

Board of Directors Meeting Minutes

December 13, 2023 – 12:00 p.m. to 4:00 p.m.

December 14, 2023 – 9:00 a.m. to 12:00 p.m.

Head Office Boardroom/MS Teams

Attendees: Mel Norton (Chairperson), Haley Flaro (Vice Chairperson), Bert Cyr, Donna McNeill, Adam Donnelly (December 13, 2023), Mike MacMullin, James Stanley, Denny Vautour, Jason Green, Tim Petersen (President and CEO)

Regrets: Adam Donnelly (December 14, 2023)

Staff Present for the Meeting: David Luther, Laragh Dooley, Carolyn MacDonald, Richard Blais, Courtney St. Peter

Guest: Kelli Simmonds (Chair of WCAT) (for item 13), Ron Marcolin (for item 16), Shirley Hickman (for item 17), Lorna Catrambone (for item 17), Paulette Raymond (for item 17)

1. Adoption of Agenda

The Chair of the Board of Directors indicated that due to a quorum issues the Audit Committee could not meet at the scheduled time and the Audit Committee Report, Item 20, has been removed from the agenda. The Chair also indicated that there will be a new in-camera item after item 3 to discuss the WRC.

On motion, duly made, and seconded it was unanimously resolved:

That the Board of Directors adopt the agenda dated December 13&14, 2023 with amendments.

2. Safety Moment

The Board of Directors discussed the importance of torquing tires; it is recommended that once tires are changed to get your vehicle balanced and torqued after 30 kilometers.

3. Declaration of Conflict of Interest

The Chair of Board of Directors asked if any Members had a declaration of Conflict of Interest. One member identified that a policy being contemplated by the Board of Directors during the meeting reflects a case involving their employer and Client; however, no conflict declarations were made.

4. WRC (In-Camera)

An in-camera session was held.

5. Approval of Minutes

a. Dated September 27 & 28, 2023

The Board of Directors reviewed the minutes of the Board meeting dated September 27 & 28, 2023.

On motion duly made, seconded, and carried it was unanimously resolved:
That the Board of Directors approve the minutes of the meeting dated September 27 & 28, 2023 as presented.

6. Consent Agenda

a. 2023 Workplan

The Board of Directors reviewed the 2023 workplan as provided in the meeting materials.

On motion duly made, seconded, and carried it was unanimously resolved:
That the Board of Directors received the 2023 Workplan for information.

b. Mandate Letter Update

The Board of Directors reviewed the Mandate Letter update as provided in the meeting materials.

On motion duly made, seconded, and carried it was unanimously resolved:
That the Board of Directors received the Mandate Letter update for information.

7. 2024 Board Workplan

The Board of Directors reviewed the proposed 2024 Workplan as provided in the meeting materials.

The Vice-chairperson said that the proposed workplan does not include which policies will be coming forward in 2024 and she would appreciate having that included. The President & CEO said that the policies will be added to every agenda and that there will be a policy priority framework created but that he requires some flexibility around when the policies will be coming forward. The Vice-chairperson asked if the Board of Directors can see the policy priority framework; the President & CEO said the Director of Strategic Planning, Policy & Risk will prepare something and bring it back at a future Board meeting.

On motion, duly made, seconded, and carried it was unanimously resolved:
The Board of Directors approve the 2024 Board of Directors Workplan.

8. 2024 Board and Committee Schedule

The Board of Directors reviewed the proposed 2024 Board and Committee meeting schedule.

On motion duly made, seconded, and carried it was unanimously resolved that:

The Board of Directors approve the 2024 Board and Committee schedule.

9. Policies

a. 21-215 Supplements to Compensation

The Executive Director of Strategic Planning, Policy & Risk gave the Board of Directors an overview of the changes in Policy 21-215 – Supplements to Compensation as provided in the meeting materials.

One Member indicated that they were not opposed to the recommendation but raised concern under section 5 of the Policy and indicated that a discussion should take place in the future.

On motion duly made, seconded, and carried it was unanimously resolved:
That the Board of Directors approve the proposed Policy 21-215 Supplements to Compensation, release 6 and rescind Policy 21-215 Supplements to Compensation, release 5, effective immediately.

10. Legislative Updates

a. OHS

The President & CEO gave the Board of Directors updates on the General Regulation 91-191, phase 3 and the *Occupational Health and Safety Act – Comprehensive Review* as provided in the meeting materials.

On motion duly made, seconded, and carried it was unanimously resolved:
That the Board of Directors receive the progress update on legislative amendments for information.

b. WC Act Recommendations

The President & CEO told the Board of Directors that the Minister was supposed to attend this meeting but due to scheduling conflict had to cancel. He said that it is being planned to have the Minister attend at the Q1 meeting.

Discussion ensued regarding progress to date in respect of meetings with the Province of New Brunswick.

The Chair asked that this discussion be brought back at a future meeting as a specific item.

11. Legislative Change - Correctional Officers Consultation

The Executive Director of Strategic Planning, Policy & Risk and the Director of Corporate Communication gave the Board of Directors an overview of the stakeholder consultation results of adding Correctional Officers to the PTSD presumptions, as provided in the meeting materials.

Ms. Dooley indicated that approximately 98% of responders were in support. Ms. Dooley

also indicated that it was expected to have other stakeholder groups advocating to be included; the Nurses Association took this opportunity and provided a letter asking to be considered as first responders. The Vice-Chairperson indicated disappointment in not receiving the letter in the package of material to review. Ms. Dooley indicated that was not just nurses who expressed an interest to be included in PTSD Presumptions.

The President & CEO said that his team can do a jurisdiction scan on groups included in PTSD Presumptions and bring back to the Board for discussion and in the meantime WorkSafeNB will provide a response to the Nurses Association. Members were pleased with the suggestion.

On motion duly made, seconded, and carried it was unanimously resolved:

That the Board of Directors agree to pursue a legislative amendment to the Workers' Compensation Act (WCA) to include correctional officers in the definition of "emergency response worker".

12. Modernization Update

The Executive Director of Corporate Communications and Interim Executive Lead of Business Transformation and Client Experience gave the Board of Directors an update on the Modernization efforts at WorkSafeNB as provided in the meeting materials.

The President & CEO told the Board of Directors that the Executive Leadership Team has noticed that the end of year is a lot of work for people in the organization. He indicated that there will be times where workloads are heavy during the modernization process. He said he urges people to take breaks when needs and not to overload to avoid burnout.

On motion duly made, seconded, and carried it unanimously resolved:

That the Board of Directors receive the Modernization Update for information.

13. Meet with WCAT Chair – Kelli Simmons

The Chair of the Workers' Compensation Appeals Tribunal ("WCAT"), Kelli Simmons spoke to the Board of Directors with updated on the WCAT. A positive change is that the WCAT now schedules appeal meeting 3 months in advance rather than 30 days. Ms. Simmons said this is helping with timing and preparing, she also told the Board that the appeals process has now moved electronically which has also been very helpful.

Ms. Simmons indicated that she previously reported this to the Board of Directors, but with the DRO's backlog clearing it has started a backlog with the appeals. She said WCAT is doing their best but are working on a long-term solution.

Ms. Simmons thanked the President & CEO for his open communication and for keeping her in the loop with the WRC. She said that WCAT is currently looking for a new location but is cautiously optimistic.

One Member asked for clarification on scheduling meetings 3 months out, they asked if this was the case for all files and indicated that 3 months could be a huge burden on some

individuals. Ms. Simmons agreed and said it is a case-by-case basis and exceptions can be made depending on the situation.

A Member asked how far back does the backlog go and how many cases are waiting. Ms. Simmons responded and said that as of November 3rd, 2023, there is 62 cases in category A, which are people in urgent need of financial assistance and 114 in category B. Another Member asked if Ms. Simmons could get data on the average amount of time it takes to have appeal decision made. Ms. Simmons said she would get that information and have provided to the Board of Directors.

The Board of Directors thanked Ms. Simmons for coming and providing an update, Ms. Simmons left the meeting.

One Member asked if the President & CEO and General Counsel could reach out to the Chair of the WCAT to discuss the backlog issue and see if there is anything WorkSafeNB can do to help. The President & CEO and the General Counsel agreed to take this away.

On motion duly made, seconded, and carried it was unanimously resolved:

That the Board of Directors received the WCAT Chair – Kelli Simmons, update for information.

14. President & CEO Accountability Report

The President & CEO gave the Board of Directors an overview of his Accountability Report as provided in the meeting materials.

One Member brought to attention regarding the psychological injuries that not a lot of people have access to technology and that a robust system should be looked at. The President & CEO said that was a good point and something to consider.

15. Fatality Review Committee Update

a. Chairperson's Report of the Fatality Review Committee meeting of December 7, 2023

The Chair of the Fatality Review Committee provided an update on the meeting on December 7, 2023 as provided in the meeting materials. He told the Board of Directors that the main take away is that each fatality was preventable, and staff is working towards finding ways to prevent these incidents from recurring.

On motion duly made, seconded, and carried it was unanimously resolved:

That the Board of Directors received the Chairperson's report of the Fatality Review Committee meeting of December 7, 2023 for information.

16. Stakeholder Presentation – Ron Marcolin – CM&E

Ron Marcolin, Divisional Vice President of Canadian Manufactures & Exports (CM&E) came and provided a presentation to the Board of Directors. Mr. Marcolin told the Directors CM&E has been around since 1871 and is a non-for profit and is membership-based organization. He said CM&E advocated for manufacturers and exports both provincially and nationally, New Brunswick currently has 60 members. Mr. Marcolin

told the Board of Directors that recently Newfoundland & Labrador and Manitoba implemented new safety programs.

One Member asked since the rollout of the new safety programs if there have been any reductions in incidents or if safety has gotten better. Mr. Marcolin said yes, and he would be willing to share the numbers with the Board of Directors.

The President & CEO asked Mr. Marcolin if he would be willing to sit down with WorkSafeNB and have conversation about the safety programs, he said that WorkSafeNB has good framework but there is always room for improvement. Mr. Marcolin said he would be happy to have that conversation.

A Member asked if health and safety is looked at more positively by employers and if it is now considered “good for business” rather than an expenses. Mr. Marcolin indicated that the employer culture around health and safety has improved, when the employees are happy so are the employers.

The President & CEO indicated that Mr. Marcolin is in full support of the benefit improvements and thanked him for his support. The Board of Directors thanked Mr. Marcolin for coming to speak and providing insightful information on CM&E.

On motion duly made, seconded, and carried it was unanimously resolved:
That the Board of Directors receive Ron Marcolin’s presentation on Canadian Manufacture & Exports for information.

17. Stakeholder Presentation – Shirley Hickman – Threads of Life

The Executive Director of Corporate Communication provided introductory remarks for Shirley Hickman, Executive Director of Threads for Life. Ms. Hickman introduced 3 other participants, Lorna Catrambone – Director of Partnership, Dwayne Boyde – Regional Development Coordinator in Atlantic, and Paulette Raymond – Volunteer. Ms. Hickman provided the Board of Directors with an overview of Threads for Life and programs offered to help the loved ones of workplace tragedies.

Ms. Raymond gave a moving presentation to the Board of Directors on the tragic workplace death of her brother, Tommy Raymond.

The Chair of the Fatality Review Committee thanked Ms. Raymond for sharing her story and indicated the Fatality Review Committee does not overlook the tragedies family and friends also face when a workplace fatality occurs.

The Vice chairperson also thanked Ms. Raymond and Threads for Life, she commended the organization on their strong peer support model and said the chance to speak to someone who has gone through the same thing is very powerful.

The Chair thanked Threads for Life for coming to speak to the Board and told Ms. Hickman that they will have WorkSafeNB’s continued support to help end workplace tragedies. The President & CEO said the Work Threads of Life is doing is very

important, having sat on a forum he has seen first had the impact Threads of Life has on people.

18. Governance Committee Update

a. Chairperson's Report of the Governance Committee meeting of November 22, 2023

The Chairperson of the Governance Committee gave the Board of Directors an overview of their update of the Governance Meeting on November 22, 2023 as provided in the meeting materials.

On motion duly made, seconded, and carried it was unanimously resolved:
The Board of Directors received the Chairperson's report of the Governance Committee meeting of November 22, 2023 for information.

b. Policy 41-011 – Governance - Engaging Stakeholder Technical Committees in Legislative Regulatory Reform

The Chairperson of the Governance Committee gave an update on Policy 41-011 as provided in the meeting materials and recommended the Board of Directors rescind the policy.

On motion duly made, seconded, and carried it was unanimously resolved:
That the Board of Directors rescinds Policy 41-011- Governance – Engaging Stakeholder Technical Committees in Legislative and Regulatory Reform, release 2.

c. Policy – 41-013 Code of Conduct

The Chairperson of the Governance Committee gave an update on Policy 41-013 as provided in the meeting materials and recommended that the Board of Directors approve release 2 and rescind release 1.

On motion duly made, seconded, and carried it was unanimously resolved:
That the Board of Directors approve Policy 41-013- Code of Conduct, release 2 and rescinds Policy 41-013- Code of Conduct, release 1, effective immediately.

d. Corporate Governance Counsel / Independent Legal Advice for Board

The Chairperson of the Governance Committee recommended the proposed plan for independent legal advice for the Board of Directors, as provided in the meeting materials by the General Counsel.

On motion duly made, seconded, and carried it was unanimously resolved:
That the Board of Directors approve the proposed plan in respect of independent legal advice for the Board as and when needed.

19. HR & Compensation Committee Update

a. Chairperson's Report of the HR & Compensation Committee meeting of November 23, 2023

The Chairperson of the HR & Compensation Committee gave an overview of the

report for the meeting dated November 23, 2023 as provided in the meeting materials.

On motion, duly made, seconded, and carried it was unanimously resolved:
That the Board of Directors received the Chairperson's report of the HR & Compensation Committee meeting on November 23, 2023.

b. Policy 33-000 – Human Resources

The Chair of the Committee indicated that the HR & Compensation Committee recommended the changes of Policy 33-000 – Human Resources for approval by the Board of Directors.

One Member indicated that the Diversity and Inclusion section does not make reference to all enumerated grounds in the New Brunswick Human Rights Act. The President & CEO undertook to take this away and bring back for approval at the Board meeting in Q1 2024.

20. Finance & Investment Committee Update

a. Chairperson's report of the Finance & Investment Committee meeting of November 30, 2023

The Chairperson of the Finance & Investment Committee gave an overview of the report from the meeting on November 29, 2023 as provided in the meeting materials. The Chairperson highlight some main points such as:

- Having SEI create a concise reporting dashboard based off a draft provided by the Committee's advisor; and
- Having a high-level cashflow report added to the quarterly review.

The Committee Chair also indicated that the Asset Liability Management Study was not being planned to be brought to the Finance & Investment Committee but to the full Board of Directors. She told the Board of Directors that she believes that the Finance & Investment Committee should have a chance to review and vet the process before it goes to the full Board. Some discussion ensued among members.

On motion duly made, seconded and carried it was unanimously resolved:
That the Board of Directors received the Chairperson report of the Finance & Investment Committee meeting on November 23, 2023 for information.

21. New Business

There was no new business discussed.

22. In-Camera

An in-camera session was held.

Adjourned

Motion to adjourn a 11:02 a.m. on December 14, 2023.