

GOVERNANCE COUNCIL MEETING March 4-5, 2014 IQALUIT, NU

MINUTES

PRESENT:David Tucker, Chairperson (Videoconference from Yellowknife)
John Vander Velde, Vice Chairperson (Iqaluit Office)
David Ritchie, Member (Videoconference from Yellowknife)
Abe Theil, Member (Teleconference from Rankin Inlet)
Jack Rowe, Member (Videoconference from Yellowknife)
Arlene Hansen, Member (Videoconference from Yellowknife)

Dave Grundy, President & CEO, ex officio (non-voting) (Iqaluit Office) Melanie Walters, Corporate Secretary/Senior Advisor (Iqaluit Office)

The meeting called to order at 13:55 pm, March 4, 2014.

1. CONSENT

- a) Governance Council Prayer
- b) Safety Overview and Orientation

The President and CEO provided a safety overview and orientation for the Governance Council prior to the meeting beginning.

c) Conflict of Interest Declarations

There were no conflict of interest declared for this meeting.

d) Acceptance of Agenda

The Governance Council reviewed and accepted the agenda for the March 2014.

Acceptance of Agenda cont'd

On a motion duly moved and seconded, the Governance Council of the Workers' Safety & Compensation Commission of the Northwest Territories and Nunavut accepted the March 2014 agenda, as presented. **14/03-001 - Carried**

e) Council Concerns

 i) The Governance Council Vice Chairperson met with the Nunavut Minister to discuss the upcoming appointment to the Governance Council. The Minister indicated he has a number of applications and will make a decision in the coming weeks.

2. CONSENT AGENDA

a) Approval of Minutes

The Governance Council reviewed the minutes from its December 2013 meeting.

b) Business Arising Out of the Minutes

There was no business arising out of the December 2013 minutes.

c) Lump Sum Payouts

WSCC Policy 06.02, Pension Conversions and Advances, establishes the conditions under which the Workers' Safety and Compensation Commission (WSCC) will convert a pension into a full or partial lump sum payment. Policy 06.02 also directs the President to report all lump sum payouts, greater than 10%, to the Governance Council. In 2013, the WSCC approved the conversion of two injured workers pensions to a lump sum payout.

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d) 2013 Gift Disposal

During the course of the year, the President and CEO receives gifts from various businesses and organizations for making presentations or just good will. The President donates those to the employees of the WSCC and distributes them through a yearly draw. The Governance Council reviewed the list of gifts acquired throughout 2013.

e) WSCC Complaint Log

The WSCC has a specific email account dedicated to stakeholders to provide feedback on how the WSCC is doing. The complaints received via this email account are tracked throughout the year. The President monitors this email account and fields complaints to various divisions as required. The WSCC has an external service standard to return phone calls and emails within 24 hours.

In 2013, the WSCC received 7 formal complaints on a variety of topics. This is down from 16 complaints in 2012. The average time it took for the WSCC to resolve an issue was 0.5 days. This is a decrease in average days from 2012 when the average was 2.1.

On a motion duly moved and seconded, the Governance Council of the Workers' Safety & Compensation Commission of the Northwest Territories and Nunavut accepted all consent items for the March 2014 meeting.

14/03-002 - Carried

3. EXECUTIVE REPORTS

a) Chairperson's Report

The Chairperson's Report is intended to report on the Chairperson's broad activities in between Governance Council meetings and to apprise Governance Council Directors of significant or noteworthy information. It provided information for the period November 20, 2013 to February 10, 2014.

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b) President's Report

The President's Report is intended to capture the pulse of the organization as viewed by the President and keep Directors apprised of significant events or achievements. It provided information for the period November 20, 2013 to February 10, 2014 on WSCC operations not covered elsewhere in Governance Council proceedings.

4. DECISION ITEMS

a) Audit Committee Report

John Vander Velde, Audit Committee Chairperson, provided the Governance Council with the Audit Committee report of its meeting held March 4, 2014.

The Audit Committee of the Governance Council of the Workers' Safety and Compensation Commission of the Northwest Territories and Nunavut held its meeting March 4, 2014.

Decision Items:2013 Capital Asset Disposals

As part of the year-end process, the WSCC is required to review all capital assets for evidence of impairment, obsolescence and changes to the assets useful life. This process resulted in the WSCC identifying some assets that required disposal.

As a result of the review, the WSCC disposed of capital assets with a total purchase price of \$146,860.29 and total accumulated depreciation of \$116,785.46, resulting in the net write-off of \$30,074.83.

Capital assets with a total purchase price of \$95,498.47, and having a net book value of less than \$500 were approved for write-off by the President. The remaining capital assets with a purchase price of \$51,361.82 and having a net book value greater than \$500 at December 31, 2013, require Governance Council review and approval.

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Audit Committee report cont'd

The Audit Committee reviewed a complete listing of the items with a net book value greater than \$500. Total net book value of these obsolete and disposed assets is \$26,514.34.

On a motion duly moved and seconded, the Governance Council of the Workers' Safety and Compensation Commission of the Northwest Territories and Nunavut upon the recommendation of its Audit Committee approved to write down the value of the assets due to impairment and obsolescence from \$26,514.34 to zero effective December 31, 2013.

14/03-003 - Carried

Write-off of debts

Under the authority of the Workers' Compensation Act the Governance Council can approve amounts for write-off. Under policy 10.01, the Chief Financial Officer recommends amounts for write-off to the Governance Council annually.

Fifty two employer accounts, totalling \$168,168.99, are recommended for inclusion in the allowance for doubtful accounts. All accounts recommended for inclusion in the doubtful allowance have had all collection efforts made that were appropriate for the value of the account.

Approximately 15% (\$25,234.00) of the employer amounts recommended for inclusion in the allowance account originated in 2011 and years prior to that. Approximately 25% (\$41,634.27) originated in 2012, 38% (\$63,374.69) originated in 2013 and approximately 22% (\$37,926.03) were due to interest and penalties. In 2013, payments and adjustments totalling \$82,433.26 were received on the accounts previously included as doubtful accounts.

In 2013, thirty-five employer accounts totalling \$264,965.83 are recommended for write-off. For all accounts recommended for write-off of more than \$5,000.00 a detailed explanation of the reason for the recommendation is provided.

Audit Committee Report cont'd

On a motion duly moved and seconded, the Governance Council of the of the Workers' Safety and Compensation Commission of the Northwest Territories and Nunavut, upon the recommendation of its Audit Committee, approved the write-off of debts as follows:

168,168.99
0.00
(264,965.83)
(0.00)
<u>(82,433.26)</u>
<u>\$115,639.15</u>

Discussion/Presentation Items:

Draft 2013 Financial Statements:

The Governance Council (GC) approves the annual financial statements of the Workers' Safety and Compensation Commission (WSCC). Under the *Financial Administration Acts,* the Auditor General for Canada (OAG) provides an opinion on the statements. The OAG will complete their work in late April, so final approval will occur after this meeting. At this meeting the Audit Committee reviewed the draft statements for discussion and information.

Currently, the financial statements are showing a net income of approximately \$32.8 million.

The WSCC's current funded position is 118%; however, the claims benefits liability adjustment will affect this ratio. The WSCC's statement of funding range indicates a required funded range of 108-120%.

Audit Committee Report cont'd

Currently the assessment revenue is slightly below budget by \$2,199 thousand; however, as the final deeming revenue has not been received this could end closer to budget than anticipated.

Investment income is \$21,559 thousand more than budgeted. This strong showing is even more than what was anticipated during the 2014 budget setting process. Further, administration and general expenses are \$970 thousand less than budgeted. Due to all of the above, Management expects to have net income for the first time since 2009.

The group needs to discuss the date in May for this meeting with the Audit Committee and the Governance Council.

2013 Internal Audit Report:

The Audit Committee reviewed the 2013 Internal Audit report and list of pending recommendations which are outstanding. In the 4th quarter, the Internal Auditor submitted the following reports:

- CAAPS and Great Plains Integration review;
- Claims NU follow up audit; and
- Medical and Supplier payments review.

Completed the Corporate Risk Registry audit and results will be a part of the next quarterly update.

Enterprise Risk Management:

The Audit Committee reviewed the revised risk management process. It represents a practical 'how to' approach to consistently and methodically manage risk within the WSCC.

The Audit Committee will receive the revised risk registry, in accordance with this approach, at the June 2014 meeting.

Audit Committee report cont'd

Third Party Actions:

The Audit Committee received a report of Third Party Actions to January 31, 2014.

Of significant note, the claims for the 6 workers involved in the First Air crash have been settled. The total settlement is \$2,725,299.00. Some of these funds will be distributed to family members who had legal claims outside of the workers compensation system, but whose claims we handled along with the subrogated claims for simplicity. CFM is working on net recovery calculations to the WSCC which will likely be in the 1.2 million dollar range. This is close to 50% of the costs on the worker fatality claims.

Investigations Report:

The Audit Committee received a report on investigations activity to January 31, 2014. The Investigator went to a mine site and noticed flaws in their reporting process. Employer Services is working with them to fix this.

Draft 2013 Annual Report:

The 2013 Annual Report defines the WSCC's performance, measured against the goals set in the 2013 Corporate Plan. The written components of this draft report are ready for Governance Council preliminary review. The report will not be complete and ready for approval until the financial statements are approved by the Office of the Auditor General of Canada. At that time, a refined narrative and finalized corporate performance data will also be presented.

Internal Controls:

The Audit Committee Chairperson asked for this item to be added to the agenda for Audit Committee discussion about the article and presentation supplied.

The Audit Committee will see documents and maps at the June meeting that are in line with this report. Everyone is on the same page with this going forward.

Audit Committee Report cont'd

Information Items:

Investment Report:

The Audit Committee discussed the investments to December 31, 2013. Overall, the total fund returned 5.09% for quarter ending December 31, 2013. Year to date, the fund returned 13.77% outperforming the benchmark by 3.65%. There was no formal rebalancing for the third quarter.

Sole Source Awards:

There were five sole source award between October 1 and December 31, 2013.

2013 Fourth Quarter Financial Review:

For 2013, projects a total of \$235,384 was spent by the end of 2013 resulting in \$784,785 being requested for carry-forward and \$109,200 available for reallocation in 2013, note this amount is netted with projects from pre-2013 and 2013 that overran their budgets.

On a motion duly moved and seconded, Governance Council of the Workers' Safety and Compensation Commission of the Northwest Territories and Nunavut accepts the report of the March 4, 2014 Audit Committee meeting. 14/03-005 – Carried

b) Policy 00.01 - Policy Creation and Revision

This policy provides guidelines for the creation and revision of Workers' Safety and Compensation Commission (WSCC) policy instruments. The WSCC Governance Council is committed to a policy creation and revision framework that is consistent with the legislative and regulatory framework of the governments of the Northwest Territories, Nunavut and Canada and is consistent with the authority and accountability of the WSCC.

Policy 00.01 – Policy Creation and Revision cont'd

At the December 2013 Governance Council meeting, Administration proposed a new method of engaging the WSCC's stakeholders. This new stakeholder engagement process aims to facilitate meaningful stakeholder participation in the policy creation and revision process. Also proposed by Administration was the Comprehensive Policy Review Plan (CPRP) transition from being an annual decision item to a quarterly discussion item to provide the WSCC with the flexibility needed to respond to emerging policy issues.

The Governance Council discussed the 3 year plan and thought it beneficial to give the policy unit the flexibility of a 5 year plan. Going forward, changes will be made to the policy review plan indicating a 5 year cycle.

On a motion duly moved and seconded, Governance Council of the Workers' Safety and Compensation Commission of the Northwest Territories and Nunavut approves Policy 00.01 – Policy Creation and Maintenance, as amended. **14/03-006 – Carried**

c) Policy 00.07 – Stakeholder Engagement

This policy provides guidance to the Workers' Safety and Compensation Commission (WSCC) when conducting stakeholder engagement.

Stakeholder engagement provides the WSCC an opportunity to exchange information and ideas on specific issues with stakeholders.

At the December 2013 Governance Council meeting, Administration proposed a new method of engaging the WSCC's stakeholders. This new stakeholder engagement process aims to facilitate meaningful stakeholder participation in the policy creation and revision process. In order to have the flexibility to develop the new process, Administration requested that Policy 00.07, Consultation, be repealed.

Policy 00.07 – Stakeholder Engagement cont'd

The Governance Council agreed to the proposal and the repeal, resulting in the creation of this policy as well as the revision of Policy 00.01, Policy Creation and Revision.

On a motion duly moved and seconded, the Governance Council of the Workers' Safety and Compensation Commission of the Northwest Territories and Nunavut approved Policy 00.07 – Stakeholder Engagement, as presented. **14/03-007 – Carried**

d) Policy 01.01 – Industrial Classification

The Workers' Safety and Compensation Commission (WSCC) assigns each employer operating in the Northwest Territories and Nunavut to a general industry class (e.g., Mining) and then to a subclass based on the employer's operations (e.g. Underground Mining or Mining Services). This process is called Industry Classification and its purpose is to ensure the costs of compensation are distributed fairly among the industries responsible for those claim costs.

The three-year cycle of the Comprehensive Policy Review Plan identified Policy 01.01, Industrial Classification, for review.

On a motion duly moved and seconded, the Governance Council of the Workers' Safety & Compensation Commission of the Northwest Territories and Nunavut approved Policy 01.01 – Industrial Classification, as presented. 14/03-008– Carried

e) Policy 01.02 – Industrial Re-classification

The Workers' Safety and Compensation Commission (WSCC) assigns employer industry classifications and monitors, reviews or reassigns classifications to ensure an employer's operation(s) reflects changes within the industry or changes in the WSCC's industry classification system.

Policy 01.02 – Industrial Re-classification cont'd

The three-year cycle of the Comprehensive Policy Review Plan identified Policy 01.02, Industrial Re-Classification, for review.

On a motion duly moved and seconded, the Governance Council of the Workers' Safety & Compensation Commission of the Northwest Territories and Nunavut approved Policy 01.02 – Industrial Reclassification, as presented. 14/03-009– Carried

f) Policy 03.09 – Psychiatric and Psychological Disorder

The Workers' Safety and Compensation Commission (WSCC) may provide compensation benefits to workers who develop a psychiatric or psychological disability arising out of and during the course of employment. To be considered for compensation benefits, a claimant must have a work-related disability resulting from a disorder diagnosed by a psychiatrist or psychologist according to the *Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition* (DSM-IV), published by the American Psychiatric Association. Diagnoses may include, but are not limited to:

- Acute stress disorder;
- Post-traumatic stress disorder
- Adjustment disorder; or
- An anxiety or depressive disorder.

The three-year cycle of the Comprehensive Policy Review Plan identified Policy 03.09, Psychiatric and Psychological Disability, for review.

On a motion duly moved and seconded, the Governance Council of the Workers' Safety & Compensation Commission of the Northwest Territories and Nunavut approved Policy 03.09 – Psychiatric and Psychological Disorder, as presented. 14/03-010– Carried

g) Policy 03.10 – Chronic Pain

Compensation benefits may be provided, by the Workers' Safety and Compensation Commission (WSCC), to workers who develop pain disorder(s) from a compensable work-related injury. Pain disorder(s) must be diagnosed by a Psychiatrist or Doctor of Psychology to be considered for compensation benefits. The diagnosis must be according to ICD-9-CM codes 307.80 and 307.89 of the *Diagnostic and Statistical Manual of Mental Disorders*, Fourth Edition (DSM-IV), published by the American Psychiatric Association. Claims for compensation will be dealt with individually and adjudicated on a case by case basis.

The three-year cycle of the Comprehensive Policy Review Plan identified Policy 03.10, Pain Disorders, for review. It has been proposed that the current policy be incorporated into Policy 03.09, Psychiatric and Psychological Disability. This is because pain disorders, as outlined in the current 03.10 policy, are considered psychological disorders and should be diagnosed, treated, and compensated for in the same manner as the disorders addressed in Policy 03.09.

On a motion duly moved and seconded, the Governance Council of the Workers' Safety & Compensation Commission of the Northwest Territories and Nunavut approved Policy 03.10 - Chronic Pain, as presented.

14/03-011- Carried

h) Policy 10.05 – Funding Strategy

Under the authority of the *Workers' Compensation Acts* of the Northwest Territories and Nunavut, the Workers' Safety and Compensation Commission's (WSCC) Governance Council must ensure the proper stewardship of the Workers' Protection Fund (the Fund). To ensure the financial stability of the Fund and the needs of both workers and employers, the Governance Council must maintain the desired ratio of assets to liabilities. This policy outlines the WSCC's funding strategy to ensure the long term financial security and stability of the WSCC and the Fund.

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Policy 10.05 – Funding Strategy cont'd

The Governance Council actioned Policy 10.05, Funding Strategy, for review to correspond with a review of the WSCC's funding approach.

On a motion duly moved and seconded, the Governance Council of the Workers' Safety & Compensation Commission of the Northwest Territories and Nunavut approved Policy 10.05 – Funding Strategy, as presented. 14/03-012– Carried

i) Mine Training Society Funding

In December 2013, the Mine Training Society approached the WSCC with a proposal to partner with us for the purchase of equipment needed for training purposes. A partnership would be formed following the purchase of the equipment for a yearly maintenance fee. This would ensure the equipment could be maintained to the standards required by industry and safety codes.

In late December 2013, the WSCC purchased approximately \$35,000 worth of training equipment for the Society from its existing budget. The equipment was then loaned to the Society for training purposes. The training is currently underway.

In February 2014, the Society requested a formal partnership with the WSCC asking for funding of \$1300 a year for maintenance of the equipment until 2017 as well as an outright donation of the already purchased equipment.

As formal partnership agreements require the approval of the Governance Council.

On a motion duly moved and seconded, the Governance Council of the Workers' Safety & Compensation Commission of the Northwest Territories and Nunavut approved the request to partner with the Mine Training Society to provide funding each year in the amount of \$1300 until December 31, 2017 and to donate the already purchased equipment. **14/03-013– Carried**

j) 2014 Corporate Plan

The annual Corporate Plan outlines the Governance Council's strategic direction and the WSCC's operational objectives for the current planning cycle. It fulfills an important obligation of accountability and transparency to the WSCC's stakeholders. The 2014 Corporate Plan represents year three of the 2012 – 2014 three-year strategic plan. The content complies with the *Financial Administration Act(s)* and best practices. The content is organized to demonstrate the importance of each key result area and associated objectives.

This 2014 Corporate Plan is updated from the Draft submitted at the December 4 – 5, 2013 Governance Council Meeting with the following changes:

- Insertion of Approved Financial Statements;
- Removed Rankin Inlet as a Regional Office in the closing contacts page; and
- Added a missing footnote in the Balance Scorecard.

On a motion duly moved and seconded, the Governance Council of the Workers' Safety & Compensation Commission of the Northwest Territories and Nunavut approved the content for the 2014 Corporate Plan, as presented.

14/03-014- Carried

5. DISCUSSION/PRESENTATION ITEMS

a) 2013 Q4 Performance Report

The Quarterly Performance Report provides a snap shot of actions the Workers' Safety and Compensation Commission (WSCC) is taking to achieve its goals. The report indicates whether the WSCC is successfully delivering against the Corporate Plan and achieving progress towards its Vision and Mission. For each available performance measure, the WSCC indicates whether it is on track, lagging or off track from the targeted goal.

b) Outstanding Litigation and Appeals Tribunal Decisions

In carrying out its mandate, the WSCC is sometimes required to enforce its legal rights in court, clarify its legal obligations and responsibilities, defend its decisions, and hold people and companies liable for non-compliance with legislation such as the *Safety Act*.

This report contained:

- Outstanding non-third party litigation involving the WSCC,
- Prosecutions commenced by the WSCC,
- Short term contracts for legal services, and
- Appeals Tribunal decisions released between November 1, 2013 and January 31, 2014.

c) Divisional Presentation – Nunavut Operations

The Governance Council welcomed Glenda Zuker, Regional Superintendent, to the meeting for this presentation.

At the September 2013 meeting, the Governance Council requested high level strategic presentations from all divisions at the WSCC. These presentations should outline activities and ways each division fits into and fulfills the strategic priorities.

This presentation focused on Nunavut Operations and the WSCC employees and activities in the Iqaluit, NU office.

d) Divisional Presentation – Executive Services

The Governance Council welcomed the Leadership Team from Executive Services to the meeting for this presentation.

This divisional presentation focused on the Executive Services division which includes the Review Committee, Policy and Corporate Reporting, and Communications.

e) NTFL and NSA Quarterly Compliance Report

In the fourth quarter, the NTFL taught 134 participants from 31 different employers. Due to personal staff challenges, the NTFL could not complete their NWT travel plan resulting in a lower than targeted number of workers trained.

The NTFL was not in compliance with the terms of the contract in Q4 2013 due to the circumstances but they do have plans in place to make up the loss in 2014.

In the fourth quarter, the NSA has 78 employers COR certified to date, and 13 of these were new in Q4.

The NSA held 29 training in class training sessions including COR programs, Asbestos Awareness programs, Confined Space Entry and Monitor and Fall Arrest.

The NSA is compliant with the terms of the contract agreed upon by the Governance Council and Administration.

f) Year's Maximum Insurable Remuneration (YMIR) Review

At the September 2013 Governance Council meeting, administration was directed to undertake a review of YMIR setting processes across the country and present the findings for discussion at a future meeting.

A jurisdictional review revealed that of the 12 jurisdictions, the annual YMIR calculation process for 8 of the 12 is embodied within their legislation.

The 2014 YMIR fell below the stated 70 to 80% target for full replacement compensation coverage. Analysis indicated that to achieve the 70% target an increase to YMIR of \$4,400 or 5.2% was required. Maintaining YMIR at the 2013 level, which was the decision of the Governance Council, achieved a 67% coverage rate. Of note and interest in the YMIR discussion was the economic growth rates used internally and used in other areas. The supplementary pension increase (SPI) for 2014 was 0.96% and the Bank of Canada core inflation rate for the year was 1.3%. (The Bank of Canada core inflation rate adjusts CPI, removing eight of the most volatile components of the CPI measure).

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YMIR Review cont'd

The rationale in looking at that rate was its recognized stability as an economic measure.

The required 5.2% increase to achieve the desired target was not in line with those other measures. An analysis of employer assessment data indicates that wage increases have not been uniform across all industry sectors. While the average income has grown by 3.4% the distribution of that growth had the higher earning subclasses seeing increases of 6 - 8 % while the lower earning subclasses seeing increases of 2%. It was that uneven distribution skewed to the higher earnings subclasses that was indicating a required 5.2% increase.

g) Understanding the Financial Impacts of Decisions

At the September 2013 Governance Council meetings it was recognized that certain decisions can and do have significant financial impacts, many of which are not readily apparent. An example of such is a change to the Years Maximum Insurable Remuneration (YMIR) which impacts assessment revenues, financial reserve levels, funded ratio and numerous benefit levels.

Governance Council directed administration to develop an approach for disclosing the financial impacts of decisions.

Administration recommends the implementation of a process going forward to address this issue. Administration will provide to the Governance Council a financial impact assessment for each decision item on the meeting(s) agenda. The assessment will be appended to each decision item and will include sign off by the Chief Financial Officer.

h) Information Bulletins and Communication Opportunities for Industry

Administration received a request from the Governance Council to identify options for information sharing between the WSCC and stakeholders, as well as industry to industry.

Information Bulletins and Communication Opportunities for Industry cont'd

The WSCC has an existing web site page titled 'Safety Notices', which includes Information Bulletins, Hazard Alerts, and External Bulletins and Alerts.

- Information Bulletins- provide additional information such as tips and guidelines related safety issues
- Hazard Alerts- provides awareness to a specific event that caused injury or damage and identifies what led to the occurrence
- External Hazard Alerts and Bulletins- Created by other organizations that identify issues from their workplaces. These are placed on our web site for all to share.

Awareness of this page and its location will be provided to industry as part of the Prevention information campaign with notices sent to industry associations and included in SafetyNet. The WSCC is targeting the next edition of SafetyNet, and regular contacts to Industry associations beginning in March 2014.

Prevention Services is working with the Communications unit to identify how additional communication tools can be incorporated in the development of the coming version of the website and the new social media sites. Consideration is being given to how best industry to industry information sharing can be made available through the WSCC media.

6. NEXT MEETING

The Governance Council reviewed the agendas and corporate planning calendar for the June 2014 meeting.

7. IN CAMERA SESSION

- a) President and CEO Evaluation Process
- **b)** GC/Chair Evaluation
- c) Meeting Evaluation

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8. ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 12:45 pm on March 5, 2014.

On a motion duly moved and seconded, the Governance Council of the Workers' Safety & Compensation Commission of the Northwest Territories and Nunavut adjourned its March 4-5, 2014 meeting in Iqaluit, NU.

Date

Chairperson

Date

Corporate Secretary