

SCHEDULE 2 EMPLOYER'S GROUP

Meeting Information	
Subject/Title:	Schedule 2 Employer's Group
Date/Time:	Wednesday November 8, 2017 9:00 am – 12:00 pm
Location:	Mathews, Dinsdale & Clark, LLP RBC Centre, Suite 3600, 36 th Floor, 155 Wellington Street West, Toronto
Chair:	Laura Russell

Minutes:

Item No.	Topic	Notes
1	WSIB Updates	<p>New Director of Government Services</p> <ul style="list-style-type: none"> - Daintry announced that she will be moving into a new role as a Director, with a focus on case management of Chronic Mental Stress claims - Daintry is replaced by Jim Harding (416-344-6981) effective November 20th <p>1-800 Number Update</p> <ul style="list-style-type: none"> - The WSIB will no longer display direct phone numbers on correspondence; instead the generic 1-800 number will direct all employers to the customer service line - Daintry identified the concern raised by Schedule 2 Employers who do not want to have to go through the scripted questions asked by the Customer Service Representatives when calling the 1-800 number; Schedule 2 Employers prefer direct access to Eligibility Adjudicators/Case Managers in circumstances where they would like to discuss the decision made. - As a work-around, the WSIB has implemented the following solution: If/when a Schedule 2 Employer calls the 1-800 number, they can advise the Customer Service Representative that they are a Schedule 2 employer and would like to discuss the decision with the decision maker and would like to be put through to their extension. The CSR will not have to answer the scripted questions and will direct your call straight to the Adjudicator/Case Manager - As Daintry is moving into her new role, employers advised to contact Jim Harding if they experience any difficulties <p>Volunteer Forces</p> <ul style="list-style-type: none"> - A reminder from Daintry Davis Kelly Orth that when submitting a Form 7 for a member of a Volunteer Force, to ensure that the earnings information is submitted along with the Form 7 to ensure proper payment <p>Eligibility Updates</p> <ul style="list-style-type: none"> - Ongoing staff movement from the Eligibility team to Short-Term Case Management - 36 new Eligibility Adjudicators begin training on November 20
2	Payment Information	<ul style="list-style-type: none"> - Kelly Orth advised the WSIB had recently been approached by an employer to clarify two scenarios pertaining to payment on the Day of Injury. She indicated she wanted to ensure the Schedule 2 group were advised of this clarification - Section 24(1) of the Act and <u>WSIB OPM Policy 18-01-10 Wages and Employment Benefits for the Day of Injury</u>, states "If a worker is entitled to benefits as a result of a work-related injury/disease, the employer is required to pay the worker's full wages and employment benefits for the day of injury...wages include overtime scheduled for the day of injury". The No Lost time and Lost time claims policies (11-02-01 and 11-02-02) exclude the day of injury when determining whether a claim is lost time or no lost time. - <u>Scenario 1:</u> A worker is injured at noon on August 1 during their scheduled shift from 6:00

Item No.	Topic	Notes
		<p>am to 2:00 pm. On the same day the worker also picked up a shift from another employee from 2:30 pm - 7:00 pm. While working the first shift, the worker sustains an injury and is unable to complete the first or the second shift.</p> <ul style="list-style-type: none"> - <u>Question:</u> Noting the second shift was on the same day which is the day of the injury, would the 2nd shift be reviewed for lost time or would the employer pay all lost time on the day of the injury? - <u>Answer:</u> In this scenario, if the worker is scheduled for two shifts that start and end on the day of injury, the WSIB presumes the employer has paid the worker's wages for both shifts and any employment benefits unless informed otherwise. Assuming the worker did not lose time from work beyond the day of injury, this would be considered a no lost time claim. If the worker did lose time beyond the day of injury, this would be considered a lost time claim - <u>Scenario 2:</u> A worker is scheduled to work on August 1 from 5:00 pm to 10:00 pm and agrees to pick up a shift from another employee from 11:00 pm to 7:00 am (the second shift goes into the next calendar day). While working the first shift, the worker sustains an injury and is unable to complete the first or the second shift. - <u>Question:</u> Noting the second shift started on the same day which is the day of injury, would the 2nd shift be reviewed for lost time or would the employer pay all lost time on the day of injury. - <u>Answer:</u> In this scenario, noting both shifts commenced on the day of injury (August 1), the employer would have responsibility to pay for all lost time and any employment benefits for the shifts that commence on the date of injury even if the shift crosses over into the next day. Assuming the worker did not lose time from work beyond the day of injury, this would be considered a no lost time claim. If the worker did lose time beyond the day of injury, this would be considered a lost time claim - This clarification applies on a go forward basis and will not be retroactively applied.
3	Chronic Mental Stress (CMS): Policy & Adjudication	<ul style="list-style-type: none"> - <i>Presentation from Kerry Towndrow and Sal Cavaricci attached to Meeting Minutes</i> <p>Highlights from the Presentation:</p> <ul style="list-style-type: none"> - DSM diagnosis - depression, anxiety, adjustment disorder (not an exhaustive list) - For complex claims – for examples when there is awareness of a pre-existing medical condition(s) or other non-work related stressor(s) – the WSIB decision maker will refer the worker to a psychologist for further assessment - Further, for complex claims, the WSIB may request additional medical information i.e. clinical notes - The WSIB will not refer every worker for an assessment by a psychologist; the WSIB does not want to over medicalize these types of claims - Harassment and bullying are the most common examples of a substantial work related stressor - The WSIB has aligned its definition of harassment and bullying with the OHSA - From a claim management perspective, the WSIB will need to delineate between what is normal pressure/tension inherent in daily work life versus something that has gone beyond that - The WSIB's focus will be on "stay at work" opportunities and at "return to work" which will require quick decision making when appropriate - All CMS claims will be triaged at intake and to a team dedicated to CMS claims - There will be <u>no</u> e-adjudication for CMS claims - Work Transition Specialists will be assigned as needed, <i>not</i> Return to Work Specialists - It is imperative that employers provide as much information as possible at the onset of the claim to ensure appropriate adjudication (i.e if aware of other non-work related stressor(s), etc) - Under OHSA, there is a requirement for employers to conduct an investigation. The WSIB may use the findings from the investigation as evidence but, will depend on the time frame

Item No.	Topic	Notes
		<ul style="list-style-type: none"> - The WSIB cannot put all claims into abeyance because of an employer's investigation therefore, each circumstance will need to be reviewed on its own merits - require for employer to conduct investigation. <p>WSIB Resources for CMS</p> <ul style="list-style-type: none"> - CMS will have a dedicated team - 3 directors assigned to Psych (Ryan Holder, Daintry Davis and Sal Cavaricci) - Division of work still to be determined - WSIB is hiring 5-7 Psychologists to assist with the adjudication of CMS, TMS and PTSD claims <p>Q & A</p> <ul style="list-style-type: none"> - Q: Will a diagnosis from a walk-in clinic be acceptable? Or does the diagnosis have to come from the worker's primary health care provider? - A: There is no requirement in the Policy that the diagnosis must be from a worker's primary health care provider. However, if a diagnosis is received from a walk-in clinic, it <i>may</i> require greater inquiry or follow up by the WSIB decision maker - Q: What if there is evidence of a significant non-work related stressor(s)? - A: Evidence of a significant non-work related stressor(s) <i>may</i> require the WSIB decision maker to refer the worker to a psychologist. This determination will be made on a case by case basis. - Q: Is a diagnosis from a Social Worker acceptable? - A: No, a diagnosis can only be rendered by a regulated health care professional as per the Regulated Health Professions Act - Q: When a worker has experienced prolonged lost time, will the worker be referred to a Regional Evaluation Centre? CAMH? - A: The WSIB continues to meet with the Ontario Psychological Association (OPA) to develop reporting protocols/mechanisms to ensure the best information is received at the time of diagnosis. It is anticipated that these reporting protocols will be rolled out by January 2018 - Q: The WSIB's current Functional Abilities Form is not sufficient/lacks reporting mechanism for non-physical restrictions/limitations. What reporting mechanism will be made available to employers to obtain restrictions/limitations? - A: As per the point above, the WSIB is working with the OPA to develop a better reporting protocols/mechanisms in time for roll out of Policy in January 2018. Employers can use their own Functional Abilities Forms. Further, restrictions/limitations will continue to be provided by the Case Manager and Work Transition Specialist assigned to a claim. - Q: Has the WSIB developed Guidelines/Principles for Adjudication for roll out of Policy in January 2018? - A: No. The WSIB has decided to first roll out the Policy. An Administrative Practice Document will likely be developed in the future. - Q: Employers are concerned with "confidentiality clauses" inherent in their harassment policies. How will the WSIB elicit what is considered "confidential" information? How will WSIB protect confidentiality? - A: Even with TMS claims, the WSIB contemplates harassment and often elicits information from employers. In some instances, a claim will be placed in abeyance until further information is shared by an employer i.e. pending the outcome of an internal investigation. The WSIB has the authority to come into any workplace and/or demand information. This determination will continue to be made on a case by case basis.

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4	WSIB Rate Framework Consultation	<ul style="list-style-type: none"> - WSIB Rate Framework Consultation still in progress and is due December 5th - Exclusively a Schedule 1 issue brought forward by legislative changes that effect WSIB Policy - Laura will circulate if changes to the proposal are submitted
5	Schedule 2 Conference Feedback	<ul style="list-style-type: none"> - As per Chris, a total of 501 people attended the Schedule 2 Conference in 2017; positive feedback received to date - For 2018, Leslie Forbes from Event Builders will no longer be planning the Conference - An RFP was created; Chris and Georgia to interview the top three event planners to sign a contract for 2018 - It is anticipated the next Conference will be scheduled for September 2018 at the Sheraton Richmond Hill
6	Update on WSIB Schedule 2 Health-Care Identifiers	<ul style="list-style-type: none"> - The Schedule 2 Health Care Identifiers Project has been placed on hold - Funding for the Project has yet to be approved for IT at the WSIB - As per Laura, the Schedule 2 Executive will continue to raise this Project with Tom Teehan and the WSIB's Executive Team - Meeting scheduled with Schedule 2 Executive and the WSIB Executive on November 30th; Laura will bring forward this Project once again
7	Other Business	<p>Request for Updated Information from the WSIB</p> <ul style="list-style-type: none"> - Request for WSIB's current Org Structure and an updated Contact List; Laura to follow up <p>Presumptive PTSD Working Group</p> <ul style="list-style-type: none"> - Working group of a total of 12 representatives from different Schedule 2 employer has been formed to review Presumptive PTSD with respect to RTW and recovery - Meeting date to be determined

Next Meeting: Wednesday February 7, 2018
9:00 am to 12:00 pm
Mathews, Dinsdale & Clark, LLP
RBC Centre, Suite 3600, 36th Floor, 155 Wellington Street West, Toronto