



Minutes for Board of Directors Meeting

12/10/2019 | 01:00 AM - 03:30 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, Gaetan Guerette

Staff present: Sonia Lanteigne, Susan Layton

Staff present for a portion of the meeting: Perry Cheeks

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 December 10, 2019 is adopted, as presented.

2. Safety Moment

Board members discussed the hazardous conditions created by lots of rainfall, followed by cold temperatures.

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. Legal Matter

The Board of Directors were joined by external legal counsel to provide a briefing on a legal matter.

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

That the Memorandum, identified as "Privileged and Confidential", be received and filed.

5. Policies

a. Policy 21-418, "Return to Work Incentives"

Management made a recommendation to rescind this policy as a result of Bill 27, which included legislative amendments to the *Workers' Compensation Act (WC Act)* that provides for an employer's duty to accommodate a worker following a workplace injury.

No motion was tabled on management's recommendation.

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

That item 5(a) be lifted from the table in an amended fashion to eliminate section 4.1, "The Incentive".

This Motion was defeated.

- b. **Policy 21-214, "Determining Continued Eligibility for Loss of Earnings Benefits"**
Management recommended a change to the policy to clarify that when workers remove themselves from the employment relationship, loss of earnings by reason of injury ceases and loss of earnings benefits would end.

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

That Policy 21-214 Determining Continued Eligibility for Loss of Earnings Benefits, release 3, effective January 1, 2020, be approved, and release 2 be rescinded.

1 objection to the above-noted motion was recorded.

- c. **Policy 21-215, "Supplements to Compensation"**

Policy 21-215 Supplements to Compensation continues to direct that retirement income is not considered a supplement to loss of earnings benefits in accordance with *J.D. Irving Limited (Sussex Sawmill) v. Wayne Douthwright and Workplace Health, Safety and Compensation Commission, 2012 NBCA 35*.

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

That Policy 21-215 Supplements to Compensation, release 5, effective January 1, 2020, be approved, and release 4 be rescinded.

1 objection to the above-noted motion was recorded.

6. Governance Committee Matter

The Chair of the Governance Committee reviewed the Committee's recommendation concerning the board recruitment process.

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

An independent evaluation of the existing skill sets of the Board of Directors be completed and that an external consultant be engaged to formalize the recruitment process for Board members.

7. New Business

- a. **Mandate Letter**

The President & CEO reviewed the Mandate Letter with the Board of Directors.

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

The Mandate Letter be received and filed, with actions on this item to be referred to staff, and updates to be brought back to the Board.

- b. The President & CEO reviewed Bill 26, “*An Act to Amend the Occupational Health and Safety Act*”.
- c. The President & CEO reviewed Bill 27, “*An Act to Amend the Worker’s Compensation Act*”.

The President & CEO also noted that costing is underway with respect to adding additional benefits to injured workers.

Adjourn

Motion to Adjourn.