



SBCI UPDATE

November 2009

NEWSLETTER

MESSAGE FROM THE CHAIR

Firstly, I should update you on some changes to the SBCI Board of Directors over the past few weeks. Kathy Czaczkowski has stepped down from the Board to concentrate on new job responsibilities at her school board. Kathy has been Chair of SBCI during her term of office and, on behalf of everyone, I want to thank Kathy for her dedication to SBCI.

Also, at the end of September, Bryan Mahn retired from Waterloo Catholic DSB and, therefore, had to step down from SBCI's Board. Bryan's HR wisdom has been greatly appreciated.

We have asked Lori Gillespie of Hastings and Prince Edward DSB and Lynda Coulter of York Catholic DSB to join the SBCI Board of Directors to fill Kathy's and Bryan's terms of office.

I am also delighted to report that Sheila Church has joined SBCI as the Senior Health and Safety Consultant. Sheila started with us on September 22 and has already visited many school boards as she gets to grips with the requirements of our member boards for H&S advice.

I can also inform you that Hamilton-Wentworth Catholic DSB has joined SBCI for workers' compensation and H&S services. The board issued an RFP for which SBCI was the successful bidder.

Every April, SBCI holds its Annual General Meeting. In April 2010, we plan to run a conference which we generally do every 2 or 3 years. I draw your attention to the article in this Newsletter that relates to the 2010 Conference.

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.

Ron Bender
Chairperson

practice in hand hygiene. This then puts school board employees at greater risk of exposure and could result in a WSIB claim.

Influenza-like Illness

The H1N1 symptoms are acute onset of respiratory symptoms with fever and cough and one or more of the following: sore throat, muscle aches, joint pain, or weakness. In children under 5, gastrointestinal symptoms may also be present and fever may not be prominent.

WSIB Policy

If an employee develops the H1N1 virus and if there is a potential that they contracted the virus in the workplace, the case must be reported to the WSIB. Once the WSIB is notified of a case, they will investigate and obtain all medical documentation and tests to confirm the diagnosis. An employee who contracts the H1N1 virus in the workplace is entitled to WSIB benefits. The WSIB must establish that it is more probable than not that a workplace exposure contributed significantly to the development of the medical condition in order to consider entitlement.

If the evidence indicates that the exposure to the virus in the workplace contributed significantly then the claim is allowed.

SBCI has had one claim for a teacher allowed when several of the students fell ill over the course of a few days and shortly thereafter the teacher fell ill and was diagnosed with the H1N1 virus.

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EXPOSURE TO H1N1

The Ministry of Health and Long-Term Care has developed guidelines for school boards to assist with implementing preventative measures based on the best evidence available. They advise that the confirmed cases of H1N1 2009 influenza virus (pH1N1) in Ontario have been reported in healthy young adults and most have been mild cases. Younger children are most at risk of acquiring infection, due to difficulty in maintaining routine

CELL PHONES

By now you will have heard that October 26, 2009 is the effective date of Bill 118, an amendment to the Highway Traffic Act which bans driving while using or even holding a cell phone or electronic entertainment device. If your current policy allows employees to simply pull over to use their phone, a review is in order as they may still be considered to be operating the vehicle. The penalty, a \$500 fine, is expected to be in place by February.

While the ban permits the use of all such devices if in hands-free mode or for calling 911, studies have suggested that the conversation itself is as distracting as the use of the device. SBCI is recommending that school boards consider this an opportunity to practise due diligence and create a policy that goes beyond new requirements. Best practice would dictate that a driver puts the phone away in a console or glove compartment while driving so as to avoid temptation to take calls or view messages, while still having access for emergency calls.

In order to protect employee safety, school boards should implement a policy that is consistent with Bill 118. Wherever possible, use of electronic devices while driving should be avoided. If driver use of cell phones is essential to the job then make certain that hands-free devices are used. It will be essential that training is provided to all affected employees and that documentation is maintained to control liability under the *Occupational Health and Safety Act*.

To view the new law follow this link:

http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90h08_e.htm#s78p1s1

MINISTRY INSPECTORS TO FOCUS ON SLIPS/TRIPS/FALLS IN NOVEMBER

In 2008, the Education Sector had more critical injuries resulting from slips/trips and falls than any other segment of the broader Industrial Sector. Wayne DeLorme, Provincial Program Coordinator with the Ministry of Labour (MoL) was the keynote speaker at the

recent Schedule 2 Employers' Group Conference. He shared the following:

- The MoL has just finished updating the Safe at Work Sector Plans for 2009-10. You can expect to see these on the website in the near future <http://www.labour.gov.on.ca/english/hs/sawo/index.html>
- The November Inspection Blitz will be on Falls with specific focus on slip/fall hazards in parking lots within the Education sector
- 2010 Inspection Blitzes will include Musculoskeletal Disorders in Education sector
- They are working on an enforcement strategy re: senior management commitment.

Given that the Ministry's November Inspection Blitz is on Falls, you should be prepared with prevention plans in place. As a minimum, you should have the following in place:

- 1) Review of slip/trip/fall accident data to understand trends, root causes and problem areas will allow you to focus your accident prevention plan
- 2) Updated procedures that include actions to be taken to maintain all walking surfaces with special consideration of known problem areas (parking lots, stairs, etc.)
- 3) Consultation with your Joint Health and Safety Committee for prevention ideas and assistance with communication efforts
- 4) Training for all staff including the legal requirement to report and correct slip/trip/fall hazards immediately, before an accident can happen
- 5) A multifaceted communication plan so nobody is unaware of the focus on preventing slips/falls

We know that many slips/falls occur in icy parking lots. Now is the time to plan for outdoor surface maintenance over the winter months. Environment Canada has developed a very useful document to help Operations staff understand the best approach in changing temperatures while incorporating salt reduction to meet environmental goals. See the following link

http://www.ec.gc.ca/nopp/roadsalt/reports/ParkingLot/EN/parkinglot_E.pdf

SBCI can assist in developing prevention plans. Give us a call if you need help.

SCHEDULE 2 WSIB POLICY ISSUES

On a regular basis, the Schedule 2 Employers' Group lobbies the WSIB on behalf of Schedule 2 employers on matters of significant importance. On August 31, 2009, a number of issues were brought forward to the attention of John Slinger, Chief Operating Officer of the WSIB. Those issues included the following:

Non-Economic Loss – It was requested that the WSIB enforce the provision in legislation to assign a 0% rating when warranted. More often than not, the WSIB assigns values higher than 0% even when the NEL evaluation warrants a 0% rating. In addition, the WSIB continues to ignore its obligation to offset NEL awards as prescribed by policy on claims where the pre-existing condition is non-measurable or the pre-existing condition is not well understood.

Loss of Earnings – It was requested that the WSIB cease paying Loss of Earnings benefits for workers who are retired and not suffering from a wage loss. This takes place for retired workers who undergo surgery but have not suffered a wage loss during recovery because they are not gainfully employed. Additionally, in Occupational Disease claims, workers who are 63 years of age or older are automatically granted 2 years earnings in spite of there being no wage loss incurred. This is contrary to WSIB Policy Document 18-03-02.

Survivor Benefit – Presently, Section 48 of the Act and Operational Policy Manual, Documents 20-03-04 to 14, provide guidance for payment of Survivor Benefits. The wording of the legislation presupposes earnings at the time of injury which may not in fact be the case thereby causing the benefit to be inflated. It was requested that an amendment be made to the sections.

Section 63 (Agreements re: Payments) – Pursuant to Section 63, a worker and a Schedule 2 employer may enter into an agreement for the employer to pay the worker or their survivor a sum of money

in lieu of or in satisfaction of payments to which he/she is entitled to under the insurance plan. The WSIB must then authorize the agreement for it to have full force in law. Unfortunately, there is no policy documenting the process or criteria by which to guide the parties engaged in this process. It was therefore requested that policies be drawn up to support Section 63.

Apportionment in Occupational Disease Claims – Section 94(6) grants the Board authority to apportion the cost of Occupational Disease Claims. However, there are no policies in effect to guide the parties nor does the WSIB adjudicate claims in this manner, choosing rather to charge the last exposure employer with the entire costs of the claim. It was requested that policies be drafted to reflect Section 94(6).

Overpayment Policy – Since 1998, the WSIB does not collect benefit overpayments that result from reconsidered decisions. This has left Section 2 employers indirectly liable since a portion of the Administration fees are the result of Benefit Overpayments. It was recommended that this practice be changed as it is inconsistent with the operation of Schedule 2.

Health Care Benefits – Where health care charges are incurred outside of Ontario, the WSIB typically approves and pays amounts that are reasonably charged in that community. However, the WSIB rarely investigates what is reasonable and simply pays the invoice. It was requested that policy be revamped to provide better direction and guidance as well as criteria for determining what charges are considered reasonable.

Employer Advances – It was requested that the WSIB discontinue the practice of unequal treatment between Schedule 1 and Schedule 2 employers in the area of advances. Schedule 1 employers are permitted to pay full advances and not receive reimbursement during workers' graduated return to work programmes whereas, under the same scenario, Schedule 2 employers must report the advances paid, thereby receiving reimbursement, all the while maintaining the claim open longer. The result is that Schedule 2 employers must pay Administration charges on those advances

that are reported, as well as causing Duration statistics to be overly suppressed for Schedule 1 employers and inflated for Schedule 2 employers. (This particular issue has been raised with the Fair Practices Commission also).

The above issues will be monitored and an update report on the Schedule 2 Employers' Group's progress will be commented on as these matters develop.

2010 SBCI CONFERENCE

Plans are currently underway for SBCI to host a conference for our membership in the spring of 2010. A committee has been struck to identify topics of interest to our membership and to identify potential speakers and presenters at the conference that will be held in conjunction with SBCI's Annual General Meeting. So, make sure that you hold April 8 and 9, 2010 open on your calendars for what will be an interesting and informative 2 days.

Following preliminary discussions within the committee, some of the topics that are under consideration for the conference include issues related to mental health in the workplace and how employers handle these often complex issues; a focus on Educational Assistants, including the common injuries they sustain and what some school boards are doing to assist these employees; health and safety workshops on issues such as workplace violence and Workplace Hazard Analysis; and managing and mitigating costly claims.

Please stay tuned for additional information related to the upcoming conference in future newsletters and communiqués from SBCI.

ATTENDANCE PROGRAMME: SUPPORT GAINING MOMENTUM

The 2008-09 school year was a busy year for both our client boards and SBCI's Attendance Support Programme Team. Notably the provincial collective bargaining process occurred; the report on 'Leading Practices in Attendance Support for Ontario School Boards' was released; and some school boards underwent the

Ministry of Education's Operational Review. The Operational Review addresses, in part, the issues surrounding increased absenteeism rates and costs, while the Ministry report addresses a perspective on best practices to manage absenteeism issues.

SBCI's Attendance Support Programme is designed with best practices in mind to help all our member boards meet the challenges and recommendations stemming from the Operational Review and to deal with the day to day issues of absenteeism. SBCI's Attendance Support Programme ensures employees have supportive services in place which encourage safe and timely return-to-work and stay-at-work plans, which are in compliance with human rights and privacy legislation. We constantly strive to update and improve programming with any and all applicable legislative changes and with any relevant case law decisions that may impact the day to day business within a school board.

Many of our client boards are in the process of developing a comprehensive attendance support strategy, beginning with the implementation of a solid disability management (DM) strategy and moving into attendance management (AM). In addition, we have had an increase in the number of school boards moving ahead with SBCI's Attendance Support Needs Assessment - the initial tool used to gauge a school board's strengths and weaknesses with regard to its current disability and attendance management processes. This comprehensive assessment allows SBCI to make recommendations with regard to bridging the gaps between school boards' current processes and industry's best practices.

Anecdotal evidence shows that employees are appreciative of the new supports available to them through early intervention and case management strategies when they experience prolonged absences due to disability or are struggling to maintain regular attendance at work. SBCI's preliminary audit data supports previously documented research indicating that workplace attendance improves (at a minimum) an average of one day per employee when Attendance Support Programmes are implemented. In

developing the programme with collaborative efforts by union and employee group representatives and management, the best successes are seen when the focus is on supporting staff.

Moving forward, as attendance support awareness continues to increase and our school board clients continue to grow we would like to welcome our newest school board clients, along with Shoba Thomas who has joined the Attendance Support Team as the primary consultant for the French language school boards.

We look forward to continuing to work with our clients in the 2009-10 school year.

ATTENDANCE SUPPORT PROGRAMME

As a result of recommendations made by the Ministry under its Operational Review process, many school boards are planning to move forward with the development and implementation of an Attendance Support (AS) programme. SBCI is now actively working with 28 school boards that are in various stages of the AS process including needs assessments.

SBCI has expanded its Attendance Support resources under the strong leadership of Lynn Porplycia who has 25 years experience in the field including 17 years in the school board environment. Along with Lynn, three full-time Attendance Coordinators – Cheryl Luke, Shoba Thomas and Byron Franson - provide complete services to both English-language and French-language school boards. SBCI consultants have both the experience and the know-how to assist school board staff manage difficult absenteeism issues.

SBCI is currently working with Parklane Systems to provide a 'shared' Attendance Management Module which will house the attendance data of all its school board clients. This will be advantageous to both SBCI and school boards in the management of absences - data analysis, benchmarking, peer comparisons, trend analysis, monitoring thresholds, flagging high risk cases, developing intervention strategies, setting improvement targets, etc.

The development and implementation of an Attendance Support programme involves the following process:

1. **Needs Assessment**
 - a. Quantitative Analysis of absence data to identify the incidence, frequency and duration of absences
 - b. Qualitative Review of Policies, Procedures, Collective Agreements, internal work processes relating to the best practices identified in the management of absences
 - c. Final Report with recommendations for moving forward
2. **Programme Development and Implementation** - the process for implementing an Attendance Support Programme, facilitated by SBCI, includes developing a formal project plan covering the following five steps:
 - a. Strategy - Planning
 - b. Development and Design of Programme
 - c. Implementation
 - d. Evaluation and Monitoring
 - e. On-going Support and Guidance

Once implemented and fully functioning, the Attendance Support programme comprises three distinct but fully integrated components – Disability Management, Attendance Management and Workplace Wellness.

SBCI is pleased to continue to enhance service offerings to its client school boards. The Attendance Support Programme has proven to be a great success as more school boards come to grips with the issues surrounding absenteeism in the workplace. Research clearly shows that the introduction of an AS programme will yield positive results for the organization, the employees and, in the case of school boards, for the student - achievement in the classroom and the quality of the educational product.

For more information, please contact Lynn Porplycia at SBCI – 1-800-361-3516, # 237.

THE LAW COMMISSION OF ONTARIO – CONSULTATION ON LAWS AFFECTING PERSONS WITH DISABILITIES

The concept of “Lost Souls” references the scenario where a worker is denied WSIB entitlement or ongoing benefits. The WSIB communicates the denial in a decision letter. The worker does not return to work and there is no active monitoring by the school board. In essence, this is a non-occupational absence at this point. Generally, these workers apply for LTD/EI or continue to access their sick credit bank or they are allowed to remain off work on an unpaid medical leave.

SBCI Claims Managers have seen situations where these workers remain off work for years without any contact or medical requested by the school board and no offers of accommodated work.

This poses a financial risk for school boards if that worker appeals the denial of WSIB entitlement/benefits. The Appeals process may take years. In a few cases, the WSIB Appeals Resolution Officer or more often the Tribunal (WSIAT) allows the case with retroactive benefits. The WSIB is usually directed to determine the period of benefits to be paid. The WSIB Case Manager then reviews the evidence in the file for level of impairment. The Case Manager is looking for the date when the worker was medically partially disabled and what were the restrictions. Once that information is known, they look for an offer of work from the employer flowing from the restrictions.

Since, more often than not, these cases have not been monitored with any regularity, LOE benefits are paid retroactively and to the date an offer is made.

SBCI advises that these denied WSIB cases are never closed and should be actively monitored, particularly where an appeal has been launched. These cases can be extremely costly and reflect negatively on the school board due to the lack of diligence. There is a further impact in cases where Excess Loss of Insurance was purchased or in the case of a claim that falls under the Assistance

Programme. The Insurer, or in the case of the Assistance Programme, the Assistance Committee, when reviewing the case for potential payment, notes that appropriate disability management was not applied. It therefore has the right within the contract to deny payment if all actions were not taken to mitigate the costs and return the worker back to work.

School boards should have procedures in place to manage these cases to minimize the risk.

PARKLANE UPDATE

What's New

When you select the "Body Parts" on the Initial Medical Information Screen (D54) the Form 7 is automatically populated while entering the incident into Parklane.

Cancelled Incidents

Parklane gives the user an option of showing any cancelled incidents or removing them from the incident list in the directory. In the Incident Reporting Module, select *More, Options, Toggle to see Incidents*.

D9N Report

Parklane has recently added a new report which identifies the number of claims and associated costs, monthly, by type of incident and group/department. This report is valuable in the analysis of health and safety data. The report can be found in the **Incident Reporting Module**, under *Statistics*.

Parklane Training

Parklane continues to offer its clients web training, a solution for those who want a short training class without having to leave their office. Contact Sara Kane, Manager of Education Services, Parklane Systems @ 519-657-3386 or s.kane@parklanesys.com for more information on these upcoming sessions.

SURFING THE NET

Interesting information on the WSIB website (www.wsib.on.ca). The first topic deals with third party actions. As

indicated in the Q & A document under third party questions, a third party is a person who may have caused a workplace injury to one of your employees, but does not work for you. Examples of a third party are listed in the document.

WSIB Operational Policy Document #15-01-05 deals with third party rights of action and Section 28(2) of the Workplace Safety and Insurance Act outlines the following:

"In respect of the worker's injury or disease, a worker employed by a Schedule 2 employer and the worker's survivors are not entitled to commence an action against

1. The worker's Schedule 2 employer.
2. A director, executive officer or worker employed by the worker's Schedule 2 employer.

CALENDAR OF EVENTS



Board of Directors Meeting:

December 11, 2009

Parklane Workshop

November 24, 2009

SBCI SERVICES

TOTAL EMPLOYEE ATTENDANCE MANAGEMENT & SUPPORT (TEAMS)

- Attendance Support -
- WSIB Claims Management -
- Health and Safety -
- Wellness -

ACTUARIAL

- PSAB -
 - Sick Leave Utilization -
-

SBCI STAFF

Brian Brown, Chief Executive Officer
Mary Luck, Senior Claims Manager
Darlene Iwaszko, Claims Manager
Christopher James, Claims Manager & Lawyer
Kelly Melanson, Claims Manager
Robert Orrico, Claims Manager
Louise Bellamy, Financial/Office Co-ordinator
Lisa Chaplin, Claims Analyst
Melissa Hewit, Parklane Assistant
Monica Wroblewska, Executive Assistant
Audrey O'Connor, Data Entry Clerk
Neera Ramkorun, Data Entry Clerk
Rolly Montpellier, Marketing Consultant
Sheila Church, Sr. H & S Officer
France Germain, H & S Specialist
Lynn Porplycia, Attendance Support Practice Leader
Byron Franson, Attendance Support Co-ordinator
Cheryl Luke, Attendance Support Co-ordinator
Shoba Thomas, Bilingual Attendance Support Co-ordinator
Wendy Achoy, Chief Actuary
Brad Bowen, Actuarial Analyst
Joseph Chan, Actuarial Analyst
Joe Huang, Actuarial Analyst
Ellen Xu, Actuarial Analyst
Maggie Zhou, Actuarial Analyst

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