



SBCI UPDATE

September 2015

NEWSLETTER

MESSAGE FROM THE CHAIRPERSON

Welcome back to a new school year. I trust that everyone enjoyed a safe and relaxing summer.

As we start on another school year, Finance Departments in school boards and SBCI's Actuarial Department start on the year-end work for the previous academic year. For SBCI, this is first year without Wendy Achoy who retired at the end of August. We wish Wendy a very long and healthy retirement.

For this year-end, the Actuarial Department has an additional 4 school boards over previous years, with one of the additions being TDSB. For WSIB liabilities, the Co-operative now does the calculations for 69 of the 72 Ontario school boards.

While on the subject of retirements, I also want to take the opportunity of wishing Louise Bellamy a happy and healthy retirement. Louise retires at the end of September after 12 years as Financial/IT Co-ordinator. Louise has been the driver of many initiatives over her time with SBCI, not least our website.

Over the past few weeks, Louise has been handing over the Financial responsibilities to Zahra Haji who joined us in August to fulfil this role. Welcome to SBCI, Zahra.

Also in August, Michelle Montgomery joined SBCI as a H&S Specialist. Michelle joins us most recently having spent several years at City of Pickering as the H&S Officer. Welcome to SBCI, Michelle.

In August, we held a Board of Directors meeting and Committee meetings. One of the key decisions made by the Board

relates to the Assistance Program and most importantly to the period 2005 to 2009. When first initiated, we had expected to make a settlement of all claims at the end of 2014. Last year, we delayed this for one year because many claims were still not finalized. However, since there are a large number of claims still being finalized by WSIB and WSIAT, we have decided to delay settlement until at least 75% of potential claims have been finalized. Presently we are only around 33%. A formal notification will be sent to participating boards in the very near future.

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 maura.quish@wcdsb.ca or (519)578-3660 X2368.

Maura Quish
Chairperson

MEDIATION AT WSIAT

At the present time the waiting period for a hearing date at WSIAT is approximately 18-24 months. They are dealing with a high volume of cases and only have a limited number of staff to assign to those cases. Mediation at WSIAT has been an option for many years but it makes even more sense now that there is a large hearings backlog.

In the past when we attended mediations it normally involved mediation with a mediator who was not a WSIAT Vice-Chair. This allowed the parties to explore options for settlement with a neutral third party who had read the case and could discuss possible settlement options that might be included in a Tribunal

IN THIS ISSUE

MESSAGE FROM THE CHAIRPERSON	1
MEDIATION AT WSIAT	1
2015 SCHEDULE 2 EMPLOYERS' GROUP CONFERENCE.....	2
WSIB VALUE FOR MONEY AUDIT OF SCHEDULE 2.....	2
NIDMAR CERTIFIED.....	3
UPDATE ON ATTENDANCE SUPPORT AND CASE MANAGEMENT SERVICES.....	4
MINISTRY OF LABOUR ENFORCEMENT STRATEGY.....	4
SBCI BOARD OF DIRECTORS.....	5
DATES OF BOARD MEETINGS.....	5
SBCI STAFF.....	5

decision. The one draw-back with this arrangement was that the mediator could only recommend a settlement to a Vice-Chair and if the Vice-Chair did not agree with the proposed settlement a tentative agreement might fall apart requiring the parties to try again.

In August 2015 an SBCI Claims Manager (CM) attended a mediation managed by a WSIAT Vice-Chair. The Vice-Chair met with the worker and employer parties separately and asked each for their own views on the case before sharing her perspective on what a Vice-Chair or panel might decide if the case went to hearing. She was very candid in her assessment of the strengths and weaknesses of the worker and employer positions.

A settlement allows the parties to have a say in a WSIAT decision and have certainty in what will happen. It is a good option in cases where there is some

middle ground and a willingness to pay something to avoid the downside risk of a potentially greater cost with an adverse decision.

There is also some scope for using the mediation session to resolve outstanding employment issues at the same time if an employee is close to retirement or willing to resign. Such matters will not form part of a WSIAT decision but it is possible to have separate Minutes of Settlement drafted to address these employment matters as part of a bigger overall deal with the worker. This can be an attractive option to a school board that may have an employee on their books who is not expected to return to work but who is off work indefinitely on a leave without pay.

The alternative to mediation is an oral hearing or a decision based on written submissions. There is no certainty as to the outcome in those cases. Even if you believe that you have a strong case on the facts and evidence there is no guarantee that whoever decides the case will share your views. Some Vice-Chairs are fairly conservative in what benefits they will approve while others are more liberal in their decisions. Mediation offers the potential for certainty if the parties are able and willing to compromise to reach an agreement. Mediation is not ideal for all cases but it is an option worth considering more often now that there are longer delays at WSIAT.

In this case, the Vice-Chair was also in a position to agree to a possible settlement and to implement it into a decision if agreement could be reached by the parties. Fortunately the school board and the CM had done plenty of preparation in advance of the mediation and were in a position with pre-approved settlement options to offer. This allowed us to offer some clear concrete options to the worker that accepted some entitlement where there was merit to the issues and declined to accept other areas of entitlement where there was a lack of evidence to support aspects of the claim. We were able to go from nine issues of appeal to three issues in about an hour. The framework for settlement was developed and some related employment issues needed some clarification but at this stage it looked likely that a successful resolution would be achieved.

For more information on whether mediation may be a good option for your case at WSIAT please discuss the circumstances with your Claims Manager.

2015 SCHEDULE 2 EMPLOYERS' GROUP CONFERENCE

The Schedule 2 Employers' Group 26th Annual Conference will take place October 6 & 7, 2015 at the Sheraton Parkway Hotel & Conference Centre, Richmond Hill.

The theme of the Schedule 2 Employers' Group Conference for 2015 is "Mindful at Work" and there will be plenty of emphasis in the keynote presentations and workshops on employee mental health.

The keynote speaker on the morning of the first day will be Brian Henick of the Mental Health Commission of Canada who will be speaking on the "Business Case for Improving Mental Health". During part of the afternoon on October 6 there will be a panel discussion organized by the Mental Health Commission of Canada and featuring representatives from large employers like Manulife talking about the steps they took to implement the CSA Mental Health Standard.

On October 7 the keynote presentation will be by Jody Urquhart, a professional speaker and author on the subject how to make work more fun and satisfying. She is the author of the book entitled: "All Work and No Say." Her goal is to motivate people to derive more meaning, fun and satisfaction from their work and she does it with humour and insights into life in the working world. A light and entertaining start to the second day of the conference.

There will be approximately 35 workshops to choose from spread out over the two days dealing with topics related to Mental Health, Health and Safety, Disability Management, WSIB Claims Management, Attendance Management, Employment-related Legal Issues and HR issues. There will be opportunities to network with colleagues and presenters during breaks and at a cocktail reception at the end of the first day.

Registration is now open so please go to www.s2egroup.com for more information or to register. There will be a discounted rate for registering before October 2, 2015 and discounts if you register more than five people from one organization. The discounted rate is \$449.00 which includes breakfast and lunch on both days and admission to the cocktail reception in the late afternoon on October 6. This conference is run on a not-for-profit basis and represents excellent value for people interested in staying current on emerging trends and issues. For more information please go to www.s2egroup.com or contact Chris James at SBCI at 1-800-361-3516 ext. 227 or chris@sbc.org.

WSIB VALUE FOR MONEY AUDIT OF SCHEDULE 2

The WSIB has retained the services of Ernst & Young to do a Value for Money Audit on WSIB Schedule 2 services and operations at the WSIB. The time frame for this audit is extremely short with a target date for a draft report at the end of September and a final report to the WSIB Board of Directors by early November. Ernst & Young will be contacting individual Schedule 2 employers to schedule an interview or to participate in a survey. The Schedule 2 Executive met with the auditors for initial discussions on July 27 to provide them with background information on the issues for Schedule 2 employers. The Schedule 2 Executive has committed to providing the auditors with background documents and will provide them with further information at a subsequent meeting.

On July 29 Brian Brown and Chris James had a conference call with the auditors to provide them with information on how the WSIB has calculated the WSIB Administration fees charged to Schedule 2 employers and how the circumstances have changed since the WSIB unilaterally dissolved the Schedule 2 Industry Sector in 2005. We shared with the auditors information on how the Administration fees have risen over the years going from a low of approximately 12.5% in 1983 to the present rate of approximately 34%. This represents a significant cost for Schedule 2 school boards. We recommended that the WSIB prepares a paper exploring the options for apportioning the pool of expenses

required by the WSIB each year and develops a fair method of calculating administration fees for Schedule 2 employers.

If you are asked to participate in an interview or to complete a survey please expect the issues to be quite technical and give thought as to who you would like to answer the questions on behalf of your organization. The following will give you some idea of the intended scope to the audit:

“The WSIB is seeking to perform a VFMA on the Schedule 2 program that will evaluate the cost, efficiency, and effectiveness of services delivered to the Schedule 2 sector pertaining to the administration fee charged to Schedule 2 employers.

Further objectives of the VFMA are:

- To obtain recommendations to help ensure alignment within the context of WSIB’s rate setting and funding processes.
- A review of processes used:
 - To determine the administration fee and its allocation among Schedule 2 employers;
 - To estimate long-term liabilities;
 - To manage related funding risks; and
 - To measure and report on program performance.
- A review of the policies and processes used to ensure that Schedule 2 employers, both collectively and individually, pay their “fair share” of WSIB’s administrative costs required under Section 85(1) of the Act. Considerations, in assessing “fair share”, may include applicable WSIB legislated obligations, enterprise transformation and project costs, and the practice of charging some employers little or no administration fee based on their claim costs.
- An assessment of the methodology used to estimate Schedule 2 employers’ long-term liabilities, both collectively and individually, and the strategy and processes used to mitigate funding risks and secure liabilities. This may entail a comparison of funding risks between public and private sector employers, the management of these risks, and the use of letters of credit to secure long-term liabilities.

In providing an audit opinion on the cost, efficiency and effectiveness of the services delivered to the Schedule 2 sector, the VFMA should include:

- A review of how services delivered to Schedule 2 employers differ from Schedule 1;
- Performance criteria used to evaluate delivery;
- Relevance and reliability of performance data;
- The quality and timeliness of performance reporting including respective alignment with enterprise strategy.

The Value for Money Audit should also include a comparison with similar programs in other Workers’ Compensation Boards with a focus on Canada examining the services provided and the approach to setting the related administrative fees.”

We will provide you with more information on the Value for Money Audit when preliminary findings are provided to us and explain what the implications may be for Schedule 2 school boards.

NIDMAR CERTIFIED

SBCI is dedicated to ensuring that our Attendance Support Consultants keep up-to-date on the latest industry best practices, processes and case law/legislation. As such, our staff are Certified Disability Management Professionals (CDMP) and any new staff are supported through professional development.

Attendance Support Consultant, Kathleen Gratton, is a CDMP.

Certified Disability Management Professionals may work internally within their own organization or externally as a provider. Although they may provide direct services to workers with disabilities, they often perform executive functions which may include but are not limited to administration of DM services, development of policies and procedures, promotion of RTW concepts through education and training, consulting to joint labour-management committees and program evaluation.

Attendance Support Consultant, Julia Barrasso, is a CDMP, as well as a certified NIDMAR Auditor for Consensus Based Disability Management Audit (CDSMAs).

All Consensus Based Disability Management Audits are completed by Certified CBDMA™ Auditors. In order to become a Certified Auditor, an individual must be experienced in the field of disability management, hold a Certified Disability Management Professional (CDMP) certification, take extensive training in the use of the audit tool and pass a comprehensive examination.

What is the National Institute of Disability Management and Research (NIDMAR)?

NIDMAR was founded in 1994 and is committed to reducing the human, social and economic cost of disability to workers, employers and society.

NIDMAR’s main areas of activity are:

1. **Education and Training** A range of programs to assist organizations to integrate workers with disabilities into the workplace.
2. **Workplace Program Implementation** Support products, services and programs to assist workplaces to develop and implement Disability Management programs are available through NIDMAR.
3. **Consensus Based Disability Management Audit™** The first calibrated and jointly endorsed Audit tool designed to measure organizational performance in Disability Management using a set of validated benchmarks against the Code of Practice for Disability Management.
4. **Research and Policy Development** Research initiatives provide a variety of qualitative and quantitative research outcomes. This information is published, made available and is used to enhance both educational programs and product/service development.
5. **REHADAT Canada** This comprehensive electronic information resource provides a

wide range of data for employers, unions and healthcare practitioners that can be utilized in their daily work.

UPDATE ON ATTENDANCE SUPPORT AND CASE MANAGEMENT SERVICES

SBCI has completed a review of our overall approach and pricing for Attendance Support Services. The annual Attendance Support Service fees have been reduced.

SBCI now offers:

- Advice and guidance on any program or strategy for Wellness, Disability and Attendance Management matters
- Expertise to lead school boards through assessing, developing, implementing and maintaining Attendance Support Programs to align with industry best practices
- NIDMAR-based assessment and evaluation of Attendance Support Programs
- Annual Absence Study Report (Quantitative and Qualitative Report)
- Annual Refresher Training for Principals/Managers, Human Resources and Employee Health Departments
- Education and forums on school board absence management issues:
 - Workshops /Projects to address evolving challenges
 - SBCI Conferences

Some school boards have been using 3rd party adjudication for teaching staff absences. SBCI has formalized a Case Management relationship with Oncidium. This allows us to offer the critical services to drive down absence durations for all school board staff. These services include:

1. Advice and Case Management of Non-Occupational Sick Leave Absences;
2. Advice on Accommodation issues;
3. Medical Assessments;
4. Other services as mutually agreed upon

Many school boards approach the management of absences through a non-medical model exploring and acting on functional abilities and limitations as

presented by the employee's medical treatment.

As seen in other public sectors, school boards are acknowledging the need for greater assistance to manage employees' absences and return to work efforts. There are various reasons for this shift:

- The increasing complexity of medical conditions impacting employees' abilities to work (particularly mental health challenges).
- Some employees struggling to secure appropriate treatment due to health care system shortcomings.
- The desire to remove sensitive medical information from school boards' offices.
- The school boards' goal to align the absence management approaches for non-occupational and occupation-related (WSIB) absences (through external adjudication and case management).
- The desire to manage pregnancy-related absences.

The SBCI Absence Study reveals that 63 percent of school boards experienced increases in the average sick days/employee (comparing 2013-14 to the previous year). Clearly there is a call to action to address these trends and costs. As your co-operative, SBCI remains available to discuss relevant strategies and solutions.

MINISTRY OF LABOUR ENFORCEMENT STRATEGY

As a new school year starts it is important to take a look back so we can learn what has happened and use that information to plan for the year ahead.

In the area of Health & Safety, looking back into the education sector has seen Lost Time and No Lost Time incident rates increase each of the past few years. There were also significantly more critical incidents than in previous years. The education sector (school boards included) is one of the few sectors in Ontario that is experiencing this type of increase. That is not a positive trend and something that, looking forward, needs to be learned from and changed.

In 2015-16 the Ministry of Labour (MOL) will continue its program of enforcement

initiatives. These programs are "intended to raise awareness of workplace hazards and promote compliance with the OHS Act and its regulations". For the third time in four years the MOL will conduct an enforcement strategy in the education sector. From November 16 to December 18, 2015 school board officials can expect an increase in the number of inspections by MOL inspectors. Once again they will be focusing on hazards at school boards and secondary schools with "technological education labs and shops (i.e., auto body shops, constructions and manufacturing courses) and science labs".

The inspectors will be looking for a number of key elements within a well-functioning Health & Safety program. These include records of the employer providing employees with the appropriate information and supervision to protect their health and safety; compliance with a workplace violence prevention program; proper personal protective equipment (goggles, footwear, gloves, stealthware) being provided and worn; eye wash stations available and maintained; maintenance records of equipment, regular inspections of equipment and the workplace; and slips, trips and falls hazards being recognized and controlled.

All of this activity is designed to promote proper health and safety programming, improve the workplace safety culture and ultimately reduce the number of workplace incidents.

The last time a targeted initiative was conducted on the education sector was in the fall of 2013. That initiative resulted in 1,739 orders being written by the MOL inspectors for various violations. 163 of those orders were of such a serious nature that the employer was required to comply with the order immediately while the MOL inspector was still on site and could include a stop work component. That is extremely disruptive to the school and the students.

By looking back at the results from the last MOL targeted initiatives we encourage school boards continue to review their Health & Safety programs and apply the lessons learned so they are in a more positive position for the upcoming initiative.

If you have any questions about your program or want to discuss the upcoming

MOL initiative further please contact your SBCI Health and Safety Specialist.

SBCI BOARD OF DIRECTORS

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

Renee Moreau, Data Management Assistant
Micheline Desjardins, Bilingual Data Entry Clerk
Audrey O'Connor, Data Entry Clerk
Louise Ellis, Director Attendance Support Services
Julia Barrasso, Attendance Support Consultant
Kathleen Gratton, Attendance Support Consultant
Rana Khalaf, Manager, IT Applications
Patrick Gani, Senior Analyst Programmer
Anwar Khalil, Programmer/Analyst
Gavin King, Programmer/Analyst

DATES OF BOARD MEETINGS

2015 **November 6**
 December 11
2016 **February 5**
 March 4
 April 8 (AGM)
 May 6

SBCI STAFF

Brian Brown, Chief Executive Officer
Lynn Porplycia, Chief Operating Officer
Raazia Haji, Manager, Actuarial Department
Joe Huang, Actuarial Analyst
Greg Komatich, Actuarial Consultant
Justin Lee, Actuarial Student
Shawn Tang, Actuarial Analyst
Suzy Zhang, Actuarial Student
Christopher James, Senior Claims Manager & Lawyer
Figen Dalton, Claims Manager
Darlene Iwaszko, Claims Manager
Dave Kersey, Claims Manager
Mary Luck, Claims Manager
Kelly Melanson, Claims Manager
Robert Orrico, Claims Manager
John Bryden, Director, Health & Safety Services
France Germain, Health & Safety Consultant
Michelle Montgomery, Senior Health & Safety Specialist
Louise Bellamy, Financial/IT Coordinator
Zahra Haji, Financial Coordinator
Karen Bertrand, Accounting Clerk
Erin McLennan, Executive Assistant
Lily Li, Executive Assistant
Melissa Hewit, Manager, Data Management
Sylvie David, Data Management Assistant