

SCHEDULE 2 EMPLOYER'S GROUP

Meeting Information	
Subject/Title:	Schedule 2 Employer's Group
Date/Time:	Wednesday, June 8, 2016 9:30 am – 12:00 pm
Location:	Mathews, Dinsdale & Clark, LLP RBC Centre, Suite 3600, 26 th Floor, 155 Wellington Street West, Toronto
Chair:	Laura Russell

Minutes:

Item No.	Topic	Notes
1	WSIB – Updates from Daintry Davis (Director)	<p><u>Staffing Changes</u></p> <ul style="list-style-type: none"> - 24 new Eligibility Adjudicators hired - Training is expected to be completed by the beginning of July
		<p><u>Section 63 Guidelines</u></p> <ul style="list-style-type: none"> - Section 63 guidelines and templates available on the WSIB's website at: http://www.wsib.on.ca/WSIBPortal/faces/WSIBDetailPage?cGUID=WSIB015583&rDef=WSIB_RD_ARTICLE&_afLoop=2186300183936000&_afWindowMode=0&_afWindowId=dbbezmyjx_178#%40%3FcGUID%3DWSIB015583%26_afWindowId%3Ddbbezmyjx_178%26_afLoop%3D2186300183936000%26rDef%3DWSIB_RD_ARTICLE%26_afWindowMode%3D0%26_adf.ctrl-state%3Ddbbezmyjx_198 - The guidelines identify when a Section 63 agreement is appropriate as well as factors that the WSIB will consider in the review process - Daintry recommended employer representatives contact her directly (416) 344-2220 if considering a Section 63 agreement to determine if it is worthwhile and, to rule out any issues that may interfere with the approval of the agreement
		<p><u>Fracture Program</u></p> <ul style="list-style-type: none"> - The WSIB audited approximately 200 "fracture" claims and conducted a focus groups with RTW Specialists, Case Managers, etc. to identify areas requiring improvement when managing fracture injuries - As a result, the WSIB has begun the roll out of a "fracture program"; full implementation of this program is expected by the end of June - Short Term Case Managers will be provided with training - The focus will continue to be the concept of "better at work" - Fracture injuries will be managed in one of two ways: <ul style="list-style-type: none"> - 1) "Uncomplicated Fracture" - 8-12 week timeline. Return to work can be anticipated after one week post injury, even with a cast. If no immediate return to work, a RTW Specialist will be assigned by week 4 to determine if worker able to work with cast and to plan for future RTW possibilities - 2) "Complicated Fracture" – Early intervention of Nurse Manager to identify when a fracture is considered "complicated". WSIB acknowledges that often, there is a lack of functional information. Therefore when managing a complicated fracture, the Nurse Manager will determine with the Case Manager if a REC assessment is needed to determine restrictions, prognosis, etc. - WSIB has created brochure that will be distributed to employers once completed
2	WSIB – Overview of Value for Money Audit (VFMA) Report and Recommendations	<ul style="list-style-type: none"> - The following handouts were provided: <ul style="list-style-type: none"> - "VFMA 2014: Schedule 2 Executive Briefing", dated May 2016 - "WSIB VFMA – Schedule 2 Insurance Program – Executive Summary", dated November 12 2015

		<ul style="list-style-type: none"> - Information on the VFMA is available on the WSIB's website at: http://www.wsib.on.ca/WSIBPortal/faces/WSIBDetailPage?cGUID=WSIB065958&rDef=WSIB_RD_ARTICLE&_afLoop=2186850717104000&_afWindowMode=0&_afWindowId=dbbezmyjx_220#%40%3FcGUID%3DWSIB065958%26_afWindowId%3Ddbbezmyjx_220%26_afLoop%3D2186850717104000%26rDef%3DWSIB_RD_ARTICLE%26_afWindowMode%3D0%26_adf.ctrl-state%3Ddbbezmyjx_240 - Daintry provided several updates - In response to recommendation #2, a working group has been established with the WSIB and Schedule 2 to review weekly invoices and descriptions i.e. Code 2, health care. Currently, high level "buckets" have been identified; a further break down will occur i.e. under "health care" a break down by programs of care, travel, accommodation, diagnostics, fee for service, etc. Next meeting of working group scheduled for July 13th - In response to recommendation #4, in Q2 Forum Research is conducting a survey with Schedule 2 employers. Concerns expressed by group that the WSIB may not have an up to date Schedule 2 contact list and therefore, employers may have been missed. <i>Daintry to follow up with Laura who will be able to share the contact list provided for VFMA audit</i> - In response to recommendation #5, the WSIB has established an internal working group with Christina Hay. The working group has developed a project charter, tasks, guidelines, etc. Daintry advised that employers will be engaged once Phase 1 of the project has been approved. The WSIB has identified a risk with employers who have third party vendors. When the WSIB has identified the IT requirements of this project, it will follow up with employers and their third party vendors to allow for a "test" phase. <i>Group members advised to inform Sundeep Singh if they have a third party vendor.</i>
3	WSIB Appeals Services Division – Update from Slavica Todorovic and Karen Wuori	<ul style="list-style-type: none"> - The current inventory at the WSIB Appeals Branch is approx. 2,000 which the WSIB considers to be reasonable - From the date an appeal is registered, 88% of decisions are issued within 6 months - The reversal rate of operational decisions is at approx. 29% (a number that has remained static for approx. 10 years) - The most common issues heard at the Appeals level are entitlement to loss of earnings benefits, permanent impairment awards (Quantums) and eligibility <p><u>Two new roles at the WSIB Appeals Branch:</u></p> <ul style="list-style-type: none"> - <u>Appeals Registrar:</u> will make decisions on oral hearing determinations and, will provide guidance to workers and employers on the appeal and hearing process - <u>Appeals Coordinator:</u> will amalgamate the former duties of the Hearing Scheduler and the Appeals Administrator; main responsibility will be scheduling and will serve as a point of contact for workplace parties - The WSIB is updating the "WSIB Appeals Services Division Practice and Procedure" document to explain the aforementioned roles. It is expected that the revised document will be available online by July 1, 2016 <p><u>"De Novo" Process:</u></p> <ul style="list-style-type: none"> - As a result of a fair practice review, it was determined that the WSIB erred in its application of the word "void" re: "When the WSIB recognizes that there has been a significant procedural flaw that has rendered the appeals process fundamentally unfair, the WSIB will consider the ARO decision void..." - Language in the "WSIB Appeals Services Division Practice and Procedure" document guidelines will be changed from "void" to "voidable" - The distinction?: If decision is "voidable", it means a decision can remain in effect until the second decision rendered and therefore will not interfere with its implementation - Additional criteria will be included in the document regarding "exceptional circumstances" and the ability to place a decision "on hold"

		<ul style="list-style-type: none"> - Since 2014, there have been approx. 16 "de novo" cases - WSIB will advise once the "WSIB Appeals Services Division Practice and Procedure" document has been revised
4	VFMA – Summary and Next Steps	<ul style="list-style-type: none"> - Executive meeting held with Schedule 2 representatives and the WSIB on May 30th - Follow up meeting scheduled for July 21st with WSIB actuarial staff to review the VFMA recommendation #3 (review rate setting and make the information clear and accessible) - With respect to rate setting formula, not currently based on open market information therefore it is likely to be discounted with valuation and methodology based on investment portfolio - If interest in participating in working group, advise Laura
5	S2EG Conference Update	<ul style="list-style-type: none"> - Chris advised the conference is scheduled for October 5 & 6, 2016 at the Sheraton, Richmond Hill - The scheduled key note speakers are as follows: <ul style="list-style-type: none"> - October 5th, Tom Teahen (WSIB President)– "WSIB Bridge Back to Work" - October 6th, Diane Dyck (Disability Management Expert) – "Disability Management Programs – Challenges Turned to Opportunities" - All encouraged to take advantage of the early bird rates!
6	Section 63 Agreements	<ul style="list-style-type: none"> - As mentioned previously, Section 63 guidelines and templates have been available by the WSIB - Laura identified the following issues: <ul style="list-style-type: none"> - 1) While the workplace parties are not obligated to provide a draft, it is stated as follows in the guidelines: "...the WSIB should be provided with an unsigned draft of the approval...minimize inconvenience to the parties" - 2) Since the approval of a section 63 agreement is an administrative function of the WSIB, the determination whether to approve the agreement is not an appealable decision - 3) The WSIB has the ability to review decisions, even if passed the appeal stage
7	Bill 109 – Survivor Benefits – Update	<ul style="list-style-type: none"> - New WSIB Policy 18-02-09 came into effect April 1, 2016 - While the Policy provides for varying responses, in the vast majority of cases, the survivor benefits will be an amount equal to what the worker would have earned in work that was comparable to his job which caused his / her injury - The effect is fully retroactive - WSIAT decisions which had mandated a reduced amount will be processed in accordance with the new legislation and policy - There may be grounds to challenge the policy.
8	Bill 163 – PTSD – Entitlement for First Responders	<ul style="list-style-type: none"> - New WSIB Policy 15-03-13 - Criteria that must be met relates to date of employment, date of diagnosis and type of diagnosis - Special criteria applies to transitional claims (pending claims as of April 6/16; new claims within 6 months of April 6/16 and; first responder ceased to be employed as a first responder between April 6/14 and April 6/16) - WSIB Policy 15-03-02 updated to note special rules for first responders, and referencing Policy 15-03-13 - Expect future charter challenges from emergency room personnel who were excluded from the list of occupations
9	Liaison Schedule with WSIB (Senior Management and President T. Teahan) and other Employer Groups	<p>Invoicing (Chris James):</p> <ul style="list-style-type: none"> - WSIB has formed working group with representatives from the Schedule 2 to review the invoicing of health care cost (currently the WSIB utilizes one code) - The working group has reviewed examples provided from Alberta as well as, current codes used within Ontario by health care professionals for billing

		<ul style="list-style-type: none"> - The working group is also looking at "loss of earnings covered by advances" and possibility of providing more details (start and end dates) - Similarly, if partial loss of earnings, the possibility of providing more detail on the number of hours approved, etc. - Expecting significant progress by end of 2016 <p>Standardized Cognitive Abilities Form</p> <ul style="list-style-type: none"> - WSIB has formed a committee to review to develop a standardized cognitive abilities form - WSIB to consider alternatives and asked to look to other provinces to review existing standards
10	Prevention Meetings/CPO	<ul style="list-style-type: none"> - Monica Szabo (PSHSA) will continue to attend Schedule 2 meetings based on her availability - PSHSA has submitted four conference ideas for the 2016 S2EG Conference
11	Hamilton Regional Meeting	<ul style="list-style-type: none"> - Next meeting scheduled for September 28, 2016
12	Presenter's at Future S2E Group Meeting	<ul style="list-style-type: none"> - The following ideas were discussed: <ul style="list-style-type: none"> - Fracture program - ACES demonstration - WSIAT update (caseloads, strategies, etc.) - Richard Morrison (to explain health care programs, metrics, trends)

Next Meeting: Wednesday September 14, 2016
9:30 am to 12:00 pm
Mathews, Dinsdale & Clark, LLP
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