



SBCI UPDATE

March 2012

NEWSLETTER

MESSAGE FROM THE CHAIRPERSON

It is with pleasure that I write this message on the first day of spring. I know that it was a winter that wasn't, but the arrival of spring with its longer days, sunshine and warmth always provides our staff and families with the uplift needed after a long cold winter.

I will start by welcoming people who have recently joined SBCI's staff. Figen Dalton joined SBCI at the end of 2011 as a Workers' Compensation Claims Manager, joining us from AON Consulting. Figen is a paralegal and she also has a Health and Safety designation.

And, in February, Raazia Haji joined our actuarial team to work with Wendy, Joe and Shawn on PSAB actuarial calculations. Raazia is in the middle of the exams needed to become a qualified actuary.

I should also mention that Lily Li became the Executive Assistant to the Chief Operating Officer in late 2011, having worked for us for 6 months covering the latter part of Monica Wroblewska's maternity leave. Monica has decided not to return to SBCI.

Welcome to all of you.

The Co-operative's staff has been very busy over the past few months responding to Requests for Proposal. One of those, in particular, stands out in that SBCI was chosen by the City of Barrie to carry out its PSAB actuarial liability calculations for the end of 2011, and the subsequent two years. We are pleased to do this work for a municipality given that the work is done at a different point in time from the corresponding school boards' work.

The Co-operative's Annual General Meeting is on Friday, April 13 at SBCI's offices in Markham. I invite everyone to attend, if the time and location works for you. Besides the usual proceedings, for the first time SBCI will be making Health and Safety Awards to member boards that have excelled in Fiscal Year 2010-11.

After this Annual Meeting, I will be stepping down as Chair though I will remain on the Board of Directors. Since this is therefore the last time that I will be able to write the Chair's Message in this Newsletter, I wish to thank my fellow Board members for their support over the past two years, and express my appreciation for the work that the staff has done over that period.

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 Gerry_thuss@hpcdsb.edu.on.ca or on (519)345-2440 X330.

Gerry Thuss
Chairperson

ACTUARIAL UPDATE

2011 Sick leave Utilization Study

Work has already started on the 2011 Paid Sick Leave Utilization Study. If your board would like to be included in this study, there is still time to send in your data so that it can be included in the aggregate and the benchmarking results. We are aiming to complete the study by April 15th.

As in previous years, we will produce preliminary individual results for review by each board, followed by the aggregate 2011 results with benchmarking results. The results will be combined with prior years' results to produce an updated actuarial assumption basis for use in the sick leave and gratuity PSAB liability calculations. As each board's experience has accumulated and become more credible the base assumption is modified to be more reflective of the board's own experience.

2012 PSAB Actuarial Reporting – Full Valuation Data Reminder

If your 2011 actuarial report indicated that your next full valuation will be performed this year, please send in your data as soon as possible if you haven't done so already.

PSAB Actuarial Renewal Letters

We sent out renewal letters in February for the boards that are up for renewal this year. As in prior years, it is important to note that our pricing includes all the work required in the 3 year period including the impact of plan changes, revisions to key economic actuarial assumptions such as discount rates and salary increases and any revisions to MOE reporting requirements from your actuary. This is especially important as you begin negotiations this year.

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As for all SBCI services that SBCI provides directly to school boards, SBCI Actuarial Services are exempt from BPSAA requirements.

If you would like more information on the study please or other PSAB Actuarial Services, please call Wendy Achoy at 1-800-361 3516 Ext 238 or send her an email at wendy@sbc.org

7 REASONS FITNESS BALLS SHOULD NOT REPLACE OFFICE CHAIRS

It's a time when many people begin a healthy regimen which likely includes more exercise. Of course this is a great direction to go in and taking care of your health has many rewards. When we are all so busy it's tempting to try and incorporate exercise into our work life. For some, this is a walk at lunchtime and taking the stairs. For others, this is when they decide to roll away the office chair and use a fitness ball instead. The temptation is clear but the downside is not. It is best to stay with the office chair – see the 7 points below!

1. You have a higher risk of falling when getting on or getting off or reaching from the ball.
2. You can't swivel or navigate your workspace from sitting.
3. Your buttocks and thighs have insufficient support.
4. You don't have full seat or back support, making it difficult to maintain an upright posture.
5. You have minimal adjustability.
6. Your muscles are working excessively to maintain an upright posture.
7. You are literally exercising all day long, leading to increased fatigue.

SURFING THE NET

There is a brief description on the WSIB website www.wsib.on.ca about the new model for physician file reviews. This was also discussed at the Schedule 2 Employers' Group meeting in December, 2011 by WSIB staff.

Basically, there are going to be 2 streams – internal and external physicians. The external physicians are Consultants and

they have been contracted through an RFP process to provide medical opinions on claims. Claims will be sent to an intake area manned by WSIB Health Services and these outside consultants will pull their work from the queue. The intent of this process is to improve timeliness of medical opinions and provide quality service.

The internal physicians (known as Medical Consultants) have a new title of "Staff Physicians". They are still available for case conferences with staff and will continue to call Physicians as required.

E-Filing - There is a new department at WSIB called Channel Solutions. The purpose of this department is to look at how services are delivered. For example, this department is reviewing the process for e-filing Form 7's. There is now a video tour of the Form 7 on the WSIB website which assists employers with e-filing. Clarification from SBCI's Bilingual Data Management Assistant is that the e-form 7 on the WSIB website is mainly for employers who do not have software to fill in the Form 7. They enter the information directly online. If you are using the old version of Parklane or are a Schedule 1 School Board, you can use this.

With Parklane we are using the B2B (Business to Business) which is an interface between the application (Parklane) and WSIB. Information was sent to member School Boards on how to implement this procedure.

APPEARING AS A WITNESS AT WSIB & WSIAT HEARINGS

It is quite likely that many Supervisors, Managers or Principals will, at some point in their career, be asked to appear as a witness on behalf of their school board at a WSIB hearing, WSIAT hearing or perhaps a labour arbitration. These types of administrative tribunal hearings typically take place in a boardroom setting without all of the formality of a court proceeding but there can still be a great deal at stake for both parties in terms of the issues and dollars involved.

The school board's representative or legal counsel may want to have a Supervisor or Principal appear as a witness in order to

get certain pieces of evidence into the record to support the school board's position in a given case. As a witness for the school board you are the "face" of the organization and need to look clean, neat and professional. You also need to be fully prepared for the type of questions that you will be asked so that hopefully you will be able to provide useful and relevant information. While it is OK for a witness to say that they do not know the answer to a given question, if they don't know the answer, it is embarrassing and awkward if a witness is unprepared and does not remember the salient details of a given case. If they do not know the key facts and cannot shed some light on what took place, why are they being called as a witness?

A witness should expect that they will be asked to wait outside of a hearing room until it is their turn to give evidence. When they are called into the hearing room they will normally be asked to swear an oath on the bible to tell the truth or to affirm that they will tell the truth and they will be asked if they understand that it is an offence under Ontario law not to tell the truth. If you are called as a witness for the school board you will normally be asked questions by the school board's representative or lawyer first. It is possible that a WSIB Appeals Resolution Officer (ARO), WSIAT Vice-Chair (VC) or Labour Arbitrator (LA) may interrupt the questioning to ask a question of clarification or quite a few questions if they feel the topic is important and they are concerned about missing this opportunity to get the evidence on the record. Once the school board's representative has finished with his or her questions then normally the employee's representative will be given an opportunity to ask his or her questions. When that is completed the ARO, VC or LA may have some questions. When this is completed each of the representatives will be given a final opportunity to raise questions on matters that came up in the other representative's questions or in the questions of the decision-maker.

A prospective witness should ask their representative the following:

- What are the issues being dealt with at the hearing?
- Do you need me to look for notes, records or other information that is not presently

in the file? If yes, what information is relevant to the proceeding?

- What questions are you likely to ask me at the hearing?
- What questions am I likely to be asked at the hearing by the other representative(s)?
- Do you have any information that I can review to help me refresh my memory related to the case? (Prior statements or notes by the witness may be very important)
- Am I able to bring my notes to the hearing to look at during questioning?
- Where is the hearing and what time do I need to be there?

The school board's lawyer or representative should not tell a witness what to say in answer to a question. It is the duty and obligation of a witness to give their evidence honestly to the best of their ability. In many cases though a hearing will take place years after the events and consequently a witness will need to review their notes, records and documents that were prepared at the time things were happening in the case to refresh their memory. This preparation can take hours or even days in a major case. This preparation is important and can make a difference in the outcome of the hearing.

This article is intended as a starting point for discussions and not a complete review of the topic. SBCI will be offering a training session on being a school board witness later in 2012 that will go into more detail on what Supervisors and Principals should expect if they are asked to be a witness. For questions in the interim please contact chris@sbc.org. Thank you.

MESOTHELIOMA

Anyone who has seen the WSIB's adjudication of mesothelioma cases knows how difficult it is to piece together a history and to provide verification that a worker's lung cancer condition was caused by the likely exposure to asbestos during a worker's work life. As the latency period for cancer cases involving asbestos and mesothelioma in particular is

30-40 years, the problem stems from the fact that record keeping and witness information going back to the 1960's and 1970's is unreliable and/or incomplete, at best. This then, invariably, leads to the need for an investigator to gather information such as; witness statements, Ministry of Labour reports, Asbestos Surveys (if available), construction and demolition records held by the employer, employment records for the worker, etc.

The last piece of the adjudication puzzle usually involves an Occupational Hygienist who is then given the task of making a determination about whether there is a likely and meaningful exposure, that occurred during the worker's employment. Our experience has been that in cases which are sufficiently grey, the WSIB usually sides with the worker.

It is our position that the employer should not accept the WSIB's ruling without testing the information gathered by independent means and to challenge entitlement if it is felt that the evidence does not meet the standards imposed by the basic "balance of probabilities" and "probable" or "likely" history of exposure tests. Case Managers have been known to use "possible" in exchange for the term "probable" in the allowance decision letter. Thus, "if it is possible, then it must have been the case."

Although absolute certainty is not required when adjudicating cases, there is still the need to make rulings using fundamental adjudicative principles based on balance and significant contribution tests, both of which have been accepted by Tribunal decision makers as key points when making a determination in occupational disease cases.

One tool in the arsenal to rebut the Case Manager's thinking and adjudication process is to order your own independent Occupational Hygiene review. This is no different from what generally takes place within the WSIB itself; however, there is greater objectivity from an independent third party without the built-in bias normally seen coming from the Occupational Disease Branch of the WSIB.

This is important for two reasons:

1. An objective and independent analysis will provide possible

alternate sources of exposure and measure the relative importance of those exposures as well as provide guidance for the need for further investigations to determine the significance of the alternate sources.

2. Bringing closure to a genuinely confusing matter. Employers are often blindsided by claims with alleged exposures dating back decades when most, if not all, of the staff no longer work for the school board and structures, schools and offices have either been significantly modified or torn down altogether. The often-heard refrain is, "how does the WSIB know it was from working for us rather than for someone else?" The short answer is they don't know for sure. Rather, all they do know is that most of the indicators (evidence) points in that direction. An independent review that is thoughtfully written and concise will help bring closure to the issue where we can call accept the conclusions as being reasonable based on the findings.

SBCI BOARD OF DIRECTORS

Gerry Thuss (Chair)
Lynda Coulter (Vice Chair)
Ronald Bender
Judi Goldsworthy
Carolyn Miljan
Mark Musca
Maura Quish
Roger Richard
Mary Lynn Schauer
Anna Sequeira

DATES OF MEETINGS

Board of Directors Meetings

AGM, Friday, April 13, 2012

Friday, May 11, 2012

SBCI STAFF

Brian Brown, Chief Executive Officer
Lynn Porplycia, Chief Operating Officer
Wendy Achoy, Chief Actuary
Joe Huang, Actuarial Analyst
Shawn Tang, Actuarial Analyst
Raazia Haji, Actuarial Analyst
Mary Luck, Senior Claims Manager
Darlene Iwaszko, Claims Manager
Christopher James, Claims Manager & Lawyer
Kelly Melanson, Claims Manager
Robert Orrico, Claims Manager
Figen Dalton, Claims Manager
Louise Bellamy, Financial/Office Coordinator
April Wei, Executive Assistant
Lily Li, Executive Assistant
Anne Huska, (Acting) Supervisor, Data Management
Sylvie David, Data Management Assistant
Rose Erbay, Data Entry Clerk
Audrey O'Connor, Data Entry Clerk
Rolly Montpellier, Marketing Consultant
Michael Andich, Marketing Consultant
Robbin Lavoie, Senior Health & Safety Specialist
Christina Bick, Health & Safety Specialist
France Germain, Health & Safety Consultant
Byron Franson, Attendance Support Consultant
Kathleen Gratton, Attendance Support Consultant
Anna-Maria Vogiatzis, Bilingual Attendance Support Consultant
Patrick Gani, Senior Analyst Programmer