



# SBCI UPDATE

Summer 2009

NEWSLETTER

## MESSAGE FROM THE CHAIR

Bonjour, mon nom est Ron Bender et je suis Chef des bâtiments pour le Conseil scolaire de district catholique de l'Est Ontarien.

At the May 15 meeting of the SBCI Board of Directors, I was elected as Chair of the Co-operative. I will therefore have the privilege of writing to you in this year's SBCI Newsletters. Also, I should say, in my year as the Chair, it is my hope and intention to assist the Board and staff in determining whether SBCI should expand its services and customer base and, if so, how.

I want to express my sincere thanks to Wally Easton, my predecessor as Chair of SBCI who has stepped down from the Board of Directors. We all greatly benefited from Wally's insights and wisdom. At the same time, I welcome Gerry Thuss to the Board. Gerry, as most of you will know, is the Superintendent of Business of Huron-Perth Catholic DSB.

The Board of SBCI has four standing Committees and we endeavour to invite some school board staff to serve who are not Directors of the Co-operative. I am pleased that Erica Pennell, Manager of Finance for Algonquin and Lakeshore Catholic DSB has joined out Finance & Audit Committee; and Lori Gillespie, Human Resources Officer for Hastings and Prince Edward DSB has joined the Assistance Committee. Have fun.

Regarding SBCI Staff, George Ward has asked to step down as the lead H&S Consultant, and to work 4 days a week as a consultant. We are therefore in the process of a search to find a replacement Senior H&S Consultant an hope to have someone in place by early September.

Also, with the rapidly increasing number of boards that are utilizing SBCI's Attendance Support services, we have recently hired another Attendance Support consultant. Shoba Thomas joined SBCI in early July, Shoba is bilingual and will therefore become the primary AS person for the French language school boards.

I also want to take this opportunity to comment on two SBCI presentations that I have attended over the past few months. I would like to congratulate SBCI staff for putting together very informative seminars in such a professional manner. These seminars were on Early and Safe Return to Work in Kingston and on Pandemic Planning in Belleville. Well done.

I am looking forward to my term as Chair of SBCI. If you have any questions, comments or ideas regarding the Co-operative, please give me a call or send me an email.

Ron Bender  
Chairperson

Parklane Update	7
Actuarial Update	7
Surfing the Net	7
Calendar of Events	7
SBCI Services	7
SBCI Staff	8
SBCI Board of Directors	8

## WSIB NEW SERVICE DELIVERY MODEL - ARE THINGS GETTING ANY BETTER?

The WSIB has rolled out the New Service Delivery Model (NSDM) to all regional offices and is now trying to make it work. Publicly, WSIB Senior Management is saying that they are encouraged by all of the positive feedback that they have received from workers and employers concerning the NSDM. We are not sure who the employers are that are giving the WSIB positive feedback. When we have attended meetings with school boards and WSIB managers or Schedule 2 employers and WSIB executives, the words of disappointment and concern far outnumber the stories of success with the new model. One of the main reasons for the change was to enable the WSIB to better balance staff case loads but it is not clear that this has been achieved yet.

For school boards, many of the same problems encountered with the first roll-out in Ottawa persist around the province today. Eligibility Adjudicators (EA) remain a major source of concern. While some EAs are writing detailed decision letters when an employer raises a concern on the Form 7, some are still not doing so. Some are not contacting the employer before making a decision despite the emphasis in the new model on telephone communication. Some claims are still being allowed for lost time in the absence of medical information. What is the basis of the decision to approve lost time if there is no medical reporting to justify the need for lost time? Some WSIB managers

## IN THIS ISSUE

Message from the Chair	1
WSIB New Service Delivery Model - Are Things Getting Any Better?	1
Recent WSIAT Decisions on Retirees	2
Surveillance Success	3
Claim Duration	4
De 2007 à Aujourd'hui, La Pandémie, Toujours Une question de L'Heure	4
From 2007 until Today, Influenza PandemicIs Still a Hot Topic (ENG)	5
Annual Prevention Planning	5
Bill 168 - Workplace Violence and Harassment	5
2009 Schedule 2 Employers' Group Conference	6
2010 SBCI Conference	6
Lost Souls	6
Post Offer Pre-Employment Screening	7

have suggested that the EAs have to use their judgement and experience in making these types of decisions in the absence of medical information. Yet many EAs are new and have limited experience so they really don't have much to go on when approving these claims. At best, the decision is going to be subjective and at worst it rubber stamps the employee's decision to stay home. Is this type of decision making providing employers and the system with good value? The answer is clearly No. The WSIB has emphasized the need for speed in adjudication in order to move quickly to the issue of return to work. However, if a claim that should not be allowed is allowed, how will this help? It will not shorten the duration of the claim. It will prolong it. In fairness though, some EAs are doing a good job and making appropriate inquiries and reasonable decisions. We are beginning to see more decisions that deny entitlement for LOE benefits when no medical was sought or when the medical information does not justify the need for lost time. We hope that shortly all EAs will exercise greater scrutiny in their decision making.

The key objective for Short Term Case Managers is to help get employees back to work. In order to do so they need information from the employer and the employee concerning offers of work. The Case Managers are starting to ask for more information and that is entirely reasonable. Many employers would like to see more timely decisions on the suitability of any offers of modified work and the worker's entitlement to LOE benefits. This is key. Delays in decision making are not going to help anyone. Employers are more likely to revise an offer of modified work if they are told that it is unsuitable and why. Injured workers are likely to reconsider a decision to stay off work if they know that the WSIB has ruled a work offer is suitable and are told that their LOE benefits are going to be reduced or discontinued. We are starting to see some progress but there is a need for continued improvement in the timeliness of decisions concerning the suitability of modified work offered.

One of the potential problems with the new model is that there are too many people at the WSIB touching the file and no-one taking responsibility for the outcome. In the old model a Claims Adjudicator became familiar with the

claim from the start and got to know the employer, the employee and the issues. That Claims Adjudicator had an interest in resolving the issues and getting the case closed. In the NSDM if a case is not resolved it gets handed off to another person. If there is an organized, knowledgeable and motivated Short-Term Case Manager assigned to a file it may go well. Some cases will not be resolved by a Short Term Case Manager in 26 weeks even if they are good at their job. However, if a Short Term Case Manager does not do a good job then it will fall to the Long-Term Case Manager and employer to pick up the pieces and try to fix the problems.

At a meeting with the Schedule 2 Employers' Group on June 10, 2009, WSIB representatives reported that 70 Return to Work Specialists had held 5,000 meetings around Ontario and that there was a 75% success rate in getting people back to work. This sounds impressive and hopefully Return to Work (RTW) Specialists will continue to help the workplace parties resolve barriers to return to work quickly. If you are having a meeting with a RTW Specialist you need to assume that they will know very little about the case. They are supposed to receive a referral form from the Case Manager but that may or may not tell them very much. You should be prepared with a copy of the employee's job description, PDA (if possible), Form 7, functional abilities information, copies of any prior RTW plans or job offers and detailed information on what you are prepared to offer the employee now. The WSIB reports that in some parts of Ontario you can have a RTW Specialist meet with the workplace parties in as little as 2 days but the norm is closer to 5-7 days.

It is clear that there remain many challenges with the NSDM that need to be addressed. The WSIB is not talking about returning to the former model even though many employers would like them to do so. We are starting to see more reasoned and detailed decision making from EAs and Case Managers and that is encouraging. There is a need for timely decision-making whenever there is an offer of modified work or regular work so that the workplace parties know where things stand. This needs to continue to be improved. Overall there are some

encouraging signs that the WSIB understands that there are problems with the NSDM and is seriously trying to make improvements. There is still plenty of work to do but some things are moving in the right direction.

## **RECENT WSIAT DECISIONS ON RETIREES**

---

As Schedule 2 employers, school boards bear the responsibility for covering all direct benefit costs of their claims plus the Schedule 2 Administration fees. In the event of a serious Occupational Disease claim, like asbestos-related illnesses (asbestosis, lung cancer or mesothelioma), these costs can be exceedingly high and may ultimately include the payment of a Survivor's Benefit.

Often, the illnesses that cause these claims result from an exposure that occurred many years before, and quite often the employee submitting the long latency exposure claim has long since retired from his employment with the school board and is no longer actively working in any capacity.

In those circumstances where the adjudication of the claim has resulted in the allowance of these claims for the retired employee, the WSIB has adopted the practice of approving the payment of LOE benefits to the employee under Operational Policy 18-02-02.

This policy contains a provision for the payment of LOE benefits in long-latency occupational disease claims. The policy states the following:

In long-latency occupational disease claims, no distinction is made between the short-term and long-term average earnings. In all cases, the average earnings are based on the greater of

- the annual earnings of a fully qualified worker at the time of diagnosis or accident engaged in the same trade, occupation, profession, or calling to which the worker's disease is due, or
- the worker's annual earnings in the 12 months prior to the date of accident.

If a worker suffering from a long-latency disease dies, as a result of the work-

related disease, the average earnings previously used to determine the LOE benefit payable to the worker are also used to determine the benefits payable to any survivor.

The WSIB's interpretation of this policy results in the payment of LOE benefits to retired individuals, who have often been out of the competitive workforce for several years. These individuals are not sustaining a wage loss as a result of their disease, yet they receive full LOE benefits from the WSIB.

The WSIB's application of this policy has been challenged to the Workplace Safety and Insurance Appeals Tribunal (WSIAT) in 3 separate cases. In each of the 3 cases, the circumstances surrounding the claim and the payment of LOE benefits are similar to the scenario detailed above. In each of the 3 cases brought forward to the Tribunal, the Tribunal has rendered decisions rescinding the entitlement to LOE benefits granted to the injured worker. It should be noted that 2 of the 3 cases involve claims for firefighters, while the third involves a claim for a former carpenter with a school board.

The first decision (Decision No. 1581/06) was rendered on April 8, 2008; the second (Decision No. 884/08) was on December 24, 2008; while the third (Decision No. 250/09) was rendered on February 9, 2009.

In Decision No. 1581/06 the Vice-Chair determined that the Operational Policy Document # 18-02-02 did "not apply to the case because the worker was retired at the time of the diagnosis of his fatal occupational disease." The analysis of the evidence indicates that "the worker was unlikely to have returned to the workforce even absent the occupational disease."

In Decision # 884/08 the Vice-Chair states "I find that the intent of the WSIA is to compensate workers who experience a loss of earnings as a result of an injury. The statute does not provide a basis to compensate workers with LOE benefits for medical conditions that do not result in a loss of earnings. Additionally there is no Board policy that permits payment of LOE benefits to workers who do not incur a loss of earnings as a result of an injury."

In Decision 250/09 the Panel found "that because the worker's compensable injuries did not result in a loss of earnings, there is no statutory basis for LOE benefits..."

Despite these recent decisions, the WSIB is maintaining its practice of paying LOE to retirees in Occupational Disease claims. However, these decisions demonstrate that school boards do have an avenue available to them in terms of an appeal of a decision by the WSIB related to LOE benefits paid out to retirees in Occupational Disease claims. Any school board that is currently facing this situation should discuss the claim with their WSIB Claims Manager.

## **SURVEILLANCE SUCCESS**

On occasion, the use of surveillance can lead to unexpected results in the management of a claim. Recently one of our member school boards experienced such a case.

Following a WSIB Hearing that resulted in an injured employee becoming entitled to full LOE and a subsequent 100% FEL award, our member school board considered using surveillance as a means of assisting in an appeal of the ARO decision to the Workplace Safety and Insurance Tribunal. Before actually pursuing the surveillance, the school board received an anonymous tip that the employee was participating in a physical activity on a consistent basis. This anonymous tip was discussed with the SBCI Claims Manager and it was determined that surveillance would be expedited.

The video surveillance confirmed the information received in the anonymous tip and identified that the employee, who had a significant low back injury, was observed participating in off-road jeep trail excursions as a passenger in a vehicle. This discovery led the SBCI Claims Manager to research the employee's involvement in this activity based on information gathered by the private investigation firm. This research noted that the employee was a regular participant in this activity and several photos of his participation were copied from an internet website promoting the

activities in which the employee was participating.

Following the collection of this information, the SBCI Claims Manager and school board agreed that further surveillance should be completed. The second session of surveillance captured the employee participating in the same off-road activities, but also captured him driving the vehicle and discussing his regular participation in this activity to the investigator on hidden camera.

Upon receipt of all the surveillance documentation and other evidence gathered, SBCI submitted the information to the WSIB for consideration. After a lengthy period of consideration, the WSIB adjudicator transferred the claim to WSIB Regulatory Services to consider further investigations related to the employee's activities. At the same time, the worker's entitlement to his FEL benefit was reconsidered under the material change provisions of the Act, noting his level of activity as documented in the surveillance.

After a careful review, the WSIB determined that the employee was capable of performing modified work that was available for him with the school board. The employee maintained total disability despite the evidence, and his FEL was adjusted from 100% to a sustainable award at the R2 review.

WSIB Regulatory Services continued to investigate the employee's activities and conducted interviews with the school board, the SBCI Claims Manager, the surveillance investigators and the employee, among others. Following their investigation four separate charges were laid in Provincial Court in May of 2009 related to the employee's failure to notify the WSIB of a material change in circumstances. The employee will be appearing in Court to answer to the charges.

We will provide a future update on this case as it progresses through the court system.

## CLAIM DURATION

In the most recent discussions on Persistency or Claim Duration as it is more commonly known, the WSIB released statistics showing the depth of the problem. It is primarily these statistics that the WSIB determined that a change in its service delivery model was warranted, hence the introduction of the New Service Delivery Model in the fall of 2008.

The analysis broke down the length of time claimants are on benefits by month and year (3 months, 6 months, 1 year, 2 years, 4 years and 6 years), the most critical of which is the 6 year mark when the 72-month lock-in provision is triggered. The analysis also looked at the difference between Schedule 1 and 2 as well as providing a blended rate of both Schedules.

What the statistics show is that although there is a worsening problem for all claims falling within Schedule 1 at all or most of the time intervals shown, there is little to no change in performance numbers for Schedule 2 claims over the last several years. Additionally, Schedule 2 claims have fared considerably better than Schedule 1 claims for quite a long time.

For example, claims at the 3 month mark for Schedule 1 show that Claims on benefits have risen steadily since 2005 from approximately 14.3% to around 16.5% in 2008. Schedule 2 claims, however, went from 11.5% in 2005 down to the 10.8% range in 2006 and 2007 and then up to around 12% in 2008, essentially signifying no change over the span of four years.

Jumping forward to Claims on Benefits at 1 year, the statistics are equally revealing. In 2003, 6.6% of Schedule 1 claims were on benefits at the 1-year mark. Over the next five years, the percentage has gone up to 6.7% in 2004, 7.1% in 2005, 7.6% in 2006, 8% in 2007 and thus far for the 2008 claims, 8.4%. Over the same period, Schedule 2 claims also saw a rise from 3.1% in 2003 and then up gradually to the mid/high 3% range in 2007 and for 2008, 4.2%.

At the crucial 6-year mark, the spread between Schedule 1 and 2 was dramatic.

Commencing with 2000 claims, which were evaluated in 2007, 3.9% of Schedule 1 claims were on benefits at the 6-year mark. In 2001 and over the next three years, Schedule 1 claims went up to 4.1%, 4.5% and 4.6%.

Schedule 2 claims over the same period have averaged 1.2%-1.3%.

Not only are we struck by the sheer size of the difference between Schedule 1 and Schedule 2 performance numbers, but also the fact that whereas Schedule 1 shows a deterioration, Schedule 2, especially at the crucial 6-year mark, has shown little or no difference in performance between 1999 and 2003.

There are a number of messages that can be read from this information. The primary one being is that Schedule 2 employers being typically larger employers as well as being, primarily, publicly funded, do a much better job of returning their injured workers back to work and keeping them at work over a longer period of time. In its drive to improve deteriorating statistics, which are for the most part driven by the performance of Schedule 1 firms, the WSIB has re-invented its service delivery model.

If you would like a complete copy of the statistics quoted above, please contact Robert Orrico @ SBCI.

## DE 2007 À AUJOURD'HUI, LA PANDÉMIE, TOUJOURS UNE QUESTION DE L'HEURE

Dans son bulletin de décembre 2007, SBCI invitait les conseils scolaires, à la suite de la mise à jour par le gouvernement canadien du Bill C12, à se préparer à l'éventualité d'une pandémie.

Moins de deux ans plus tard, l'Organisation mondiale de la santé (OMS) élève le virus A H1N1 au niveau 6, c'est-à-dire pandémie.

La pandémie, contrairement à une épidémie n'est pas restreinte à une région, mais se propage à grand déploiement. Au Canada seulement, près de 35% de la population pourrait être atteinte du virus.

Qu'est-ce que le virus A H1N1 :

Le virus A H1N1 est formé de qualités génétiques qui proviennent de la grippe humaine, de la grippe aviaire et de deux différents types de grippe porcine (l'une des États-Unis et l'autre de l'Eurasie (ensemble de l'Europe et de l'Asie)). Ce virus n'a jamais été vu auparavant chez le porc. Il se répand au contact d'une personne atteinte du virus.

Une grippe d'influenza peut se communiquer de deux façons :

- 1) Par contact direct (entre un et deux mètres) transmission par l'air, par exemple : la toux, ou;
  - 2) par contact indirect, sur la peau, sur les vêtements et sur les surfaces.
- Un virus peut vivre environ :
- a. 5 minutes sur la main
  - b. 8 à 10 heures sur le matériel ou tissus
  - c. 24 à 48 heures sur les surfaces de travail

Le virus à une période d'incubation allant jusqu'à 7 jours.

Une pandémie cause de l'inquiétude et des peurs chez la population. De garder le personnel informé des développements et des mesures de prévention prises par le Conseil scolaire pour éviter la propagation est un bon moyen pour diminuer ces inquiétudes. Pour obtenir des informations pertinentes, crédibles et à jour, la santé publique recommande deux sites internet, le site de l'Agence de la santé publique du Canada [www.phac-aspc.gc.ca/index-fra.php](http://www.phac-aspc.gc.ca/index-fra.php) ou celui du ministère de la Santé et des Soins de longue durée [www.health.gov.on.ca/french/public/public\\_mnf.html](http://www.health.gov.on.ca/french/public/public_mnf.html).

Une pandémie vient en général en deux ou trois vagues. La deuxième vague pourrait arriver aussi rapidement qu'à l'automne prochain. Se procurer des gels désinfectants pour les mains dès maintenant est une mesure proactive à prendre pour éviter de faire face à un épuisement de la marchandise et aux livraisons différées. Pour être efficace un gel devrait avoir une teneur d'alcool entre 62 et 70 %.

À la suite de l'énoncé de l'OMS et par mesure de prévention, SBCI voudrait rappeler à tous ses membres l'importance

de revoir leur plan d'urgence en cas de pandémie, de le mettre à jour si nécessaire et d'en faire part à tous les employés.

*Il faut se souvenir que la seule chose plus difficile que de mettre sur pied un plan de pandémie, est d'expliquer pourquoi cela n'a pas été fait.*

## **FROM 2007 UNTIL TODAY, INFLUENZA PANDEMIC IS STILL A HOT TOPIC (English Version)**

---

In its Newsletter of December 2007, SBCI, following the update from the Canadian government on its Bill C12, encouraged its member school boards to prepare themselves in order to be able to face the possibility of a Pandemic.

Less than two years later, the World Health Organization (WHO) elevated A H1N1 virus to the level 6, meaning a Pandemic.

A pandemic is an epidemic that becomes widespread and affects a whole region, a continent, or the entire world. In Canada a pandemic may affect up to 35% of the population.

What is the virus A H1N1?

The H1N1 flu virus has genetic pieces from human influenza, bird influenza and two types of swine influenzas (one from the US and one from Eurasia). This virus has not previously been seen in swine. It has spread by contact with an infected person.

The two most common ways for an influenza pandemic to spread are:

- 1) By direct contact (between one or two metres) airborne transmission. For example: by coughing or sneezing, or;
- 2) Via indirect contact, on the skin, on the clothing or on hard surfaces. A virus can live as long as:
  - a. 5 minutes on a hand
  - b. 8 to 10 hours on fabric or tissue
  - c. 24 to 48 hours on hard surfaces

The virus has an incubation period of up to 7 days.

Pandemic influenza can cause worries and fears to the population. To keep staff updated on the status of the pandemic influenza in the workplace and of the preventive measures put in place by the school board to prevent the spread of the virus, is a good way to diminish those fears. To obtain pertinent, credible and up-to-date information, Public Health Units recommend two websites, the Public Health Agency of Canada <http://www.phac-aspc.gc.ca/index-eng.php> and the Ministry of Health Long Term Care website, [http://www.health.gov.on.ca/english/public/public\\_mn.html](http://www.health.gov.on.ca/english/public/public_mn.html).

A Pandemic generally comes in two or sometimes three waves. The second wave could arrive as soon as next fall. A proactive measure would be to stock up on alcohol-based hand sanitizers now to prevent possible shortages should the pandemic go the second phase in Level 6. To be effective it is recommended that the alcohol concentration be higher than 62%.

Following the WHO statement and for preventive measures, SBCI would like to remind all members of the importance of reviewing their pandemic plan, and update it if necessary. Promoting the pandemic plan with employees is a critical step to ensure its success.

“It is important to remember that the only thing more difficult than developing a pandemic plan is explaining why you did not”.

## **ANNUAL PREVENTION PLANNING**

---

Under Duties of employers in the Occupational Health & Safety Act R.S.O. 1990, c. O.1, Section [25. Idem \(2\)](#) an employer must:

(j) prepare and review at least annually a written occupational health and safety policy and develop and maintain a program to implement that policy;

and

(k) post at a conspicuous location in the workplace a copy of the occupational health and safety policy;

The purpose of an annual review is to conduct a “Lessons Learned” session at the end of the year which actively reviews the previous year’s program and its effectiveness regarding injury prevention. The purpose is to change what didn’t work the previous year with an activity which would prevent injuries to staff at the school board in the coming year.

An Annual Prevention Program outlines activities over the ensuing twelve months with benchmarks and timelines for completion and which supports the school board’s safety policy. The types of items in an Annual Prevention Program would include legislated WHMIS training, Workplace Inspections, Workplace Audits, Joint Health & Safety Committee Meetings, Incident/Accident Reporting and Incident/Accident Investigation. The Program also outlines targeted training in areas where the school board has experienced the greatest number of injuries such as but not limited to: Overexertion, Slips, Trips & Falls, Struck By/Contact With, Repetitive Strain and Aggression.

An Annual Prevention Program is nothing more than a road map to improving the workplace health and safety environment moving towards the goal of zero injuries.

## **BILL 168 – WORKPLACE VIOLENCE AND HARRASSMENT**

---

The Bill adds Part III.0.1 (Violence and Harassment) to the Occupational Health and Safety Act. Subsection 1 (1) of the Act is amended to include definitions of workplace violence and workplace harassment.

Section 32.0.1 of the Act requires an employer to prepare policies with respect to workplace violence and workplace harassment, and to review the policies at least annually.

Section 32.0.2 of the Act requires an employer to develop a program to implement the workplace violence policy. The program must include measures to

control risks of workplace violence identified in the risk assessment that is required under section 32.0.3; to summon immediate assistance when workplace violence occurs; and for workers to report incidents or threats of workplace violence. The program must also set out how the employer will deal with incidents, complaints and threats of workplace violence.

Section 32.0.3 of the Act requires an employer to assess the risk of workplace violence and to report the results of the assessment to the joint health and safety committee or to a health and safety representative. If there is no committee or representative, the results must be reported to the workers. The risk must be reassessed as often as is necessary to protect workers from workplace violence.

Under section 32.0.4 of the Act, if an employer is aware or ought to be aware that domestic violence that is likely to expose a worker to physical injury may occur in the workplace, the employer must take every reasonable precaution to protect the worker.

Section 32.0.5 of the Act clarifies that the employer duties in section 25, the supervisor duties in section 27 and the worker duties in section 28 apply, as appropriate, with respect to workplace violence. Section 32.0.5 also requires an employer to provide a worker with information and instruction on the contents of the workplace violence policy and program.

Section 32.0.6 of the Act requires an employer to develop a program to implement the workplace harassment policy. The program must include measures for workers to report incidents of workplace harassment and set out how the employer will deal with incidents and complaints of workplace harassment.

Section 32.0.7 requires an employer to provide a worker with information and instruction on the contents of the workplace harassment policy and program.

The Bill amends section 43 of the Act, which deals with a worker's right to refuse work in various circumstances where health or safety is in danger, to include the

right to refuse work if workplace violence is likely to endanger the worker.

The Bill provides for authority to make regulations, including the following:

1. Requiring an employer to designate a workplace co-ordinator with respect to workplace violence and workplace harassment.
2. In the case of workers with a limited right to refuse work under section 43 of the Act, specifying situations in which a danger to health or safety is inherent in the workers' work or a normal condition of employment.
3. Varying or supplementing subsections 43 (4) to (13) of the Act with respect to workers with a limited right to refuse work under section 43 and workers to whom section 43 applies by reason of a regulation made for the purposes of subsection 3 (3) of the Act.

## **2009 SCHEDULE 2 EMPLOYERS' GROUP CONFERENCE**

Preparations continue for the Schedule 2 Employers' Group Conference. This will be held on September 30 and October 1 at the Sheraton Parkway Hotel in Richmond Hill. The keynote speaker on September 30 will be author and professional speaker C.J. Calvert on "Boosting Your Positive Outlook". There are at least 24 workshops to choose from during the two day conference on topics dealing with Health and Safety, Attendance Management, WSIB Claims Management, Labour Relations and Wellness. Registration fees remain the same as last year. Online registration will opened in early July at [www.s2egroup.com](http://www.s2egroup.com). Any questions please contact [Chris@sbc.org](mailto:Chris@sbc.org)

## **2010 SBCI CONFERENCE**

Planning is underway for the 2010 SBCI Conference which will be held in April around the time of the SBCI Annual General Meeting. It is expected that there will be a variety of workshops and presentations from SBCI staff and outside experts on topics in Health and Safety, WSIB Claims Management, Attendance Support and Actuarial Services. If you have a suggestion for a workshop topic please email [Chris@sbc.org](mailto:Chris@sbc.org) and we will be happy to consider it.

## **LOST SOULS**

The concept of "Lost Souls" references the scenario where a worker is denied WSIB entitlement or ongoing benefits. The WSIB communicates the denial in a decision letter. The worker does not return to work and there is no active monitoring by the school board. In essence, this is a non-occupational absence at this point. Generally, these workers apply for LTD/EI or continue to access their sick credit bank or they are allowed to remain off work on an unpaid medical leave.

SBCI Claims Managers have seen situations where these workers remain off work for years without any contact or medical requested by the school board and no offers of accommodated work.

This poses a financial risk for school boards if that worker appeals the denial of WSIB entitlement/benefits. The Appeals process may take years. In a few cases, the WSIB Appeals Resolution Officer or more often the Tribunal (WSIAT) allows the case with retroactive benefits. The WSIB is usually directed to determine the period of benefits to be paid. The WSIB Case Manager then reviews the evidence in the file for level of impairment. The Case Manager is looking for the date when the worker was medically partially disabled and what were the restrictions. Once that information is known, they look for an offer of work from the employer flowing from the restrictions.

Since, more often than not, these cases have not been monitored with any regularity, LOE benefits are paid retroactively and to the date an offer is made.

SBCI advises that these denied WSIB cases are never closed and should be actively monitored, particularly where an appeal has been launched. These cases can be extremely costly and reflect negatively on the school board due to the lack of diligence. There is a further impact in cases where Excess Loss of Insurance was purchased or in the case of a claim that falls under the Assistance Programme. The Insurer, or in the case of the Assistance Programme, the Assistance Committee, when reviewing the case for

potential payment notes that appropriate disability management was not applied. It therefore has the right within the contract to deny payment if all actions were not taken to mitigate the costs and return the worker back to work.

School boards should have procedures in place to manage these cases to minimize the risk.

## **POST OFFER PRE-EMPLOYMENT SCREENING**

---

SBCI developed and provided a guidebook to all member school boards to assist with implementation of a Post Offer Screening Process for Custodians in the Fall of 2007. School boards have approached SBCI asking if we intend to produce a similar guide for Educational Assistants.

A survey is being sent to member school boards enquiring if the Custodial protocols have been implemented for your school board and the outcomes. We are also asking if there is an interest in protocols for Educational Assistants. If there are any questions on this initiative, please contact Mary Luck at 905-669-4449 Ext 229.

## **PARKLANE UPDATE**

---

Parklane recently announced new changes and additions to its software. These software upgrades can be made by visiting [www.parklanesys.com](http://www.parklanesys.com) and downloading the latest system changes. If you have not received the latest email announcing this bulletin, contact Parklane Systems @ 519-657-3386 to be added to their customer contacts.

### **What's New.....**

- Body Parts can be linked to your attributes by selecting them on the D54 screen when adding in a new incident.
- Attributes can now be grouped into categories for easy selection

### **Data Clean Up Tips**

- The summer months may be the best time to review your previous years' data and ensure your system is ready

for the new school year. Listed below are some useful ways of identifying discrepancies:

- **List of Obsolete Departments:** Shows any department that has no records attached to it. If the department is no longer valid you may wish to delete it.
- **Checking for Duplicate Claim Numbers:** This checking feature identifies any duplicate claim numbers.
- **Data Anomalies:** This utility identifies a variety of potential errors such as irregular dates or claim numbers. The user can select specific errors to check or all error checking.

## **ACTUARIAL UPDATE**

---

The 2007-08 sick leave utilization study results, including benchmarking against other DSBs and the overall average, were sent out to 40 DSBs at the end of May.

As we head into the PSAB reporting season, Boards will be contacted to determine reporting requirements and target dates for their reports, over the next few weeks. We do not anticipate any problems meeting reporting timelines but we do need to know your target dates so that the work can be scheduled appropriately. The default date for having your reports out to you will be **October 15** assuming that we have received all the necessary information on time.

Please note that Vince Capicotto is no longer with SBCI. If there are any questions regarding data requirements for 2009 please contact Wendy Achoy at Ext 238 or Maggie Zhou at Ext 241.

## **SURFING THE NET**

---

Section 168 (1) of the Workplace Safety and Insurance Act states:  
"The board of directors shall ensure that a review is performed each year of the cost, efficiency and effectiveness of at least one program that is provided under this ACT".

For 2008, a Value-for-Money Audit of the WSIB Appeals Program was completed. The link to the KPMG Executive Summary Report can be found on the

WSIB website and the link to the website is [www.wsib.on.ca](http://www.wsib.on.ca)

The scope of the audit was the process from the registration of an appeal to the communication of a decision/outcome and does not include the appeals process for occupational disease claims or the WSIAT process. The summary audit opinion is that the Appeals Program is delivering value-for-money for the WSIB. There were some recommendations made, one of which included strengthening the direction of the Appeal System Practice and Procedures document to clarify further the criteria around some Program processes, timelines and exceptions, for example, those related to oral hearings and submissions/evidence. The Appeal System Practice and Procedures document can be found on the WSIB website using the path "resource-reference-employers".

The 2009 Student Video Contest Winners have been announced. The link to the top three videos is on the WSIB website and it is worth the time to watch them. They are excellent and it looks like young people are "getting it".

## **CALENDAR OF EVENTS**

---



### **Board of Directors Meeting:**

October 16, 2009

## **SBCI SERVICES**

---

### **TOTAL EMPLOYEE ATTENDANCE MANAGEMENT & SUPPORT (TEAMS)**

- Attendance Support -
- WSIB Claims Management -
- Health and Safety -
- Wellness -

### **ACTUARIAL**

- PSAB -
  - Sick Leave Utilization -
-

## **SBCI STAFF**

Brian Brown, Chief Executive Officer  
Mary Luck, Senior Claims Manager  
Darlene Iwaszko, Claims Manager  
Christopher James, Claims Manager &  
Lawyer  
Kelly Melanson, Claims Manager  
Robert Orrico, Claims Manager  
Louise Bellamy, Financial/Office  
Co-ordinator  
Lisa Chaplin, Claims Analyst  
Melissa Hewit, Parklane Assistant  
Monica Wroblewska, Executive Assistant  
Audrey O'Connor, Data Entry Clerk  
Neera Ramkorun, Data Entry Clerk  
Rolly Montpellier, Marketing Consultant  
Jessica Burroughs, H & S Specialist  
France Germain, H & S Specialist  
Lynn Porplycia, Attendance Support Practice  
Leader  
Byron Franson, Attendance Support  
Co-ordinator  
Cheryl Luke, Attendance Support  
Co-ordinator  
Shoba Thomas, Bilingual Attendance  
Support Co-ordinator  
Wendy Achoy, Chief Actuary  
Joseph Chan, Actuarial Analyst  
Brad Bowen, Actuarial Analyst  
Maggie Zhou, Actuarial Analyst  
Ellen Xu, Actuarial Analyst

## **SBCI BOARD OF DIRECTORS**

Ronald C. BENDER  
Damian BORRELLI  
Lori GILLESPIE  
Michael LANGLOIS  
Carolyn MILJAN  
Bryan D. MAHN  
Steven M. PARFENIUK  
Roger H. RICHARD  
Anna SEQUEIRA  
Gerry THUSS