

Minutes for Board of Directors Meeting

10/23/2019 | 08:30 AM - 04:30 PM - Atlantic Standard Time (US and Canada)

Attendees: Douglas Jones; Haley Flaro; Lucien Sonier; Julie Marr; Tina Soucy; Hector Losier; James Stanley; Donna McNeill; Mike MacMullin; Mel Norton

Regrets: Gaetan Guerette

Staff present: Sonia Lanteigne, Susan Layton

Staff present

for a portion of meeting: Perry Cheeks, Crispina Caballero

1. Adoption of Agenda

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

The agenda of the Board of Directors meeting for October 23, 2019 is adopted, as presented.

2. Safety Moment

Board members discussed the importance of driving with additional caution during road construction.

3. Declaration of Conflicts of Interest

The Chairperson asked Board members if they have any conflicts of interest arising from the meeting agenda and, if so, to declare that conflict. No conflicts of interest were declared.

4. Approval of Minutes

- a. Minutes dated August 23 and 24, 2019

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

The minutes of the Board of Directors' meeting held on August 23 and August 24, 2019 are approved, as written.

- b. Minutes from a conference call, dated September 12, 2019

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

The minutes of the Board of Directors' meeting held, via conference call, on September 12, 2019 are approved, as written.

5. In-Camera Session

The Board of Directors held an in-camera session.

6. Stakeholder Presentation: New Brunswick Federation of Labour

The New Brunswick Federation of Labour made a presentation to the WorkSafeNB Board of Directors, which included a number of recommendations for improving benefits for injured workers and for improving stakeholder engagement. The Board will follow up with a written response.

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

That the presentation by the New Brunswick Federation of Labour be received and filed.

Break

7. Status of Actions Arising from Previous Board Meetings

The President & CEO reviewed the status of actions arising from prior Board meetings. It was noted that materials for board meetings are being circulated in advance of meetings, providing more time for review and there are no concerns at this time. The Board will also consider moving meetings to different locations, for 1 to 2, meetings in 2020.

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

The Status of Actions Arising be received and filed.

8. Consent Agenda

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

The Consent Agenda be received and filed.

9. Chairperson's Report

The Chair reviewed the 2019 Board work plan and the draft 2020 work plan.

The Chair provided an update on a recent meeting concerning legislative change with the Minister, senior staff with the Department of Post-secondary, Education, Training and Labour as well as those with the Attorney General's office. The Chair indicated this meeting was very positive and provided direction for the legislative amendments that would be considered for the fall session of the legislature.

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

The Chairperson' report be received and filed.

10. CEO Report

- a. Update on Legislative Change

The President & CEO reviewed the proposals for amending the **Worker's Compensation Act**, which included adding the the duty to accommodate, administrative penalties, and changes to medical aide. Proposed amendments under the **Occupational Health and Safety** ("OHS") **Act** included adding specific duties and obligations for supervisors and extending the limitation period for prosecuting violations of the OHS Act from 1 to 2 years.

On motion duly made, seconded and carried it was unanimously resolved that:
The proposals for legislative amendments under the Worker's Compensation Act and the Occupational Health and Safety Act are approved, as presented.

b. Update on Projects

The President & CEO gave a verbal update on the number of projects ongoing and their status.

c. Update on Scorecard & Strategic Plan

The President & CEO reviewed the status of the scorecard to date and noted that the number of fatalities is increasing, which is concerning. Additionally, the number of claims for psychological conditions, including Post-traumatic Stress Disorder, are also increasing.

d. WorkSafeNB Conference Feedback

The President & CEO reviewed the results of the surveys completed by participants who attended this year's conference. Overall, the feedback was very positive.

On motion duly made, seconded and carried it was unanimously resolved that:
The CEO's report including items 11(b)(c) and (d) be received and filed.

Lunch

11. Stakeholder Presentation: New Brunswick Building Trades Union

The New Brunswick Building Trades Union made a presentation to the WorkSafeNB Board of Directors.

On motion duly made, seconded and carried it was unanimously resolved:
That the presentation by the New Brunswick Building Trades Union be received and filed.

12. Policies

- a. Policy 42-100 Review of Claim-related Decisions by the Issues Resolution Office

Given the legislative amendments introduced in Bill 27, for the internal review of all WorkSafeNB decisions before those decisions can be appealed to the Workers' Compensation Appeals Tribunal, policy 42-100 is no longer relevant or required.

On motion duly made, seconded and carried it was unanimously resolved that:
That Policy 42-100, "Review of Claim-related Decisions by the Issues Resolution Office", release 2, be rescinded, effective January 1, 2020.

b. New Brunswick Industrial Aggregate Earnings

The General Counsel reviewed the details on the annual indexation of benefits for 2020.

On motion duly made, seconded and carried it was unanimously resolved that:
That the New Brunswick Industrial Aggregate Earnings for the indexation of benefits for 2020 be approved, as presented.

13. Q3 Financial Update

The Chief Financial Officer presented a financial update, as of the end of September 30, 2019, which showed the funding level at 99%.

On motion duly made, seconded and carried it was unanimously resolved that:
The Chief Financial Officer's financial update be received and filed.

14. Finance and Investment Committee Update

a. Funding Policy

Management's recommendation was to proceed with the capped funding policy option and the consulting actuary concurred with that approach.

On motion duly made, seconded and carried it was unanimously resolved:
The Finance and Investment Committee's recommendation to adopt the capped funding policy, 37-100, Long-term Fiscal Strategy, release 6 and rescind release 5, effective October 1, 2019, is approved.

b. 2020 Budget

i. 2020 Board of Director's Budget

The 2020 budget included an increase related to professional fees and services.

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

The recommendation from the Finance and Investment Committee regarding the 2020 Board of Directors Budget is approved, as presented.

ii. 2020 Administration Budget

The total Administrative budget is increasing slightly from \$71.7 million to \$72.2 million from 2019 to 2020. Specifically, the budget for education and training is increasing by approximately 35% and we will be investing in another 7 to 9 new positions. The 2020 Capital Budget shows a 35% decrease over 2019. The 2020 Treasury Budget shows a decrease of 11%. The 2020 budget for the Workers' Compensation Rehabilitation Centre remains largely unchanged in 2020.

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

The recommendation from the Finance and Investment Committee regarding the 2020 WorkSafeNB Administrative Budget, Capital Budget, Treasury Budget and the budget for the Worker's Compensation Rehabilitation Centre for 2020 is approved.

c. 2020 Assessment Rate under the **Worker's Compensation Act**

Based on the funding policy, new accident costs, administration costs, and the surcharge required to close the funding level gap, management recommended an average assessment rate of \$2.40 for the 2020 year.

The Board discussed its desire to study and consider benefit enhancements in 2020.

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

The Finance and Investment Committee's recommendation to implement an average assessment rate of \$2.40 for the 2020 year, under the Worker's Compensation Act is approved.

Two objections to the above-noted motion were recorded.

Break

15. Presumptive Cancers for Firefighters - "A Summary of Research Findings by WorkSafeNB's Chief Medical Officer, Dr. Paul Atkinson"

Dr. Atkinson reviewed his research on the risk of cancer for firefighters, which found that the questions of causation are not easy to address. Ultimately, the decision to include additional presumptive cancers is an administrative and/or political decision.

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

That Dr. Atkinson's presentation be received and filed.

16. Investment Education

WorkSafeNB's Treasurer provided the Board of Directors a refresher on the investment orientation session, which included an overview of the governance structure, policies and directives, and the structure of the portfolio.

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

That the investment education presentation by WorkSafeNB's Treasurer be received and filed.

17. Policy 23-610 Safety Achievement Financial Incentive System (SAFIS)

Policy 23-610 Safety Achievement Financial Incentive System (SAFIS) required an amendment to remove the reference to a 10% increase in relation to meeting the funding goal.

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

That Policy 23-610, "Safety Achievement Financial Incentive System (SAFIS)", release 8 be approved, and release 7 be rescinded.

18. New Business

Adjourn

Motion to Adjourn.