



SBCI UPDATE

June 2013

NEWSLETTER

MESSAGE FROM THE CHAIRPERSON

SBCI held its Annual General Meeting on April 12, followed by the first Board meeting for the new Board of Directors on May 10. I am honoured to become Chair of the Co-operative for a second year and will make every effort to lead SBCI to continued development of services for Ontario school boards.

I am very pleased that Carolyn Bastien will again be our Vice Chair.

Gerry Thuss retired from the SBCI Board at the Annual Meeting having served as a Director for four years, two of which were as Chair of the Board. On behalf of the Board of Directors, Staff and all members of the Co-operative, I thank Gerry for his wisdom and his energetic support for SBCI.

Also, due to changing job demands, Mark Musca, has stepped down from the SBCI Board after 3 years of service, including being the Chair of our HR and Compensation Committee. We will miss Mark's insights.

As a result, there have been two vacancies on the SBCI Board of Directors. Jamie Gunn, Superintendent of Business at Grand Erie DSB was elected to the Board at the Annual General Meeting. And Janice McCoy, Superintendent of Human Resources at Ottawa-Carleton DSB has joined the SBCI Board to complete Mark Musca's outstanding term of office. I welcome both of you.

I would also like to take the opportunity to welcome Stephanie Kwong as Executive Assistant to our Chief Executive Officer.

The Conference that SBCI ran April 11 and 12 was a great success judging by the feedback that we received. I thank everyone who made this event happen so successfully.

Given the latest MOU between the Government of Ontario and the Ontario Secondary School Teachers' Federation, SBCI continues to monitor the changes with a view to providing Attendance Support and Case Management services that will be of most benefit to school boards moving forward. SBCI recognizes the need for effective absence management given the evolving Sick Leave and Short Term Sick Leave & Disability Plan. As always, School Boards have the right to manage absenteeism within the parameters of best practices, while ensuring that there is no conflict with legislative requirements.

The Ontario Senior Business Officials have just held their annual conference, and SBCI was invited to present on employee benefits. Specifically, Wendy Achoy, SBCI's Chief Actuary, made a presentation regarding considerations for school boards once the teachers' federations, at least, complete the implementation of their own employee benefits plan. How will this affect the remaining staff's plans? Over the next few months, this will be another issue that school board administrative staff will need to address.

If you have any questions, comments or ideas regarding the Co-operative, please give me a call or send me an email. Our aim is always to improve the services that we provide to you. I can be reached at lynda.coulter@ycdsb.ca or (905)713-1211 X13850.

Lynda Coulter
Chairperson

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PROGRAM OF CARE AND PHYSIO TREATMENTS – COSTS IN DENIED CLAIMS

SBCI has come across several situations in which Program of Care (POC) and physiotherapy costs have been approved and paid in denied initial entitlement or recurrence claims. The WSIB will pay for a POC for back care even if there is no lost time in the claim or if an entitlement decision is pending. The treatment program can be from four to eight weeks and a flat fee is paid. The WSIB no longer pays on a fee for service basis, unless there are multiple injuries.

POCs are available for all types of musculoskeletal injuries as well as occupational asthma, mild traumatic brain injuries, noise-induced hearing loss, and occupational dermatitis. In the non-back care POCs an Eligibility Adjudicator or Case Manager must formally approve the treatment. In the low back POC a recognized provider can begin treatment in a WSIB claim without the formal approval of a WSIB Adjudicator.

In the past, an injured worker would have been referred by their family doctor to a physiotherapist or to a physiotherapist of his or her own choice and the employer would have been charged the fee for service rate. The WSIB will now only pay on a flat rate basis for Program of Care. The WSIB believes that POC will enable injured workers to access treatment faster and achieve better recovery outcomes. The WSIB expects this will reduce the duration of disability and the likelihood of a recurrence. There are no longer 12 weeks of treatment and extension of physiotherapy for these new cases. A communication was sent to all providers, apparently.

For back injuries, the flat fee is \$770 including assessment and discharge reports. The WSIB has established a flat fee so that workers can receive treatment while the claim is pending. If the claim is denied, the costs should be reversed from your account. Watch for these claims on your invoices carefully and notify your SBCI Claims Manager. SBCI has questioned the process with the WSIB and we are waiting for clarification and resolution.

MODERNIZATION OF THE WSIB'S APPEALS PROGRAM UPDATE #2

In our August 2012 Flash Newsletter, we provided an overview of the WSIB's proposed changes to the appeals process within the Appeals Services Division (ASD). The new appeals process was approved and implemented effective February 1, 2013. The process involves addressing the significant backlog of appeals currently at the WSIB and the intake of new appeals.

The new process has been designed similar to the WSIAT process but with a

greater number of appeals to be dealt with by way of written hearings rather than oral. It involves a two-step process when an appeal is registered by a workplace party. The first step is submitting an Intent to Object Form (IOF) to meet the appeal time limit. This form is available on the WSIB website. Once the objection is received and access to the claim file sent, when the appellant is ready to proceed, the second step requires them to submit an Appeal Readiness Form (ARF) with their supporting documentation and submission.

As the employer, you will continue to receive the Participant Form when the IOF is received by the WSIB. Once the Appellant confirms they are ready to proceed by submitting the ARF, the Respondent Form (RF) will be issued to the employer allowing 30 business days to provide a written submission.

The WSIB has greatly narrowed the circumstances when an oral hearing will be scheduled. It is expected that this will allow the WSIB to process a greater number of appeals by reducing the scheduling time, as well as costs associated with a hearing. There are only a limited number of issues that will be dealt with by oral hearing which are listed below:

- Initial Entitlement (where there is contradictory information and testimony is needed)
- Complex Occupational Disease
- Complex Non-Organic Conditions
- Traumatic Mental Stress
- Job Suitability (where there is contradictory information and testimony is needed)
- Co-operation in Return to Work
- Co-operation in Work Transition (Labour Market Re-entry)
- Work Transition Plans
- Re-employment (where the threshold for re-employment has been met)
- LOE Lock-in (unless straight forward and no factual dispute)
- Recurrence more than 2 years from date of injury/illness
- Survivor Benefits – complex determinations of who is a spouse/dependent

For a full listing of hearing methods of resolution and of the ASD policy and

procedures, click on the link below: <http://www.wsib.on.ca/files/Content/AppelsAppealsPP/AppelsP&P.pdf>

Still, the WSIB has a significant backlog of appeals, somewhere between 5,000 and 6,000 cases. Notices were mailed in the first week of January 2013 identifying the first group of appellants and asking whether they were ready to proceed. A "Transition Appeal Readiness Form" (TARF) has to be completed to continue with the appeal. Appellants were allowed until April 10, 2013 to respond and the time period has now been extended to July 10, 2013.

The second batch of notifications was to be sent early March 2013 but this was delayed until April 19, 2013. Appellants in this group have until October 21, 2013 to submit the TARF. When submitting the completed TARF, appellants must provide all of their information to support their appeal and specify whether they request an oral or written hearing. Respondents have 30 days to make a written submission. The WSIB is mailing the documents along with the Respondent Form which reduces the 30 day time limit. All arguments on the substantive issues and method of hearing must be provided when the submission is made. This limited deadline can be challenging for Respondents to submit their information within the set time limit.

Key Observations and What You Should Be Aware Of

- The WSIB is strictly adhering to appeal time limits for decisions – 6 months in adjudicative decisions. Please check your mail regularly and forward all correspondence to your SBCI Claims Manager as soon as possible to ensure time-sensitive issues are not missed.
- The Return to Work and Re-employment Obligations decisions have a time limit of 30 days. Examples are work suitability rulings, Work Transition Plans, and Re-employment breach. Notify your SBCI Claims Manager as soon as possible and forward the decision letter.
- We are observing a high volume of TARF and ARF submissions by worker representatives and, in the

majority of cases, an oral hearing is being requested.

- Once the TARF and ARF are received by the ASD, a response form is sent to the respondent (School Board or representative) who then has 30 days from the date specified to make a written submission with all the information. The WSIB is mailing forms and packages which can take up to a week or more in some cases to receive. The response and submission are time sensitive. All relevant information must be submitted with the Respondent Form. For school boards, it is critical that all information for the appeal be available on short notice when requested from your SBCI Claims Manager. Examples of information may include witness statements, H&S investigation or inspection reports, diagrams, pictures, etc.
- If an oral hearing is not granted, and this is not appealable, parties then have 21 days to make further submissions. It is critical that when contacted by your SBCI Claims Manager to respond promptly to their requests for information. If you are away on vacation, ensure there is a designated contact.
- If an oral hearing is granted by the Appeals Manager, it will be scheduled within 90 days. Parties must be available, including the employer contact.
- In both written and oral hearings, once the case is assigned to the ARO or the hearing scheduled, a decision will be issued within 30 days of the hearing date or the latest date when submissions are received.
- It is crucial for school boards to be thorough in their investigations and obtain the supervisor and witness statements whenever possible. Even a straightforward health care claim can become lost time at a future date. All information and as much detail about the accident is vital.

As anticipated, SBCI has received an influx of appeals cases over the past few months and we have ensured resources are available. Your SBCI Claims Manager will provide written submissions on behalf of the School Board member and this may result in your WSIB Claims Manager requesting information to assist

with the submission and your assistance to provide documentation quickly.

SBCI is monitoring this initiative closely and taking steps to ensure our member boards are protected and their interests are represented.

We will continue to monitor and update you on the developments in the ASD and lobby on behalf of SBCI School Board members.

WSIAT RECOGNIZES SCHOOL BOARD'S EFFORTS TO ACCOMMODATE

A recent WSIAT decision shows the importance of having a suitable return to work plan and accommodations available for injured workers. The worker (a custodian) who had entitlement for a lumbar strain injury appealed to WSIAT the denial of Chronic Pain Disability (CPD) and Loss of Earnings (LOE) benefits from April 2004 and the denial of a labour market re-entry (LMR) assessment. The School Board was represented by SBCI.

Although the worker partially won the appeal (entitlement for CPD granted), in retrospect this was a significant win for the School Board. WSIAT only allowed full LOE for 2 months when she was functionally incapable of performing any work and partial LOE for 6 months according to a graduated return to work plan that was set up for the worker. Further benefits from that period to date, along with an LMR assessment were denied. The WSIAT panel specifically noted the efforts the School Board made in order to accommodate the worker. For example, lifting duties were eliminated when required; the worker's son was hired to provide additional assistance upon the worker's request; the School Board sought a Functional Capacity Evaluation to determine accurate precautions; highly modified duties were provided for a period of time as a Teacher's Helper; and the Principal promptly resolved a concern about stairs that were required in the temporary Teacher's Helper position. The School Board also offered continued employment as a Teacher's Helper until the worker was able to resume custodial duties. The Teacher's Helper position as well as the

modified custodial position was available at no wage loss.

It is important to note that the School Board consistently worked to accommodate the worker's abilities within the pre-injury job position as well as provided suitable modified duties in an alternative position. This showed a desire by the School Board to mitigate the worker's loss of earnings and positively impacted the final decision at WSIAT.

Another factor for the WSIAT panel was that the worker admitted under cross-questioning she was able to do her art work for 4-5 hours per day (with breaks) after a flare-up in 2004. This was good evidence that she had functional ability to perform the modified work offered by the School Board. This was WSIAT Decision No. 2172/12. For more information concerning the decision, please contact Darlene Iwaszko, darlene@sbc.org or Christopher James, chris@sbc.org. Thank you.

2013 SBCI CONFERENCE

The 2013 SBCI conference was a huge success with our largest attendance ever, approximately 100 attendees for the two-day event. There were excellent reviews for the keynote presenters, plenary sessions and workshops. The keynote presentation by Fares Chmait entitled "Communicate Differently" received many positive comments. The organizing Committee would like to thank all of the attendees who joined us for the event in spite of the changeable April weather. We appreciate all of the information provided in the evaluation forms and will use that for planning future conferences. If anyone would like an electronic copy of any of the presentations, please send an email to Lily@sbc.org and she would be pleased to send you a copy. Thank you.

2013 AWARDS ANNOUNCEMENT

As in 2010-11, a Committee of Health and Safety representatives worked with SBCI to recognize good performance in Health and Safety for School Boards. We have called this award the Health and Safety Leadership awards. The awards recognize excellent performance in the following categories and here are the winners for 2011-12:

- **Statistical performance**, based on frequency rate for the low, medium and large categories

Small sized Boards:

Brant Haldimand Norfolk Catholic DSB and Conseil scolaire public du Nord-Est de l'Ontario

Medium sized Board:

Catholic DSB of Eastern Ontario

Large sized Board:

Halton Catholic DSB

- **Most improved statistically**, based on a three year average for the small, medium and large categories of school boards

Small sized Boards

DSB Ontario North East and, Conseil scolaire Viamonde

Medium sized Board:

Conseil scolaire de district catholique Centre-Sud

Large sized Board:

Upper Grand District School Board

- **Education/Training**, based on the development of an educational program which provided the foundation for understanding education safety concepts. Examples would be public education or employee education on violence prevention, slips trips and falls, ergonomics or specific job related training programs.

Custodian Training Program:

Lakehead District School Board
CUPE Modified Work Committee

The awards were presented at the SBCI Annual General Meeting on April 12. This was a great way to recognize and

promote the wonderful work accomplished at all our School Boards.

ACCOMMODATING CHRONIC CONDITIONS IN THE WORKPLACE

What are chronic conditions?

Chronic conditions are illnesses that are prolonged in duration and generally do not resolve spontaneously. Examples of chronic conditions include alcohol abuse, arthritis, asthma, blindness, cancer, chronic respiratory diseases, chronic obstructive pulmonary disease (COPD), diabetes, heart disease, migraines, persistent fatigue, obesity, and visual impairments.

According to Benefits Canada, chronic conditions have become the norm in the workplace. We hear from our members that more and more employees are requesting an accommodation due to chronic illness.

Implementing and sustaining an effective accommodation plan for employees whose work performance is affected by a chronic condition is one of the greater challenges for employers. Employers are limited in their ability to request detailed medical information and often rely on restrictions and limitations to accommodate their employees. The challenge in solely relying on restrictions and limitations for facilitating accommodations is that these restrictions are sometimes not aligned to the cognitive and/or physical demands of the employee's job. Often they are provided to a physician by the employee as self-reported limitations and an employee's functional abilities have not been accurately measured.

Based on our experience, comprehensive functional-based tests accurately measure an employee's functional abilities. An example of a comprehensive test is the Functional Capacity Evaluation (FCE). The FCE is a full body comprehensive medical test used to measure an employee's functional capacity. It provides information on prognosis and potential occupational rehabilitation measures. An FCE can also be used to help identify changes to an employee's workload, or modifications to working

conditions such as ergonomic measures, that the employer may be able to undertake in an effort to accommodate an employee with a disability or medical condition. In particular, FCEs serve as an effective tool in assessing the cognitive and functional tolerances of individuals with chronic diseases. Examples of other assessment tools that an employer may request are; Activities of Daily Living Assessments, Psychological Capacity Evaluations, Multidisciplinary Assessments and On-Site Workplace Assessments.

Chronic conditions may have a negative impact on workplace relationships between employees and their supervisors. When an employee is requesting an accommodation, it is important that they educate their Manager on how their condition is impacting their work performance and the type of accommodation they are seeking. Not speaking out or non-assertive behaviour about the need for an accommodation is an impediment to addressing and resolving the barriers that are impacting the employee's ability to do their job.

Managers also play a key role in the accommodation process. They must ensure they understand the employee's accommodation needs; obtain objective medical information to support the employee's restrictions and limitations; and develop and implement an appropriate accommodation plan. Symptoms associated with chronic conditions may change over the course of time thus impacting an employee's work performance. As such, it is important that employers consistently monitor and evaluate the effectiveness of an existing accommodation plan and identify any modifications that may be required.

The benefits of early intervention and appropriate accommodations will contribute to increased productivity thus minimizing absenteeism. Hence, this can fulfill an employer's duty to accommodate and positively impact the costs associated with absenteeism.

Over the past few months SBCI's Attendance Support team has received an increased number of requests from School Boards for advice and guidance on how best to accommodate employees with chronic conditions. You are encouraged to

call your Attendance Support Consultant for specific or general consultation on accommodating employees with chronic conditions.

2013 NEW ATTENDANCE SUPPORT CLIENT GROUP

SBCI is very pleased to introduce our Attendance Support Client Group.

The Attendance Support Client Group was created to provide our School Board Attendance Support clients with a forum to build upon their expertise, knowledge and skills in Attendance Support. The group will determine the agenda on topics related to:

- Disability Management
- Attendance Management
- Wellness

Members will have the opportunity to share, discuss and exchange ideas about what is working well and their challenges within their Attendance Support Programs.

To date, we have received a great response from over 20 individuals representing clients from Public and Catholic School Boards. We have sent a survey to our clients and gathered information on the topics of interest and the potential timing of the first meeting. Over the course of the next few weeks, we will be arranging the date for the first meeting which will include a review of the survey results, terms of reference, the responsibilities of SBCI, the frequency and venues for our meetings.

We look forward to facilitating our first meeting and providing our Attendance Support clients with ongoing support to maintain the effectiveness of their Attendance Support Programs.

SBCI BOARD OF DIRECTORS

Lynda Coulter (Chair)
Carolyn Bastien (Vice Chair)
Ronald Bender
Judi Goldsworthy
Jamie Gunn
Janice McCoy
Maura Quish
Roger Richard
Mary Lynn Schauer
Anna Sequeira

Byron Franson, Attendance Support Consultant
Kathleen Gratton, Attendance Support Consultant
Shoba Thomas, Attendance Support Consultant
Rana Khalaf, Manager, IT Applications
Patrick Gani, Senior Analyst Programmer
Siobhan Lucic, Account Manager

DATES OF MEETINGS

Board of Directors Meetings

Friday, June 21, 2013
August 10-12, 2013
Friday, October 4, 2013
Friday, November 1, 2013
Friday, December 6, 2013

Friday, February 7, 2014
Thursday, March 6, 2014
Friday, April 11, 2014
Friday, May 9, 2014

SBCI STAFF

Brian Brown, Chief Executive Officer
Lynn Porplycia, Chief Operating Officer
Wendy Achoy, Chief Actuary
Raazia Haji, Actuarial Analyst
Joe Huang, Actuarial Analyst
Shawn Tang, Actuarial Analyst
Christopher James, Senior Claims Manager & Lawyer
Figen Dalton, Claims Manager
Darlene Iwaszko, Claims Manager
Mary Luck, Claims Manager
Kelly Melanson, Claims Manager
Robert Orrico, Claims Manager
Robbin Lavoie, Senior Health & Safety Specialist
Christina Bick, Health & Safety Specialist
France Germain, Health & Safety Consultant
Louise Bellamy, Financial/Office Coordinator
Stephanie Kwong, Executive Assistant
Lily Li, Executive Assistant
Melissa Hewit, Supervisor, Data Management
Sylvie David, Data Management Assistant
Rose Erbay, Bilingual Data Entry Clerk
Audrey O'Connor, Data Entry Clerk
Julia Barrasso, Attendance Support Practice Leader