

Present:

Michael Werier, Chairperson of the Board of Directors

Darren Oryniak, Acting President & CEO (ex officio)

Peter Dyck

Liz Roberts

Glenn Hildebrand

Jean-Guy Bourgeois

Sylvia Farley

Marc Lafond

Ron Koslowsky

Michael Bereziak

Yvette Milner

Being a quorum of the Board of Directors under *The Workers Compensation Act*.

Also Attending:

Cathy Skinner, General Counsel & Vice President, Compliance & Corporate Services

Heather Baete, Recording Secretary

Candace Crossland, Technical Support

In Attendance for Specific Items:

Andria McCaughan, CFO, Finance and Administration Services

Call to Order

The meeting was called to order and the agenda confirmed at 12:00 noon.

The Acting President & CEO was welcomed to the meeting.

Conflict of Interest Declaration

There were no conflicts of interest declared, potential or perceived, with respect to the discussions anticipated at this Board meeting.

Minutes of Previous Meeting

The Chairperson presented the minutes from the October 7, 2020 meeting of the Board of Directors.

On motion duly made and carried,

BE IT RESOLVED THAT the minutes of the October 7, 2020 Board of Directors meeting are confirmed as a reasonable record.

Business Arising

The Board of Directors received the information provided with the agenda.

Cost Relief/Cost Transfer Policy: It was suggested that a review of this policy be added to the work plan for the Governance Committee.

For Decision

2021 Board of Directors, Fair Practices and Internal Audit Department Budgets

(Board Order No. 25/20)

The CFO joined the meeting.

Ron Koslowsky introduced this item on behalf of the Finance Committee.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors approved the 2021 budget for the Board of Directors, Fair Practices Office (FPO) and Internal Audit Departments.

2021 Budgets

(Board Order No. 26/20)

Ron Koslowsky introduced this item on behalf of the Finance Committee. There was discussion regarding capital projects delayed because of the pandemic, Information Technology upgrades and the claims management system.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors approved the 2021 budget operating, capital and SAFE Work Manitoba budgets.

Confirm 2021-2025 Five Year Plan Financial Assumptions and Projections, Average Assessment Rate and Maximum Assessable Earnings

(Board Order No. 27/20)

Ron Koslowsky introduced this item on behalf of the Finance Committee.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors approved the financial assumptions, average assessment rate of \$0.95, maximum assessable earnings of \$127,000 and projected outcomes of the 2021-2025 Five Year Plan.

The CFO left the meeting.

Annual Adjustment in Compensation Regulation

(Board Order No. 28/20)

Ron Koslowsky introduced this item on behalf of the Finance Committee.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors approved the Adjustment in Compensation Regulation for 2021.

Policy 44.05.30 Adjudication of Psychological Injuries

(Board Order No. 29/20)

Jean-Guy Bourgeois introduced this item on behalf of the Governance Committee. He provided highlights of the policy changes required respond to recommendations of the Legislative Review Committee and to align the policy with the language changes introduced in Bill 18, *The Workers Compensation Amendment Act*.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors approved the revised Policy 44.05.30, *Adjudication of Psychological Injuries* effective for all claims with accident dates on or after the date on which applicable legislation comes into force.

Policy 44.80.10.40, Net Average Earnings

(Board Order No. 30/20)

Jean-Guy Bourgeois introduced this item on behalf of the Governance Committee.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors approved the amended Policy 44.80.10.40, *Net Average Earnings* effective for decisions occurring on or after the amended legislation comes into force.

Policy 44.80.30.10, Establishing Post-Accident Earning Capacity

(Board Order No. 31/20)

Jean-Guy Bourgeois introduced this item on behalf of the Governance Committee. He noted the amendments will clarify how the WCB will calculate a worker's post-accident earnings once the statutory cap on annual insurable earnings is reinstated.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors approved the revised Policy 44.80.30.10, Establishing Post-Accident Earning Capacity, effective for decisions occurring on or after the amended legislation comes into force.

Repeal of Interest, Penalties and Financial Matters Regulation

(Board Order No. 32/20)

Jean-Guy Bourgeois introduced this item on behalf of the Governance Committee. He noted Bill 18, will remove the WCB Board of Directors' authority to set administrative penalty amounts by regulation. The current regulation must be repealed at the time the new regulation comes into force.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors repeal the Interest, Penalties and Financial Matters Regulation MR 15/2015, to be effective on the date that a new Administrative Penalties regulation comes into force.

Administrative Penalties Recommendations

(Board Order No. 33/20)

Jean-Guy Bourgeois introduced this item on behalf of the Governance Committee. Jurisdiction over administrative penalties shifts from the WCB to government with changes in Bill 18.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors authorize the Administration to make two specific recommendations to government:

- a) Penalty amounts for five new administrative penalties provided in Bill 18 (\$500, first offence, \$2500, second offence, \$5000, third offence); and
- b) Penalty amounts (as above) and a prescribed time frame (three years) for an existing administrative penalty for violating subsection 80(2) of the Act (employers' obligation to retain wage records).

Legislated External Program Audit

(Board Order No. 34/20)

Peter Dyck introduced this item on behalf of the Audit Committee. The WCB is required by statute to recommend a topic for a value-for-money audit in 2021 to the Minister Responsible.

On motion duly made and carried,

BE IT RESOLVED THAT the Board of Directors recommend that the Prevention Rebate Program be the focus of the next legislated external audit.

For Information

Committee Reports

The Board of Directors received the following Committee reports as information:

Governance Committee Meeting - October 22, 2020

Audit Committee Meeting - November 5, 2020

Prevention Committee Meeting - November 10, 2020

Finance Committee Meeting - November 19, 2020.

Committee and Chairperson Appointments

Annually the Board of Directors considers the composition of its Committees and the Chairperson appointments. In the current environment, the recommendation is to maintain the current structure.

The Board received the recommendation for information.

Administration Reports

The Acting President & CEO provided highlights of his report.

The Board of Directors received the information provided with the agenda.

Board of Directors Work Plan

The Board of Directors received the information provided with the agenda.

In Camera Discussion

The Board of Directors adjourned to an *in camera* session.

Conclusion

As all matters coming before the Board had been dealt with, the meeting concluded at 1:32 p.m.