

Board of Directors Meeting Minutes

May 31, 2023, 9:00 a.m. to 4:00 p.m.

June 1, 2023, 9:00 a.m. to 12:30 p.m.

Head Office Boardroom/MS Teams

Attendees: Mel Norton (Chairperson), Haley Flaro (Vice Chairperson), Bert Cyr, Donna McNeill, Adam Donnelly, Mike MacMullin, Lucien Sonier, Tina Soucy, James Stanley, Denny Vautour, Tim Petersen (President and CEO)

Regrets: Bert Cyr (May 31st until 1:00 pm), Mel Norton (June 1st after 10:00 am), Mike MacMullin (June 1st).

Staff Present for the Meeting: David Luther, Laragh Dooley, Carolyn MacDonald, Michael Freeze (for item 12), Richard Blais (for item 21), Mike McGovern (for item 21), Cathy Bent (for item 8) Courtney St. Peter

Guests: Kelli Simmonds (Chair of WCAT) (for item 14), Paula Doucet (New Brunswick Nurses Association (for item 22)

1. Adoption of Agenda

The Chair of the Board indicated that the agenda for this meeting in quite heavy, he also told the Board that items 8d and 8e will be moved to in-camera and item 18 will be moved up on the agenda because he will need to recuse himself on June 1st at 10:00 am, with the Vice-Chairperson serving in his absence.

On motion duly made, seconded, and carried it was unanimously resolved:

That the agenda for the Board of Directors meeting dated May 31st & June 1st, 2023, was adopted as amended.

2. Safety Moment

The Board of Directors discussed the current no-burn notice due to the forest fires, they urged importance of not throwing cigarette butts out your car window and being aware of your surroundings.

3. Declaration of Conflicts of Interest

The Chairperson asked the Board Members if they have any conflicts of interest arising from the meeting agenda and, if so, to declare that conflict.

Two members were identified as possibly having a conflict of interest with item 17(d), and they may have to step out, depending on the nature of the discussion.

4. Approval of Minutes

a. Dated February 22 & 23, 2023

The Board of Directors reviewed the minutes of the February 22 & 23, 2023 meeting.

On motion duly made, seconded, and carried, it was unanimously resolved:
That the minutes of the Board of Directors meeting dated February 22 & 23, 2023, be approved as presented.

b. Dated March 28, 2023 (In-Camera)

The Board of Directors reviewed the minutes of the March 28, 2023 in-camera meeting.

On motion duly made, seconded, and carried, it was unanimously resolved:
That the minutes, taken by the General Counsel and Interim Corporate Secretary, of the Board of Directors in-camera meeting dated March 28, 2023, be approved as presented.

5. Consent Agenda

a. 2023 Workplan

The Board of Directors received the 2023 workplan for information.

On motion duly made, seconded, and carried, it was unanimously resolved:
That the Board of Directors receive the 2023 workplan for information.

b. Mandate Letter Update

The Board of Directors received an update on the Mandate Letter for information.

On motion duly made, seconded, and carried, it was unanimously resolved:
That the Board of Directors receive the Mandate Letter Update for information.

6. Audit Committee Update

a. Chairperson's report of Audit Committee meeting of March 29th & May 25th

The Chair of the Audit Committee provided the Board of Directors a review of the two meetings as provided in the meeting materials. The Vice-Chairperson commented that she felt the advice being received by the Committee from the external advisor was good.

On motion duly made, seconded, and carried, it was unanimously resolved:
That the Board of Directors receive for information the Chairperson's report for the Audit Committee meetings of March 29th & May 25th, 2023.

b. 2022 Financial Statement

The Board of Directors reviewed the 2022 Financial Statements as provided in the meeting materials.

i. Workers' Compensation Act

On motion duly made, seconded, and carried, it was unanimously resolved:

That the Board of Directors approve the 2022 Financial Statements – Workers' Compensation Act.

ii. **Firefighters Compensation Act**

On motion duly made, seconded, and carried, it was unanimously resolved:

That the Board of Directors approve the 2022 Financial Statements – Firefighters Compensation Act.

7. 2022 Annual Reports

The President & CEO told the Board that 2022 was a great year for WorkSafeNB, he indicated there has been positive movement which is reflected in the Annual Report. The Executive Director of Corporate Communications provided to the Board of Directors an overview of the 2022 Annual Report as provided in the meeting materials.

Members discussed provided positive remarks about the performance of organization in 2022, the Occupational Health & Safety Conference, and financial results. The Vice-Chairperson commented that the report looked wonderful and it was good to see engagement rates improve.

On motion duly made, seconded, and carried, it was unanimously resolved:

That the Board of Directors approve the 2022 Annual Report for the Workers' Compensation Act.

On motion duly made, seconded, and carried, it was unanimously resolved:

That the Board of Directors approve the 2022 Annual Report for the Firefighters' Compensation Act.

8. Modernization

a. Quarterly Progress Report

The Executive Director of Corporate Communications provided an update of the quarterly progress report as provided in the meeting materials.

On motion duly made, seconded, and carried it was unanimously resolved:

That the Board of Directors receive the Modernization quarterly progress report for information.

b. Project #3 Culture Alignment

The President & CEO presented to the Board an overview of Project #3, Culture Alignment as provided in the meeting materials. He indicated to the Board that culture alignment was a significant project in WorkSafeNB's modernization efforts. The President and CEO provided an overview of activities to date, culminating in the establishment of corporate values - Accountability, Collaboration, and Trust (ACT).

One Member said it is important that the Board agrees with the culture of the organization. Another Member indicated concern regarding having no stakeholder consultation and that safety is not included in the values.

The Executive Director of Strategic Planning, Policy & Risk and Interim CFO

said that she was apart of a similar process in the past and stakeholders were not engaged. She said it was tone from the top and brought to the employees for input and in her experience in strategy the best practice is to have values established internally.

On motion duly made, seconded, and carried it was resolved that:

The Board of Directors approve WorkSafeNB's values – ACT – Accountability, Collaboration, Trust.

c. Project #10 Claims Services

An in-camera session was held.

On motion duly made, seconded, and carried it was unanimously resolved:

That the Board of Directors receive the results of the stakeholder consultation for information and approve the continued direction of the modernized rehabilitation services.

d. WRC Building

An in-camera session was held.

On motion duly made, seconded, and carried it was unanimously resolved:

That the Board of Directors provide their consent for the President & CEO to discuss and negotiate towards the sale and transfer of the WRC building at 3700 Westfield Road, subject to: (a) further approval by the Board In respect of the resulting transaction; and (b) an Order in Council.

e. Budget Re-Allocation

The Executive Director of Corporate Communication provided to the Board an update in the budget re-allocation previously brought to the Board.

On motion duly made, seconded, and carried it was unanimously resolved:

That the Board of Directors approve the remaining re-organization funds be managed as part of the overall business modernization reserve.

9. CEO Report/Quarterly Accountability

The President & CEO presented to the Board the CEO report and accountability report as provided in the meeting materials.

An in-camera session was held.

On Motion duly made, seconded, and carried it was unanimously resolved:

That the Board of Directors receive the Quarterly Accountability Report for information.

10. 2024 Strategic Plan Review

a. Policy, Legislation and Stakeholder consultation priorities

The Executive Director of Strategic Planning, Policy & Risk provided the Board with an overview of the policy, legislation, and stakeholder consultation priorities.

The Director of Corporate Planning presented to the Board the 2022 – 2024 strategic plan. Executive Director of Strategic Planning, Policy & Risk told the Board that WorkSafeNB’s strategic plan is a live document and it is meaningful to the whole organization.

On Member asked if public consultations will be done for each policy change. The Executive Director of Strategic Planning, Policy & Risk indicated that the Policy Department has not been doing consultations on every policy change but can if that’s the will of the Board.

On motion duly made, seconded, and carried it was unanimously resolved:
That the Board of Directors approve the 2024 legislative, stakeholder consultation, and policy priorities, subject to consultations being done.

11. Policy

a. Policy development Process

The Executive Director of Strategic Planning, Policy & Risk and Interim CFO provided an overview of the policy development process to the Board of Directors.

On motion duly made, seconded, and carried it was unanimously resolved:
That the Board of Directors received the policy development process for information.

b. Updated Travel Policies

The Board of Directors reviewed the changes in the updated travel policies as provided in the meeting materials.

On motion duly made, seconded, and carried it was unanimously resolved:
That the Board of Directors (a) approve proposed Fee Schedule 29-200 Medical Expense Related Travel, release 23, effective May 1, 2023, and rescind release 22 of the same, effective at that time; and (b) approve proposed Fee Schedule 29-224 Non-Medical Expense Related Travel, release 10, effective May 1, 2023, and rescind release 9 of the same, effective at that time .

c. 21-214 Determining Continued Eligibility for LOE

The Board of Directors reviewed the changes in policy 21-214 Determining Continued Eligibility for LOE as provided in the meeting materials.

A member had asked that the General Counsel & Interim Corporate Secretary provide an opinion to the Board as to whether the age 65 requirement would violate the Charter or the Human Rights Act.

On motion duly made, seconded, and carried it was unanimously resolved:
That the Board of Directors approve policy 21-214 Determining continued Eligibility for LOE, Release 4, effective May 31, 2023, and rescind release 3, effective at that time.

d. Childcare Fee Schedule

The Board of Directors reviewed the changes in the childcare fee schedule as provided in the meeting materials.

On motion duly made, seconded, and carried it was unanimously resolved:

That the Board of Directors approve the Child/Dependent Care Expenses Fee Schedule 29-223, release 10, effective May 31, 2023, and rescind release 9, effective at that time.

e. 20-100 Principles of Service Delivery

The Board of Directors reviewed the material recommending rescinding of policy 20-100.

On motion duly made, seconded, and carried it was unanimously resolved:

That the Board of Directors rescind policy 20-100 Principles of Service Delivery, release 3, effective immediately.

12. Legislation

a. Stakeholder Consultation Plan PTSD Presumptions

The Board of Directors reviewed the Stakeholder consultation plan for PTSD presumptions as provided in the meeting materials

The Executive Director of Corporate Communications presented to the Board the strategic considerations, she indicated that it wouldn't be exclusive to just correctional officers; rather, other professions will have the chance to explain why they should be added to this presumption.

On motion duly made, seconded, and carried it was unanimously resolved:

That the Board of Directors approve the proposed stakeholder consultation.

b. Firefighters Compensation Act

The Director of Fiscal & Economic Planning provided to the Board an overview of the Firefighters Compensation Act as provided in the meeting materials. He provided the board with next step options regarding the Firefighters Compensation Act.

On motion, duly made, seconded, and carried it was unanimously resolved:

That the Board of Directors approve (a) the development of a consultation plan to be presented to the Board of Directors at the next scheduled meeting; and (b) engaging in preliminary discussions with the external actuary and auditor.

13. Break

14. Worker's Compensation Appeals Tribunal

Kelli Simmons, the Chair of the WCAT spoke with the WorkSafeNB Board of Directors on a number of topics. Ms. Simmons gave the Board an update on the WCAT's efforts throughout Covid-19.

Ms. Simmons told the Board that herself and WorkSafeNB's President & CEO are able to

look at feedback from the WCAT to see what can be improved, she said the open dialogue with Mr. Petersen is great.

The Chair of Board asked Ms. Simmons if the improvement around triaging cases before they go to the WCAT is still going well. Ms. Simmons indicated that yes, the triaging is going very well.

One Member asked if the WCAT is seeing any recurring theme's and asked if there is anything WorkSafeNB can do to help. Ms. Simmons said the only recurrence is hearing loss but could not think of anything that would help the recurrence. She did indicate that WorkSafeNB's Decision Review Office backlog clearing has caused in influx of appeals, but that they are making progress on reducing the same.

15. Welcome & Resume Agenda (June 1, 2023)

The Chair of the Board welcomed back members and staff and resumed the meeting.

An in-camera session of the Board was held.

While in-camera, the board also discussed item 10(d) of the agenda.

On motion duly made, seconded, and carried, it was unanimously resolved:

That the Board of Directors approve the following process for conducting the CEO Performance Review: (a) Members of the Board to share their comments to Tina, by the end of the week, for the HR & Compensation Committee's review; (b) The HR & Compensation Committee will review that information and make a recommendation to the Board for board approval of the review, and, approval of any contemplated step increase.

16. Fatality Review Committee Update

a. Chairperson's Report of Fatality Review Committee of May 18, 2023

The Chair of the Fatality Review Committee provide the Board an overview of the May 18, 2023 committee meeting.

The Chair of the Committee thanked everyone for their participation, and staff for the work they are doing to catch up on business.

On motion duly made, seconded, and carried, it was unanimously resolved:

That the Board of Directors receive the Fatality Review Committee Chairperson report for information.

b. Revised Terms of Reference

The Fatality Review Committee Chair provided to the Board and overview of the changes made in the Committee's Terms of Reference.

On motion duly made, seconded, and carried, it was unanimously resolved:

That the Board of Directors approve the Fatality Review Committee's revised Terms of Reference.

17. Governance Committee Update

a. Chairperson’s Report of Governance Committee of March 8, 2023, March 22, 2023, and May 17, 2023

The Chair of the Governance Committee provided the Board with an overview of the Committee meetings of March 8, 2023, March 22, 2023 and May 17, 2023.

On motion duly made, seconded, and carried, it was unanimously resolved:
That the Board of Directors receive the Governance Committee Chairperson report for information.

b. Revises Terms of Reference

The Governance Committee Chair provided to the Board an overview of the changes made in the Committee’s Terms of Reference.

On motion duly made, seconded, and carried, it was unanimously resolved:
That the Board of Directors approve the Governance Committee’s revised Terms of Reference.

c. Board Orientation Process

The Board of Directors reviewed the updated board orientation process, the Chair of the Governance Committee indicated that this needs to be an organic discussion and get feedback from Members who go through the process.

On motion duly made, seconded, and carried, it was unanimously resolved:
That the Board of Directors approve the updated Board Orientation Process.

d. Committee Membership

An in-camera session was held.

On motion duly made, seconded, and carried, it was unanimously resolved:
That the Board of Directors approve the Committee Membership appointments provided by the Chair of the Governance Committee, as follows:

- *Appointment of Adam Donnelly as an alternate to the Audit Committee*
- *Appointment of Adam Donnelly as an alternate to the Fatality Review Committee;*
- *Appointment of Adam Donnelly as an alternate to the HR & Compensation Committee; and,*
- *Appointment of Lucien Sonier as a primary member to the HR & Compensation Committee*

18. HR & Compensation Committee Update

a. Chairperson’s report of HR & Compensation Committee of March 23, 2023

The Chair of the HR & Compensation Committee provided the Board with an overview of the Committee meeting of March 23, 2023.

On motion duly made, seconded, and carried, it was unanimously resolved:
That the Board of Directors receive the HR & Compensation Committee

Chairperson report for information.

b. Revised Terms of Reference

The HR & Compensation Committee Chair provided to the Board and overview of the changes made in the Committee's Terms of Reference.

On motion duly made, seconded, and carried, it was unanimously resolved:

That the Board of Directors approve the HR & Compensation Committee's revised Terms of Reference.

c. CEO Succession Plan

The Committee Chair provided an overview of the CEO Succession plan, she indicated that it is aligned with the Commission's succession planning process.

On Motion duly made, seconded, and carried it was unanimously resolved:

That the Board of Directors approve the CEO Succession Planning process.

19. Break

Following break, the Vice Chairperson made comment that she is really bothered that WorkSafeNB has lost safety as a value. The Vice Chairperson cautioned that management needs to return to the discipline, so that the Board is not simply rubber-stamping strategic planning, but rather the Board being more involved. Discussion ensued among members and between management and the Board. Members indicated support for having discussions next year relating to strategic planning. The Vice Chairperson expressed that there was no question as to the quality of the existing planning, but simply wants the Board to be more involved.

20. Finance & Investment Committee Update

a. Chairperson's Report of Finance & Investment Committee of March 30, 2023 and May 24, 2023

The Chair of the Finance & Investment Committee provided the Board with an overview of the Committee meetings of March 30, 2023 and May 24, 2023.

On Member asked for more clarification on the dashboard, the Committee Chair indicated it was suggested by the external investment consultant to help members understand the information better. The Member asked if more training was required for the Committee Members, the Chair said that the amount of training that would be needed to understand the all the materials would not be expected of the Members. The Chair of the Committee told the Board that once the dashboard is finalized it will be presented to the Board.

On motion duly made, seconded, and carried, it was unanimously resolved:

That the Board of Directors receive the Finance & Investment Committee Chairperson report for information.

b. Revised Terms of Reference

The General Counsel and Interim Corporate Secretary provided to the Board an overview of the changes made in the Committee's Terms of Reference.

On motion duly made, seconded, and carried, it was unanimously resolved:
That the Board of Directors approve the Finance & Investment Committee's revised Terms of Reference.

c. Policy 34-200 – Investment Goals and Objectives

The Board of Directors reviewed the change for Policy 34-200 as provided in the meeting materials.

On motion duly made, seconded, and carried it was unanimously resolved:
That the Board of Directors approve the changes of Policy 34-200 – Investment Goals and Objectives.

21. Education – OHS Prosecution Process v. Criminal Process

Senior Legal Counsel presented to the Board of Directors for clarification on the Occupational Health and Safety prosecution process and the criminal process.

On motion duly made, seconded, and carried it was unanimously resolved:
That the Board of Directors received for information the presentation from Senior Legal Counsel on the OHS prosecution and criminal processes.

22. New Brunswick Nurses Association

Paula Doucet, President of New Brunswick Nurses Association and Matt Hiltz, Executive Director of New Brunswick Nurses Association spoke to the Board on a number of issues and concerns.

Ms. Doucet said that nurses are not okay, in 2020 over 4000 nurses indicated that their mental health were detreating due to poor workplace conditions and asked what WorkSafeNB could do to make sure nurses were provided a safe working environment. Ms. Doucet reported on the high rate of stress and burnout that causes health concerns. She indicated that nurses are utilizing sick time they have accrued and then going on Long Term Disability rather than making a claim with WorkSafeNB.

One Member brought concerns regarding nurses using their sick time and long-term disabilities, she said that nurses are using up long term disability because it counts as pensionable service and if they were to claim injury through WorkSafeNB they would not receive their pensionable service. Ms. Doucet indicated that is the true fact to why nurses are using their long-term disability.

Ms. Doucet explained that New Brunswick Nurses Association follows their counterparts in Manitoba very closely. She said that Manitoba is adding PTSD Presumptions to their Nurses benefits and is something New Brunswick has been looking at. She stressed that when you see patients dying daily it causes sever mental distress.

A Member asked how the function of JHSC's are working and Ms. Doucet said the quick answer is that they are not working. She said that she used to co-chair a committee and her employer was tolerant of her taking time off to attend the meetings. Due to the current staffing crisis this not the case anymore and nurses do not have any extra time to attend these

meetings. The President & CEO suggested to the Vice-President of Prevention that his team reach out to Ms. Doucet to help with resources available to help with the JHSC issues.

One Member indicated there is a huge difference when employers contract out their security rather than training in-house staff. Ms. Doucet indicated she has raised this issue with the Premier. She said that Chalmers security is apart of their health team, everyone knows each other and they well trained. With contracted security companies, they are not properly trained and there are constant vacancies, nurses everyday are going to work and facing violence.

One Member asked if New Brunswick Nurses Association had any statistics on the number of PTSD or violence in the workplace claims and if they would be willing to share with WorkSafeNB. Ms. Doucet said that the claims are more around mental health but that she would get the numbers and provide them to WorkSafeNB.

The Vice-Chair thanked Ms. Doucet and Mr. Hiltz for taking the time to come speak to the Board and sharing the issues the health care system is currently facing. Ms. Doucet thanked one Member, Donna McNeill, immensely for her contribution and being a voice for the nurses.

23. New Business

There was no new business discussed.

24. In-Camera

No in-camera session was held.

Motion to adjourn at 12:12pm on June 1, 2023