy dates from 1985 and has not been amended since then. The policy consists of one sentence which confirms that the Board will accept responsibility for certain pre-existing conditions in particular circumstances. The principle expressed in the policy is also reflected in the *Pre-Existing Condition* policy, making this policy redundant.

### **Policy 44.40.10, *Evidence of Disability***

- This policy came into force in 1992 and has not been amended since then. The policy consists of one sentence, which refers to the need for medical, or similar, evidence of a disability before benefits will be paid.
- The pre-1992 *Workers Compensation Act* was based on a disability model of compensation. The concept of disability is not relevant in the post-1992 Act, which is based on a wage loss/impairment model. The use of the term "disability" in the policy is misleading, and the evidentiary principle expressed in the policy has now been subsumed in the *Decision Making* policy, approved in June 2019.