



SBCI UPDATE

March 2015

NEWSLETTER

MESSAGE FROM THE CHAIRPERSON

SBCI's Annual General Meeting will be held on Friday, April 10 at Hilton Garden Inn, Richmond Hill. Notifications have been sent to all Designated Representatives of member boards. I invite you to attend this meeting, if you are able.

After that meeting, I will step down as Chair, though I will continue on in my capacity as director of SBCI. I have very much enjoyed my time as Chair of the Co-operative and feel privileged to have had that opportunity.

In the last Newsletter, I mentioned the Absence Study that SBCI conducted for the years 2010 to 2013, and is extending to 2013-14. We are very close to issuing this latest year's results, and are pleased that the number of participating boards has increased from 49 to 51. The Absence Study provides the data analytics to support strategic program development to address absence cost drivers.

The Co-operative continues to offer Ontario school boards a Case Management service for non-occupational absences. The costs associated with employee absenteeism can be significant, but with fair and consistent management, school boards can manage the negative impact of absenteeism on both the workplace and on the employee and, in doing so, support the employee's well-being.

SBCI staff is happy to meet with your management to discuss external adjudication and Case Management strategies including the business case and implementation strategies. The Ministry of Education continues to support the need to review the continuous

improvement opportunities in school board operations, and effective Attendance Support Programs is one area of great potential for improvement.

As usual in these Messages, I am able to welcome new staff to SBCI. This time, I am very pleased to welcome Micheline Desjardins in the Data Entry role within the Data Management department. Bienvenue, Micheline.

However, Steven Sone, who only joined our Health & Safety area 6 months ago, has decided to leave us to join the Nova Scotia WCB. Family ties! We wish Steven every success and thank him for his efforts during his brief stay with us.

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 bastcaro@cscprovidence.ca or (519)948-9227 X230.

Carolyn Bastien
Chairperson

SPRING 2015 SBCI REGIONAL MEETINGS

Spring 2015 SBCI Regional Meetings (combining WSIB, Health & Safety, Attendance Support and Data Management) are tentatively set -- Please mark your calendar for the dates and locations that work best for you and your staff:

1. **Eastern Ontario** – Upper Canada DSB (Brockville) – May 28
2. **North-Western Ontario** – Keewatin-Patricia DSB (Dryden) – June 4
3. **South-Western Ontario** – Lambton Kent DSB (Chatham) – June 9

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4. **GTA** – Hamilton-Wentworth DSB – June 12
5. **French session** – To be confirmed.

The meetings are expected to last from 9am to 3pm. The focus of the morning session will be **Student Aggression**. This topic is becoming more and more of a serious issue with respect to both Occupational and Non-Occupational absences. School boards are concerned with the high volume of cases that they are seeing and the impact on their staff. SBCI will be leading facilitated discussions to get a better understanding of the issues and some potential strategies for reducing the frequency and severity of these incidents. We would like this to be a good opportunity for information sharing and collaboration with the aim of helping

all school boards to improve their programs and support for staff.

In the afternoon there will be discussions dealing with the CSA Mental Health Standard. Implementing this standard is a significant task and SBCI will be looking to identify school boards that would like to work with us as we initiate this project.

SBCI will develop and lead a school board-specific approach through the 2015-16 School Year. This will be done through regularly scheduled webinars/conference calls for the participating SBs. In-person sessions will be facilitated by SBCI, according to the school boards' preferences. Summer 2015 will be used to set the stage. We look forward to the school boards' participation in this initiative (at no cost to all SBCI Attendance Support school boards).

There will also be a presentation on data that school boards will find useful in monitoring and investigating their health and safety performance and WSIB claims. It will highlight useful reports that can be extracted from your Parklane system. For those school boards that do not have the Parklane system, SBCI can run the reports for you.

Finally there will be an update provided with respect to work that SBCI has been doing on the topic of head injuries. A head injury guide and resource information will be provided on a USB-key to member school boards for their use. For school board staff that are unable to attend the session in their own region, the meeting tentatively set for June 4 will allow for on-line participation using GoToMeeting. Please watch for upcoming emails with the meeting agenda and registration forms. For more information please speak to Chris James or your regular SBCI contact. Chris may be contacted at 1-800-361-3516 ext. 227 or chris@sbc.org

SURVIVOR BENEFITS WSIB VS. WSIAT

WSIB Survivor Benefits is a sensitive topic, notably because it involves the death of a worker due to a workplace accident or the result of a long-latency

industrial disease. With respect to industrial disease claims, the death more often than not, occurs post-retirement.

It is relatively rare for a school board employee to suffer from an industrial disease. However, it does occur and the issues described below have relevance to school boards. The WSIB's mishandling of awarding benefits has been brought into focus primarily with respect to firefighters.

In 2007, the Provincial Government passed Bill 221 which introduced a presumption that various cancers suffered by firefighters were occupational disease and therefore subject to inclusion under *the Act* as being compensable. The cancers include:

- primary cancers of the brain, bladder, kidney, colon/rectum, ureter, esophagus, testis, breast, prostate
- primary non-Hodgkin's lymphoma,
- multiple myeloma and
- three specified primary leukemias

The expansion of entitlement has placed enormous financial pressures on municipalities to fund Survivor Benefits. The challenge is made more acute due to the WSIB's continued and erroneous interpretation of how Survivor Benefits are calculated for retired firefighters and by extension, retired school board employees. At present, the WSIB establishes Survivor Benefits using the "current" salary of an active employee, which in nearly all cases, defaults to the yearly maximum even when there are no earnings. Therein lies the heart of the problem.

WSIB decision-makers have consistently used WSIB Policy 18-02-02 to justify the use of present day earnings of an active employee when setting the benefit rate. The policy provides the following:

"The average earnings of workers who have a long latency occupational disease will be based on the greater of:

1. 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.

2. The worker's annual earnings in the 12 months prior to the date of accident.

In years past, for workers 63 years of age or older, this led to the automatic payment of 2 years Loss of Earnings benefits plus Survivor Benefits which were established on the same basis as LOE benefits, that of earnings of an employee currently employed. In December 2009, the WSIB changed course on the automatic payment of the 2 years LOE benefits ending the practice where many WSIAT decisions overturned the payment of the 2-year LOE when retired workers had no employment wages. Pension benefits have been clearly established as *not* being earnings under WSIB law. If there were no earnings, then the WSIB could no longer justify the payment of 2 years LOE.

Inexplicably, the WSIB maintains the practice of establishing Survivor Benefits based on current earnings even when an employee has long since retired with no evidence of the retiree planning to return to the workforce. The WSIB continues to cite WSIB Policy 18-02-02 to justify this practice.

In WSIAT decision *1269-14*, Vice Chair S. Martel, provided the latest in a string of Tribunal decisions dating back years on the topic of how Survivor Benefits are to be established. That decision provided, in part, the following.

"Document 18-02-02 relating to long-latency occupational diseases does not apply to a worker who has not worked for many years in the occupation that resulted in the disease."

In fact, there is a long list of Tribunal decisions specifically related to the issue of Survivor Benefits under the circumstance described above and they do not deal with simply firefighters but other workers also such as custodians, plumbers, boiler workers, etc. Each one of the following list of decisions direct the WSIB to reduce Survivor Benefits to the minimum under law, \$15,312.51, when there are no earnings. Some of the recent decisions are:

- 2392/14 (24 December 2014) Vice Chair, S. Martel
- 2017/14 (25 November 2014) Panel, B. Kalvin, M. Trudeau, M. Ferrari
- 1510/14 (20 November 2014) Vice Chair, S. Darvish
- 1154/13 (28 October 2014) Vice Chair, M. Crystal
- 1578 14 (4 September 2014) Vice Chair, S. Peckover

Each one of the above-noted Vice Chairs or Panel quote Tribunal decision 1364/12, Vice Chair, E. Smith as providing guidance on their own decisions.

In spite of the overwhelming evidence showing that the WSIB's interpretation is flawed, the WSIB continues to make incorrect decisions which have inflated costs and led to countless appeals. SBCI will continue to pursue this matter on behalf of our members through the appeals process as well as directly with senior staff of the WSIB through our lobbying efforts.

If there are school boards which require assistance with this issue, we invite you to contact SBCI directly at 1-800-361-3516 and speak with a Claims Manager who will assist you to pursue this matter through the appeals process.

MOL COMPULSORY CERTIFICATION TRAINING FOR OCCUPATIONAL HEALTH & SAFETY COMMITTEES

A Joint Health & Safety Committee (JHSC) is a key contributor to workplace health and safety. The Committee's main role is to oversee the health and safety program that the employer has developed and implemented and make recommendations to management on specific issues as necessary. The JHSC is not responsible for creating procedures, developing safety training or taking corrective actions to eliminate hazards.

As per the *Occupational Health & Safety Act*, at least two members of a Health & Safety Committee have to be certified. To be a certified member on a Joint Health & Safety Committee a person must complete two separate training programs.

Part 1 Certification is a 2-3 days program that teaches about the generics of the Act, duties and responsibilities of employers and supervisors, roles and responsibilities of employees, workplace hazards recognition, assessment, control methods and so on. School boards in Ontario are generally up to date with Part 1 Certification. However, it has been noticed that some school boards are lacking when it comes to the Part 2 Certification, also compulsory.

Part 2 Certification is hazard specific to the workplace. This training teaches participants how to recognize, assess and control actual hazards in their workplace and how to prepare an action plan and recommendations for the employer. This makes Part 2 Certification particularly relevant to each school board since it relates to hazards existing in their schools and other facilities.

The results of a workplace hazard assessment conducted by the employer determine the training needs. Employers are encouraged to conduct the assessment in consultation with the Joint Health & Safety Committee, particularly those members who completed Part 1 Certification Training.

Some workplace specific hazard programs are listed below:

- Slips, Trips and Falls
- Violence in the Workplace
- Musculoskeletal Disorder Hazards
- Biological Hazards
- Confined Space Hazards
- Environmental Hazards
- Fire and Explosion Hazards
- Ladders and Associated Hazards
- Noise Hazards
- Working Alone
- Chemical Hazards
- Lockout/Tagout Hazards

Once specific workplace hazards have been recognized it is the responsibility of the employer to ensure at least two members (1 worker, 1 management) of the JHSC complete training on how to identify, assess and control these significant workplace hazards. A JHSC member must complete Part I and Part 2 to be a certified Committee member.

An important aspect of the Part 2 training is that from each training module a draft of an action plan will be developed by Health & Safety Committee members. The responsibility of each school board, as an employer, is to review and implement preventative measures to reduce or eliminate injuries related to the specific hazard.

It is important that school boards comply with the MOL requirements regarding Certification to have an effective JHSC.

POST-SECONDARY STUDENTS – UNPAID WORK PLACEMENTS (BILL 18)

Information

- The Ministry of Training, Colleges and Universities (MTCU) provides WSIB coverage for student trainees (student teachers, student ECEs) in the event of an injury while on placement with a school board. This applies to students enrolled with an approved Training Agency (listed on page 13 of the MTCU Guide dated June 2014) during the Unpaid Work Placement if that Placement Employer is compulsorily covered by WSIB.
- Ontario school boards are compulsorily covered. Therefore your student trainees would be covered for WSIB by the MTCU.
- The approved Placement Employer (school board) is the student's Employer for Health & Safety Training and WSIB accident reporting purposes.
- The Training Agency is the Employer for managing the claim relating to the disability and future return to placement if there is lost time.
- School boards must ensure that the Training Agency is approved by the MTCU for WSIB coverage and the MTCU has provided the Agency with a WSIB Firm No. for these students. You must obtain that WSIB Firm No. when the student is placed in the event of a work injury.
- The MTCU is responsible for all costs for a WSIB claim when a student is injured. The Placement Employer has the responsibility for

reporting the work injury and completing all the documentation. The Training Agency has the responsibility for submitting the documentation to the WSIB and the MTCU and managing the claim.

- The Ministry only covers Ontario students enrolled in an MTCU approved program at an Ontario publicly funded college/university. They do not cover students enrolled in a US College/University at an Ontario campus.
- Students that are excluded or ineligible for MTCU WSIB coverage and private insurance are:
 - Volunteers – parents
 - Not required by their training program
 - Programs not funded by MTCU
 - Students paid a salary – considered a worker of the Placement Employer for WSIB purposes
 - Students placed with the Training Agency that trains them, including students who do unpaid research for the Training Agency
 - Students in the classroom portion of the training program, this initiative applies only for the work placement portion not the in-class portion
 - Students with a Training Agency outside of the province, but the placement is in Ontario
 - Students with an Ontario Training Agency, but the placement is outside the province

Prior to Student Starting Placement

- The Training Agency has certain obligations to the student (listed on page 6 of the guidelines). The Placement Employer/School Board should ensure that the student has been informed and trained.
- The Training Agency must provide to the Placement Employer, key information about the student, name, address, telephone, specific days in placement worksite and confirmation of student acceptance of the conditions of the placement.
- The Placement Employer should obtain from the Training Agency the

WSIB Firm # for the Training Agency assigned by MTCU, the name of the contact person at the Training Agency responsible for handling these WSIB cases, phone #, email address and fax #. The reporting obligations are time sensitive. In the event of an incident, the WSIB Forms should be sent electronically to the contact at the Training Agency for submission to the WSIB.

If An Injury Occurs, the Placement Employer/School Board Activity

- The school board must identify who has the responsibility within the school board to be the WSIB contact person for the Training Agency.
- The school board must also identify who will be the person to whom the student will report an injury.
- Report First Aid incidents to the Training Agency for any future recurrences requiring reporting. This does not require reporting to the WSIB (no Employer's Report of Accident Form 7 is needed).
- A WSIB incident is reportable when one or more of the following occur:
 - Lost time
 - Medical attention
 - Modified work for more than 7 calendar days
 - Exposure to a communicable disease
- The Supervisor and student must complete the MTCU Postsecondary Student Unpaid Work Placement Workplace Insurance Claim Form (attached to back of the MTCU Guide).
- The Supervisor and student must complete the internal incident report.
- The 2 forms (internal incident report and the insurance claim form) must be sent promptly to the WSIB Co-ordinator within the school board to complete the WSIB Employer's Report of Accident (Form 7) for the Training Agency within 3 days of the incident occurring. The Training Agency has up to 7 days to submit the form to the WSIB.
- Completing the Form 7 is a joint responsibility between the Placement

Employer and the Training Agency. The Form 7 should have the name of the MTCU as the Employer and the WSIB Firm No. of the Training Agency provided by the MTCU. Do not put your school board name or Firm No. on the Form 7.

- The Placement Employer must authorize the Training Agency to act as the representative with the WSIB for the disability management of the claim. The Placement Employer must complete its section of the letter of Authorization to Represent (Appendix C page 16 in the Guide).
- The WSIB Co-ordinator at the school board must complete the Form 7 and the Letter of Authorization to Represent, then attach the Postsecondary Student Unpaid Work Placement Workplace Insurance Claim Form and the internal incident report and send all documents electronically to the contact at the Training Agency. A copy must be given to the student and the MTCU (page 12 of the Guide).
- The Training Agency will submit the Form 7 and the Letter of Authorization to Represent to the WSIB. If there is a late filing, the Training Agency will be charged.
- The Training Agency will monitor and manage the disability and return to placement, if required.
- Do not send a copy of the Form 7 to School Boards' Co-operative Inc. as this is not a school board claim.

SBCI DATA MANAGEMENT DEPARTMENT UPDATE

Training Services from SBCI

Did you know that your membership with SBCI includes free training sessions on the Parklane System? We can tailor the Parklane training to your specific needs; from basic training to advance training, to setting up groups, to running reports and even data auditing of your system. If you are interested in a training session please contact Sylvie David at Sylvie@sbc.org.

UPDATE FROM PARKLANE SYSTEMS

New Feature

Parklane recently released a new feature (available in Version 12) called Central Access. This panel operates as a switchboard allowing the user to easily navigate an employee's records across all available modules. To watch a demonstration of this new feature, click [here](#).

Partners in Prevention – Annual Conference

Some Parklane representatives will be in attendance at this year's Partners in Prevention conference and trade show April 28 – 29 at the International Centre in Mississauga. Should you wish to attend the trade show, please accept Parklane's invitation to attend. Simply download and print the Trade Show invitation by clicking: [Free Pass](#). See Parklane for personal demonstrations, free giveaways and to answer any questions you may have about the features and benefits of your Parklane software.

Parklane Version 12

A large percentage of Parklane clients have updated to Version 12 and that effort will continue throughout the year. For more information regarding upgrading your Parklane system to the new version, contact support at support@parklanesys.com. Version 12 also includes the ability to toggle back and forth between the new and the original version, thereby allowing users to become accustomed at their own pace.

Hosting

There have been a number of customers asking whether Parklane offers hosting services. Parklane does offer hosting and currently hosts a number of their clients. Hosting comes with a variety of benefits, including dedicated Parklane IT support, instant upgrades, frequent backups and more. If you wish to learn more about Parklane hosting, contact Parklane at information@parklanesys.com or visit www.parklanesys.com/hosting-service.

SBCI BOARD OF DIRECTORS

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

DATES OF BOARD MEETINGS

AGM – April 10, 2015

May 8, 2015

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
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
Jennyfer Payeur, Health & Safety Specialist
Steven Sone, Health & Safety Specialist
Louise Bellamy, Financial/IT Coordinator
Karen Bertrand, Accounting Clerk
Erin McLennan, Executive Assistant
Lily Li, Executive Assistant
Melissa Hewit, Supervisor, Data Management
Sylvie David, Data Management Assistant
Audrey O'Connor, Data Entry Clerk
Micheline Desjardins, Bilingual Data Entry Clerk
Julia Barrasso, Attendance Support Practice Leader
Louise Ellis, Director Attendance Support Services

Kathleen Gratton, Attendance Support Consultant
Shoba Thomas, Attendance Support Consultant
Rana Khalaf, Manager, IT Applications
Patrick Gani, Senior Analyst Programmer
Gavin King, Programmer/Analyst
Anwar Khalil, Programmer/Analyst