



SBCI UPDATE

December 2014

NEWSLETTER

MESSAGE FROM THE CHAIRPERSON

My best wishes to everyone for the holiday season and have a safe and healthy 2015.

As the New Year is about to start, SBCI has issued a number of announcements, which I will summarize here. Firstly, in order to keep up with rising costs, the SBCI Board of Directors approved a 2½% increase in fee level for 2015.

Secondly, the second five-year Assistance Program that SBCI is managing, competes its term at the end of 2014. It will be some time before all the claims under that program mature sufficiently to allow for settlement of all potential liabilities. Meanwhile, we invite school boards registered under Schedule 2, to participate in a third Assistance Program to run from 2015 to 2019. This will be very similar to the second program participation only to \$1 million.

We have just received the renewal terms from Chubb Insurance for workers' compensation excess loss insurance. Chubb is holding its premium rates for 2015 at the same level as for 2014.

Finally, we have recently sent out invitations to boards to participate in our Absence Study covering the 2013-14 school year. The study covering the previous 3 years was issued in October and contained very interesting results. All boards are welcome to participate, including any that did not participate in the first 3-year study.

In addition, I am very pleased to welcome Louise Ellis as Department Leader for Attendance Support. Louise is a Registered Nurse and joins us after 15 years with Sun Life in various roles,

most recently as an Organizational Health Consultant.

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. I can be reached at bastcaro@cscprovidence.ca or (519)948-9227 X230.

Carolyn Bastien
Chairperson

SBCI 2013-14 ABSENCE STUDY UPDATE

In October 2014, SBCI published its three year (2010-13) Absence Study Report for 49 participating school boards.

The 2010-13 Absence Study allowed, for the first time, a consistent and comprehensive analysis of true sick leave usage on an individual school board and on an aggregate basis. The Study provided useful analytics including:

- Overall magnitude of absence by employee group, age group, gender and years of service
- Year to year trending of results
- Benchmarking relative to other participating boards
- Total cost of sick leave as a percentage of overall payroll, including sick bank carryover liability and attendance incentive payout

The Absence Study provides school boards with the opportunity both to review the impact that the changes to the sick leave plan have had on absenteeism and to develop strategies to improve the management of absenteeism.

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We are now preparing for the 2013-14 Absence Study. This will be an important year as it is the second and final year of the existing sick leave plan and thus will provide the opportunity to determine the full impact that the changes have had on absenteeism.

With the ongoing need for accurate and consistent data analysis, an invitation has been sent to all 72 Ontario school boards to participate in the 2013-14 Absence Study.

SBCI's contact for this Study is Shoba Thomas, shoba@sbc.org or 1-800-361-5616 X249. Please contact Shoba to confirm your participation in the 2013-14 Absence Study or if you have any questions regarding the Study.

WSIAT DECISION 2124/13

Recently one of our French language member school boards received a very positive decision in a very challenging claim following several years of the claim passing through the WSIB appeals process. The following provides a history of the case and the outcome of the WSIAT decision.

On September 23, 1997 the claimant, then a 36 year old Custodian, sustained a low back injury while tossing a garbage bag into an outside container. He returned to modified duties shortly after the accident but claimed a recurrence and subsequently remained off work. The WSIB denied the recurrence on the basis that the worker was partially disabled and the modified work provided by the employer was suitable. Following the WSIB decision there was no further contact between the worker and the school board.

The worker's back problems continued to progress to the point where he underwent back surgery in January 2000. In April 2003, with the assistance of a new representative, an Ottawa based lawyer, the worker approached the WSIB with a request for retroactive entitlement on the basis that his continuing problems were related to the 1997 accident. The WSIB considered the claim and confirmed the ongoing problems, including the surgery, were related to the original accident. The WSIB allowed LOE benefits for a 1-year period from the date of the worker's surgery and deemed him fit to return to the modified work that would have been available for him with the school board had he contacted them to seek a return to work. The worker objected to this decision.

In 2004 and 2005 the school board made several attempts to meet with the worker and offer modified work. The worker, on the advice of his representative, did not actively participate in the RTW process. On July 25, 2005 the school board sent a letter detailing a formal offer of modified work which the worker declined claiming total disability. The WSIB confirmed that the work offered was considered suitable.

A WSIB Hearing took place on November 2, 2006 to hear the worker's appeal for benefits retroactive to January 2001. Following the Hearing the WSIB Appeals Resolution Officer (ARO) determined the worker was totally disabled and unfit for gainful employment retroactive to January 2001. He was awarded a 100% FEL from June 1, 2003 onwards. SBCI submitted an objection to the WSIAT.

In early 2007 the school board received anonymous information indicating the worker was actively participating in a recreational activity that was physical in nature. After consulting with SBCI, the school board arranged surveillance that confirmed that the worker was participating in off-road activities with a local off-roading club. Additional research revealed that the worker was a regular participant in this demanding activity. Additional surveillance was obtained in 2008 which confirmed that the worker was continuing to participate in the activity on a consistent basis.

The surveillance and research materials were submitted to the WSIB. After reviewing the surveillance evidence and speaking with the worker, the WSIB determined he was partially disabled and capable of working. His 100% FEL was adjusted effective June 1, 2008 to a sustainable award. The worker objected to the decision to reduce his FEL from 100% to a sustainable award.

WSIB Operations submitted his claim to the WSIB's Special Investigation Branch (SIB) for consideration. The SIB conducted additional surveillance, gathered additional evidence, and subsequently charged the worker with 4 counts of failure to report a material change.

The case went to Provincial Court in the fall of 2010. Following the trial the Justice of the Peace acquitted the worker of all charges on the basis that the Crown failed to prove that he deliberately intended to misrepresent his activities and his level of disability. Following the court case, the claim went to a second WSIB Hearing to hear the worker's appeal of the FEL decision. The ARO considered all the available evidence, including the video surveillance, and

determined that the worker was partially disabled and maintained the WSIB decision to reduce the FEL to a sustainable award. The worker appealed this decision to the WSIAT.

The first phase of the WSIAT Hearing took place in early November 2013. The school board WSIB contact provided testimony about the modified work that was offered to the worker as well as the school board's reasons for initiating surveillance. The worker's spouse provided testimony about the impact the workplace injury had on the worker as well as why they started the off-roading activity. The worker provided testimony about his ongoing low back problems and their impact on his life; his participation in the off-roading activities; and the modified work offered by the school board. Following the testimony the Hearing was adjourned and reconvened in May 2014 to hear closing arguments.

The worker's representative argued that the medical evidence supported that the worker was totally disabled. He offered that the participation in the off-roading activities as noted in the surveillance video were not as physically demanding as determined by the WSIB as the worker's vehicle was state of the art and provided him with a secure environment that protected his back injury. He also argued that the modified work offered by the school board in July 2005 was not suitable or sustainable.

On behalf of the school board SBCI argued that the medical evidence did not support total disability and that the worker's participation in the off-roading activities, as well as his overall activity level as identified in the video surveillance, supported that he was partially disabled and fit for modified work. We also argued that the work offered to the worker was consistent with the abilities he demonstrated in the surveillance evidence and that it was suitable and sustainable.

In assessing the claim evidence (including the video surveillance), testimony of all the witnesses, and the submissions provide at the Hearing, the Vice-Chair (VC) determined that the worker's testimony at the Hearing was

inconsistent with his documented abilities in the video surveillance and the available medical evidence. The VC found that the worker was capable of modified work and that his participation in the off-roading activities, as viewed in the video surveillance, demonstrated capabilities beyond those he claimed during the Hearing. The VC accepted that the modified duties offered from July 25, 2005 onwards was suitable and within the worker's abilities. The VC directed the WSIB to rescind the worker's 100% FEL award for the period of July 25, 2005 to June 1, 2008 and replace it with a sustainable award. The VC also confirmed that the worker was not entitled to more than a sustainable FEL to the age of 65. As a result of the WSIAT Decision the school board received a credit of more than \$50,000 for the period of rescinded FEL Benefits. The allowance of only a sustainability FEL benefit to age 65 saved the school board and the excess of loss insurer from paying hundreds of thousands of dollars in the future. This case shows the value of good video surveillance and the importance of making offers of modified work to an injured employee even when the employee does not wish to participate.

ÉTUDIANTS STAGIAIRES – RÉCENTS CHANGEMENTS À LA COUVERTURE DU CSPAAT

Des modifications ont été apportées à la couverture de la CSPAAT pour les étudiants stagiaires des établissements postsecondaires. Cette information est pertinente pour les conseils scolaires qui peuvent avoir parmi leur effectif des enseignants stagiaires non rémunérés ou d'autres étudiants de niveau postsecondaire effectuant des stages non rémunérés.

Le ministère de la Formation et des Collèges et Universités (MFCU) a publié un document en juin 2014 intitulé : « Lignes directrices concernant l'assurance contre les accidents du travail pour les étudiants fréquentant des établissements postsecondaires subventionnés par l'État et effectuant des stages non rémunérés ». L'annexe A de ce document présente une liste d'organismes de formation agréés et financés par des subventions du MFCU

qui comprend les noms de la plupart des universités et des collèges communautaires de l'Ontario. Tant que l'étudiant de niveau postsecondaire provient de l'un des collèges ou universités inscrits à l'annexe A, le collège ou l'université est considéré comme l'organisme de formation et la commission scolaire, comme l'employeur. Le MFCU paie directement la CSPAAT pour les coûts des prestations versées à un étudiant stagiaire admissible d'un organisme de formation agréé qui subit un accident du travail ou souffre d'une maladie professionnelle en stage. Il est de la responsabilité de l'employeur de vérifier auprès de l'organisme de formation qu'une couverture existe pour un étudiant stagiaire lors d'un programme travail-études approuvé. Les étudiants de niveau postsecondaire qui obtiennent seuls leur stage non rémunéré auprès d'une commission scolaire ne bénéficieront pas nécessairement des prestations de la CSPAAT payée par le MFCU.

Le MFCU ne paie pas le coût des prestations pour les étudiants de niveau postsecondaire des organismes de formation ne figurant pas à l'annexe A. Par exemple, un enseignant stagiaire étudiant à une université en Colombie-Britannique et en stage à un conseil scolaire de l'Ontario ne serait pas couvert en vertu de la présente entente. L'organisme de formation en Colombie-Britannique devra prendre d'autres dispositions pour couvrir cet étudiant de niveau postsecondaire. Les conseils scolaires devraient être prudents avant d'accepter des étudiants de niveau postsecondaire d'autres territoires. Si vous décidez d'accepter des étudiants de niveau postsecondaire provenant d'autres territoires, vous devrez prendre des mesures pour veiller à ce qu'ils disposent d'une couverture de la CSPAAT d'une autre province ou d'une assurance invalidité valable pour réduire le risque d'une demande de règlement présentée au moyen d'un numéro d'entreprise CSPAAT du conseil scolaire ou en vertu d'une assurance du Fonds d'échanges d'assurance des conseils scolaires de l'Ontario.

Si un étudiant stagiaire de niveau postsecondaire subit une blessure mineure, cette blessure doit être signalée

à l'organisme de formation pour une utilisation future au cas où l'état s'aggraverait. Cette blessure n'a pas besoin d'être signalée à la CSPAAT.

Si un étudiant stagiaire de niveau postsecondaire subit une blessure liée au travail ou souffre d'une maladie professionnelle qui doit être signalée à la CSPAAT, l'employeur doit remplir un formulaire 7 et l'envoyer à l'organisme de formation. Une blessure doit être signalée à la CSPAAT lorsque l'étudiant stagiaire nécessite des soins de santé ou s'absente du travail ou requiert une modification de ses tâches de travail pendant au moins 7 jours. L'employeur doit aussi envoyer à l'organisme de formation une « Demande de règlement concernant l'assurance contre les accidents du travail pour les étudiants de niveau postsecondaire effectuant un stage non rémunéré » et une « Lettre d'autorisation pour représenter l'employeur ». Ces formulaires peuvent être téléchargés à partir du site web du MFCU. Il est important que tous ces formulaires soient remplis et envoyés à l'organisme de formation.

Il incombe à l'employeur de remplir le formulaire 7 et de l'envoyer à l'organisme de formation dans les 3 jours ouvrables après avoir été mis au courant d'un accident à signaler. L'organisme de formation doit envoyer le formulaire 7 dûment rempli à la CSPAAT dans les 7 jours ouvrables après avoir été mis au courant d'un accident à signaler. Remplir le formulaire 7 et le soumettre à la CSPAAT est une responsabilité conjointe de l'organisme de formation et de l'employeur. Une déclaration tardive peut entraîner des amendes. Sur le formulaire 7, vous pouvez identifier l'employeur comme étant le ministère de la Formation et des Collèges et Universités. **Chaque université et collège énumérés à l'annexe A détient un numéro d'entreprise unique aux fins de couverture de la CSPAAT d'étudiants stagiaires de niveau postsecondaire participant à des programmes travail-études approuvés. N'utilisez pas votre propre numéro d'entreprise sur le formulaire 7 pour un étudiant stagiaire de niveau secondaire.**

Le nouveau procédé élimine la nécessité d'ententes de travail qu'il faut faire signer par tous à l'avance d'un stage d'un étudiant de niveau postsecondaire, mais augmente les formalités administratives lorsque quelqu'un subit une blessure qui doit être signalée à la CSPAAAT.

Cet article vise à fournir des conseils généraux. Si vous avez des questions ou des préoccupations spécifiques, veuillez parler à votre directeur des demandes de réclamation de SBCI pour obtenir des conseils sur votre situation individuelle.

POST-SECONDARY CO-OP STUDENTS – WSIB COVERAGE UPDATE

There have been changes made with respect to WSIB coverage for post-secondary co-op students. This is relevant for school boards who may have unpaid student teachers placed with them or other post-secondary students on unpaid placements.

The Ministry of Training, Colleges and Universities (MTCU) published a booklet in June 2014 entitled: "Guidelines for Workplace Insurance for Postsecondary Students of Publicly Assisted Institutions on Unpaid Work Placements." In the guidelines there is a list in Appendix A of approved training agencies funded by grants from MTCU and it includes the names of most Ontario universities and community colleges. As long as the post-secondary student comes from one of the colleges or universities listed in Appendix A then the college or university is considered to be the training agency and the school board, the placement employer. MTCU directly pays the WSIB for the costs of benefits paid to an eligible student trainee from an approved training agency which has a work-related injury or occupational disease while on placement. It is the responsibility of the placement employer to check with the training agency that there is coverage for a student trainee while on an approved work experience program. Post-secondary students arranging their own volunteer placement at a school board would not necessarily have WSIB coverage paid for by MTCU.

MTCU does not cover the cost of coverage for post-secondary students from training agencies not listed in Appendix A. For example, a student teacher that goes to university in British Columbia and is on placement with an Ontario school board would not be covered by this arrangement. The training agency in British Columbia would need to make other arrangements to cover that post-secondary student. School boards should be cautious about accepting post-secondary students from other jurisdictions. If you do decide to accept post-secondary students from other jurisdictions then you should take active steps to ensure that they have WSIB coverage from another province or valid disability insurance to reduce the risk of a claim against the school board's own WSIB firm number or claim against OSBIE insurance.

If a post-secondary co-op student has a minor first aid injury then this needs to be reported to the training agency for future use in case the condition gets worse. It does not need to be reported to the WSIB.

If a post-secondary co-op student sustains a work-related injury or occupational disease that needs to be reported to the WSIB then the placement employer needs to complete a Form 7 and send it to the training agency. An injury needs to be reported to the WSIB when the co-op student requires health care, or loses time from work or requires modified work for 7 days or more. There is also a need for the placement employer to send the training agency a completed "Postsecondary Student Unpaid Workplace Insurance Claim form" and a "Letter of Authorization form" to represent the placement employer. These forms are available to be downloaded from the MTCU website. It is important that all of these forms are completed and sent to the training agency.

The placement employer is responsible for completing the Form 7 and sending it to the training agency within 3 business days of learning of a reportable accident. The training agency needs to send the completed Form 7 to the WSIB within 7 business days of learning of the reportable accident. Completion of the

Form 7 and submission of the form to the WSIB is a joint responsibility of the training agency and the placement employer. There can be fines for late reporting. On the Form 7 you can list the employer as the Ministry of Training, Colleges and Universities. **Each university and college listed in Appendix A has a unique firm number to be used for WSIB coverage of post-secondary co-op students participating in approved work experience programs. Do not use your own firm number on the Form 7 for a post-secondary co-op student.**

The new process eliminates the need for workplace agreements to be signed by everyone in advance of a post-secondary co-op student placement but increases the paper work requirements when someone does have an injury that needs to be reported to the WSIB.

This article is intended to provide general advice only and if you have specific questions or concerns please speak to your SBCI Claims Manager for advice on your individual situation.

CSA Z1000

In today's world, organizations can no longer manage workplace health and safety informally or reactively. It will not stand the test of compliance to health and safety legislation merely to have some basic safety standards or manual, which is not properly designed, implemented and maintained. This will clearly not demonstrate due diligence. Most importantly, these will not protect employees from workplace accidents.

Health and Safety must be managed with the same formal approach organizations are using to manage other areas of their operations. H&S must be integrated into all aspects of work not seen as a stand-alone item or an extra add on to 'regular' work.

Health and Safety Management System

A Health and Safety Management System (HSMS) provides the framework for developing or improving corporate safety performance, and establishes basic requirements for an effective process.

This includes the organizational structure, planning activities, responsibilities, practices, procedures, processes and resources for developing, implementing, achieving, reviewing and maintaining the organization's OH&S policy.

Such a system is different from a Health and Safety program. An HSMS is an integrated approach outlining 'what' actions or processes will be created to integrate health and safety practices across an organization.

In Canada, CSA Z1000 is the preferred tool to assist employers with implementation of an HSMS. It is designed to enable an organization to control its OH&S risks and to improve its performance through the identification of gaps in the organization's existing health and safety system.

It includes the following key elements:

- Management leadership and organizational commitment
- Hazard identification and assessment
- Hazard control
- Ongoing inspections
- Qualifications, orientation and training
- Incident investigation
- Emergency response
- Program administration – continuous improvement

All of these key elements are executed through a systematic process of *Plan / Do / Check / Act*.



Plan – covers the development of the organisation's health and safety policy and the planning for its implementation.

Do – covers the profiling of the organization's health and safety risks, i.e. the identification of hazards, the assessment of risks and the setting of priorities to eliminate or control risks, organising for health and safety and the implementation of the plan.

Check – covers the measurement of the organization's health and safety performance and the investigating accidents and incidents.

Act – covers the review of the organisation's health and safety performance and the learning of lessons from accidents and incidents.

The benefits of implementing the CSA Z1000 HSMS are many. They include:

- Providing a consistent tool to help school boards improve their occupational health and safety performance
- Providing the ability for school boards to implement an OH&S management system that meets the requirements of a recognized standard
- Forming a framework through which all Canadian OH&S standards can be appropriately applied
- Balanced approach between hazard and risk based prevention and control
- Management commitment and worker participation
- Identification and definition of roles, responsibilities and accountabilities
- Creation or improvement of a safety culture across the organization

This structured, systematic approach will allow your board to develop a safety culture across the organization; reduce work-related accident costs; and improve safety performance. SBCI's H&S Specialists can assist school boards with the specific aspects of the implementation and maintenance of CSA Z1000.

PARKLANE VERSION 12

Parklane has launched their Version 12 system in October 2014. If you are not working on the new Version 12, we

suggest you read the information below and contact Parklane directly to have them assist you in downloading the new software and start using the new features.

To obtain Version 12, Parklane asks that you follow the instructions below.

1. Be Prepared

Before proceeding, Parklane encourages you to prepare by viewing the tutorial on [General System Changes](#) and on [Security](#). You can view these tutorials by logging into Parklane's website or by clicking on the link above.

Version 12 Resource page, complete with visual tutorials of specific changes and user guides, will be available to you once Version 12 is installed. You can access this page directly from the system by clicking GoTo, then Guides and Tutorials.

The installation of this version uses the identical method that you currently use to update your software. Please note there are no technical changes regarding any interactions with your operating system.

2. Book Your Appointment

Obtaining access to Version 12 will be done by appointment only. This is to ensure you are provided with sufficient time to speak with Support and obtain a link and password to access Version 12.

Call Parklane Support to register for your appointment 1-519-657-3386. It is recommended that your Parklane Administrator (with access to security), be available for this appointment.

Once you have obtained the link to Version 12, you, or your IT department, may proceed with the download of your new software at any time.

3. Following Installation of Version 12

Once the software has been installed, your users can still use the current version as you prepare for the use of Version 12.

The system will be available in dual mode (i.e. access to both the old and new version) until the third quarter of 2015.

Version 12 involves some additions to Security. All of your user security settings in Version 12 will be intact with the exception of the Module Restrictions which will have to be redefined.

With the new features, the following rights/restrictions will have to be assigned:

1. Version 12 gives you the ability to determine which screens a user has access to. The default is access to the Description screen only.
2. There are new rules in each module where, for example, a user may not change comments, delete document links, cancel a record, etc. The default is "deny".
3. The new "In a Nutshell" panel rights must also be defined.

Please watch the following video for a demonstration of the changes in security.
www.parklanesys.com/v12/ht/security/security.html

Of note: some features of Version 12 require Parklane's PDF printer. Therefore, it is recommended that you install it to take advantage of these features. Parklane's PDF printer is available at no cost and is currently on the [Parklane Customer Forum](#)

In November 2014, Parklane also introduced an additional new feature in Version 12 called Central Access. The Central Access panel will allow users to navigate quickly from one module to another while accessing a particular employee. This feature is available on the software download.

For more information on the Central Access panel click [here](#)!

The Data Management Department at SBCI encourages you to contact Parklane to start the process of acquiring the Parklane Version 12. Once the majority of our member school boards have the new Version 12 installed, we plan on having training sessions in 2015. In the meantime, if you need assistance with Version 12 please don't hesitate to contact Parklane at 1-519-657-3386 or Sylvie David at 1-800-361-3516 Ext. 224 or Sylvie@sbc.org.

SBCI BOARD OF DIRECTORS

Carolyn Bastien (Chair)
Ronald Bender
Lynda Coulter
Judi Goldsworthy
Jamie Gunn
Janice McCoy
Deirdre Pyke
Maura Quish (Vice-Chair)
Roger Richard
Mary Lynn Schauer

DATES OF BOARD MEETINGS

February 6, 2015
March 6, 2015
AGM – April 10, 2015
May 8, 2015

SBCI STAFF

Brian Brown, Chief Executive Officer
Lynn Porplycia, Chief Operating Officer
Wendy Achoy, Chief Actuary
Raazia Haji, Actuarial Analyst
Joe Huang, Actuarial Analyst
Shawn Tang, Actuarial Analyst
Christopher James, Senior Claims Manager & Lawyer
Figen Dalton, Claims Manager
Darlene Iwaszko, Claims Manager
Dave Kersey, Claims Manager
Mary Luck, Claims Manager
Kelly Melanson, Claims Manager
Robert Orrico, Claims Manager
John Bryden, Director, Health & Safety Services
France Germain, Health & Safety Consultant
Jennyfer Payeur, Health & Safety Specialist
Steven Sone, Health & Safety Specialist
Louise Bellamy, Financial/IT Coordinator
Karen Bertrand, Accounting Clerk
Erin McLennan, Executive Assistant
Lily Li, Executive Assistant
Melissa Hewit, Supervisor, Data Management
Sylvie David, Data Management Assistant
Audrey O'Connor, Data Entry Clerk
Mariama Kaba, Bilingual Data Entry Clerk
Julia Barrasso, Attendance Support Practice Leader

Louise Ellis, Director, Attendance Support Services
Kathleen Gratton, Attendance Support Consultant
Shoba Thomas, Attendance Support Consultant
Rana Khalaf, Manager, IT Applications
Patrick Gani, Senior Analyst Programmer
Gavin King, Programmer/Analyst
Anwar Khalil, Programmer/Analyst
