

HANSARD

NOVA SCOTIA HOUSE OF ASSEMBLY

COMMITTEE

ON

PUBLIC ACCOUNTS

Wednesday, August 14, 2019

Legislative Chamber

**Workers' Compensation Board: Claims Management -
May 2019 Report of the Auditor General**

**Workers' Compensation Board:
Governance and Long-term Sustainability -
December 2018 Report of the Auditor General, Chapter 3**

Printed and Published by Nova Scotia Hansard Reporting Services

Public Accounts Committee

Keith Bain (Chair)
Hon. Gordon Wilson (Vice-Chair)
Ben Jessome
Suzanne Lohnes-Croft
Brendan Maguire
Hugh MacKay
Tim Halman
Lisa Roberts
Susan Leblanc

[Hon. Gordon Wilson was replaced by Hon. Margaret Miller.]

[Suzanne Lohnes-Croft was replaced by Hon. Leo Glavine.]

[Hugh MacKay was replaced by Bill Horne.]

In Attendance:

Kim Langille
Legislative Committee Clerk

Nicole Arsenault
Assistant Clerk - Office of the Speaker

Michael Pickup,
Auditor General

Ashley Richardson,
Audit Principal

WITNESSES

Workers' Compensation Board

Stuart MacLean,
CEO

Rodney Burgar,
Chair - Board of Directors

Shelley Rowan,
VP - Prevention and Service Delivery

Department of Labour and Advanced Education

Duff Montgomerie
Deputy Minister

Christine Penney,
Senior Executive Director - Safety Branch



House of Assembly
Nova Scotia

HALIFAX, WEDNESDAY, AUGUST 14, 2019

STANDING COMMITTEE ON PUBLIC ACCOUNTS

9:00 A.M.

CHAIR
Keith Bain

VICE-CHAIR
Hon. Gordon Wilson

THE CHAIR: Order, please. We'll call this meeting of the Standing Committee on Public Accounts to order. Before we begin, I would like to send out a reminder to all those in attendance if they could please place their phones on silent or vibrate.

Before we get into the introduction of the committee members, I would like to acknowledge the staff here: the Auditor General and one staff member here, along with the Committees Office and Legislative Counsel. We'll begin with introductions.

[The committee members introduced themselves.]

THE CHAIR: On today's agenda, we have officials from the Workers' Compensation Board and the Department of Labour and Advanced Education with us to discuss Chapter 3 from the May 2019 Auditor General's Report relating to Workers' Compensation claims management, and Chapter 3 from the December 2018 Auditor General's Report relating to WCB governance and long-term sustainability. We'll begin by asking the witnesses to introduce themselves first, and then I believe, Mr. Montgomerie, you're going to be leading the pack.

[The witnesses introduced themselves.]

THE CHAIR: Mr. Montgomerie, the floor is yours.

DUFF MONTGOMERIE: I would like to begin by thanking you for the invitation to appear before your committee. We appreciate the opportunity to be here today with the Workers' Compensation Board to answer questions related to the Auditor General's Spring 2019 and Fall 2018 Reports. In the Auditor General's 2018 Report on board governance and long-term sustainability, it was found that the model is working well, and the long-term sustainability is strong, but WCB needed to make major changes to achieve a solid footing.

I can't tell you how pleased I am to say that the unfunded liability is now expected to be eliminated between 2020 and 2024, well ahead of the original target date of 2039. I would particularly recognize the progress achieved by the board in working towards eliminating WCB's unfunded liability. We also recognize that the employees and employers have also been a large part of this effort. It's hard to put a price on the effort of the board since roughly 2000 to put aside benefits, to put aside lower rates, to get rid of this unfunded liability. They are to be applauded.

When the Auditor General informed us of the audit, I welcomed it. I believe it's important to look at our organizations from time to time to see what is working and what needs improvement. The Auditor General has provided an insightful report with meaningful recommendations. Implementing them is a priority for all of us. The government and its agencies need to be accountable to the public. It's also important for us to ask always, every day, how we can better serve Nova Scotians.

Our colleagues at the WCB are here to discuss the work they're doing and their support for the recommendations. The WCB is an arm's-length organization operating independently within their scope of authority. Government's role is the responsibility for the legislative and regulatory framework and for board appointments. I believe partnerships are key to having a collective impact for Nova Scotians. We work with WCB on many fronts and collaborate on projects and initiatives with a joint multi-year plan. This relationship started with the workplace safety strategy and has continued to strengthen from there.

You may have seen recent awareness campaigns, workplace injuries hurt us most at home. But there is more. We jointly sponsor and fund organizations and projects like Society of Farm Safety Nova Scotia, AWARE-NS, and the Discovery Centre's Science and Safety project. We have a shared focus on reducing injuries in the fishing sector, a huge challenge. We jointly support industry conferences and other safety-related issues.

Supporting injured workers is important to us, and WCB has a 100-year history of leading this work for Nova Scotians. Injured workers deserve to have an accessible comprehensive appeals process available to them. Appeals volume has decreased. This is good news. But the length of time it takes for an appeal decision is too long, and we can

do better for injured workers. Outside of the Auditor General's welcome recommendations, we're committing to reviewing our appeals process to make it more efficient.

Before the Auditor General announced he was going to do a report, we had started to look at the Workers' Advisers Program, the Workers' Compensation Appeals Tribunal, the WCB, and ourselves together to look and see how we could make the appeals system better. We parked that process. We're reopening it now that the Auditor General Report is done, and we will move on that fairly quickly. We will assess the findings and make the necessary enhancements to the appeal system to help injured workers get the benefits they need sooner.

Implementing the Auditor General's recommendations is a shared priority. We know there is more work to be done, and we are committed to working collaboratively with our partners to strengthen workplace safety.

Thank you for asking us here today, and I look forward to answering any questions from the members.

THE CHAIR: I'll turn it over now to Mr. Bugar.

RODNEY BURGAR: I'm pleased to be here today as chair of the WCB. In my role as chair, I have had direct oversight of both Phase 1 and Phase 2 of the audit. Like the deputy minister, I actually welcomed that audit. I think Crown corporations and near Crown corporations need to be highly transparent and accountable for the work they do.

I also want to acknowledge the very professional approach that the Auditor General took. We were obviously deeply engaged with his office over quite a period of time. Whenever we met, and I had the opportunity to meet with him several times, I found him to be exceptionally professional and very constructive in his comments and recommendations.

Today is obviously about the Auditor General's Report and governance and operations. I do want to remind all of us and ourselves that the reason we're here as WCB is about prevention of injury, and when workers are injured, helping them get back to work. That's what gets us up in the day. That's what drives Shelley's team day in and day out. While process and documentation and so on and so forth are all very important - I know that as a lawyer - the real work is in Shelley's hands. Helping those workers get back to work when they're injured is really paramount.

As you know, Phase 1 of the audit report was focused on corporate governance. I was overall very pleased with the findings that we have very good corporate governance in place. I know that our board works very hard and diligently at that. There's always room for improvements. There were three recommendations coming out of Phase 1. We accepted those three recommendations and are acting on them now.

Like the deputy, I was pleased and gratified that the Auditor General particularly acknowledged the work that we have done on the unfunded liability. In that regard, I want to acknowledge our chief financial officer. He's not here today, but Leo McKenna has been the steward of that through various board iterations and various chairs. I'm kind of standing on the shoulders of others. I just happen to be at the right place at the right time when all of that hard work and discipline is coming together.

The result of that is that we're 90 per cent funded, approximately, today. This can go up and down according to the markets, of course, and our experience ratings. It's a huge, huge move forward. As the deputy said, we expect to be at 100 per cent or more in the next two to four years. That's great news.

I want to acknowledge my colleagues at the board. I think when the Auditor General recognized and pointed out that we have good corporate governance, if I had to identify one single factor, I think it's the makeup of our board. As you know, we have a multi-stakeholder board consisting of labour and management representatives. If you know any of the individuals on the board, if you look at names like Rick Clarke, Janet Hazelton and Luc Erjavec, these people are strong advocates and they bring important issues to our board table. I have the pleasure of chairing that board and reaching consensus wherever we can on important issues, but they're very strong advocates and they don't let you off the hook at any particular time. It's a real pleasure to work with them.

[9:15 a.m.]

The second phase of the audit concerned our operations. As you know, Stuart and Shelley are here to answer questions around operations - that's their wheelhouse, not mine. The Auditor General found that overall we were achieving our mandate, following our policies and achieving what we needed to achieve in that second audit, but he did make 12 important recommendations. Stuart and Shelley can speak to that later, but we've also accepted those 12 recommendations and we're working to implement various changes around those recommendations.

From a governance point of view, what I've asked Stuart to do is to regularly report into our finance and audit and risk committee of the board and the Chair of the committee will be overseeing the implementation of the recommendations as we move forward.

In addition, we'll be reporting from time to time directly to the Auditor General's Office on our progress. The reason we're doing that - we're not required to do that, but as I said at the outset, we feel transparency and accountability is extremely important and I take that very seriously as the Chair. I'm more than willing and happy to report our progress as we go.

I think that's really all I have to say. Thank you for inviting us here today. I look forward to your questions.

THE CHAIR: Thank you, and before I move on to you, Mr. MacLean, I'm going to ask everybody to please speak into the microphone. In order to make it bearable here, we have the fans going and if you can speak into the microphone, that would be greatly appreciated. Mr. MacLean.

STUART MACLEAN: As our board chairman has pointed out, this audit has been a major priority of our organization over the last couple of years. We have worked closely with the staff who are here today - some of them - and appreciative of the collaborative and constructive dialogue that we've had throughout that process. I think there has been a lot of learning, it has identified priorities. I'll get to that in a second.

I've been with the WCB for more than 30 years, so I've seen the liability that we've talked about. It was 27 per cent funded when I first joined the organization so we've clearly come a long way.

Rod spoke to this, but the reason we do what we do is for the people that we serve. We're personally driven every day to prevent injuries and when an injury happens, to help workers recover and get back to work - we are in the people business in this province - and when that is not possible, we support workers, we support their families in living with a serious workplace injury or tragedy. I can tell you as somebody who has worked in the system, when you've met with the widows and the survivors and the people who have industrial disease and the people who have been seriously injured, this is a very serious business for us and we recognize that all injuries need to be prevented.

We're proud of the contribution we make in this province. If we look back on the last 10 or 15 years, funding is not just the only thing. Injuries are down considerably, people are getting back to work quicker than they did 10 or 15 years ago. There is less disability. All those things are important.

Last year was a particularly tragic year in our workplaces. We know we're safer - however, last year we had a lot of fatalities. We had 40 fatalities - we can talk about that, if that's what the committee chooses. I think everyone here would agree that one serious injury, one industrial disease or one fatality - the phrase 'one too many' really does apply. When an injury occurs, we know we need to be there, but we really need to get ahead of that and prevent those injuries in the first place.

We're pleased that overall the audit found that we're fulfilling our mandate. Having said that, I think there is a lot of improvement and learning that comes out of that. As the Chair mentioned, we agree with all 12 recommendations. We're already working to implement them. Now that we've had a chance to synthesize what it will take, we've acted immediately on a number. In fact, we had an executive committee on Tuesday and four of those are moving ahead right now, where we've added some resources and done some different things.

The recommendations are also coming at a time when we're modernizing and adapting to new systems. If you think about it, we used to be in a paper-based world with fax machines and it was very difficult when you were dealing with 25,000 claims from people who have already been injured or have some kind of a permanent disability plus another 24,000 claims coming in a year, with paper and faxes, it's hard to adjust to that.

We're going to leverage technology. We're going to actually try to become part of the solution here in terms of getting people back to work and improving the flow of information. We have modernized. These learnings of the audit come at an opportune time because they're going to basically inform the configuration of our new work processes. Undoubtedly, we're going to benefit from this audit. There's no question about that.

We thank you for the opportunity, and we look forward to questions.

THE CHAIR: We'll begin questioning. The first round will be 20 minutes for each caucus. We'll begin with the PC caucus. Mr. Halman.

TIM HALMAN: Good morning, everyone. Thank you for being here and for your service to the residents of Nova Scotia. Thank you very much for your opening remarks.

One of the key themes that came out of the opening remarks was your commitment to transparency and accountability - fundamentals in any democratic society. With respect to that, I think we would all agree that responding to applicants, responding in a written way and in a timely manner, is fundamental to transparency and accountability. The Auditor General Report indicates that there's still some work that needs to be done with respect to that.

I would like to take a few moments with you to ask some questions related to completing written decisions on a timely basis. It's my understanding that the internal policy states that written decisions given to a worker should be completed within two days of that decision being made. However, my understanding on the ground, management noted that the way it's implemented, it's a 30-day practice. I'm curious, why has the internal policy protocol of two days shifted to the much longer 30-day period?

STUART MACLEAN: The question of timeliness and documentation were key themes in the audit. There's no question about that. As I mentioned earlier, one of the things that is going to help us in that regard is the modernization that we're going through.

As you can probably appreciate as a committee, getting the decision right is a really important thing for us. When we're compiling files to make decisions, we're getting information from the injured worker, we're getting information from the employer, and we're getting information from a medical adviser who may be waiting for information from a specialist. These types of things all can cause delays in timeliness. The practical struggle that we have - we recognize the two-day policy challenge is almost impossible to actually

achieve. However, we know we need to do better. We know that timeliness and documentation are important to the injured worker. We know that people are waiting.

Typically, most people will receive a payment, so they don't have a disruption of earning. We know that timeliness of payment in 14 days is an important measure for us, and we look to that. We do recognize that we can do much better in terms of the way we document and the way we communicate - new technology, having a way to correspond electronically, rather than through the mail, rather than through fax machines, and most Nova Scotians don't have fax machines. It's a challenge when an injured worker has to have a paper form and get it to us. It's a challenge for us when we need to communicate with the injured worker and get it into their hands.

There's no question that there's some learnings there that the audit committee found. They're really, really long. I'm going to turn it to Shelley to make additional comments around that because she has more insight on the individual question.

SHELLEY ROWAN: Over the last few years, we have tried to make improvements in our decision-making process and our communications process. Even over the last few months, we have tried to improve the way we communicate with workers and employers through the life of the claim, not just at the decision-making point. For example, we now require caseworkers to be in touch with the worker, the employer, and the health care provider very early on in the claim so that there's a better understanding of the work and what the expectations are.

Regarding written decisions, we've tried to make our decisions easier to read. Our decisions, if you'd ever read them over the years, they were long, they were legalistic, they included big sections of the Workers' Compensation Act. People had a hard time understanding them, so we've put a lot of effort into writing decisions that are less complex and easier to understand. It simply has taken us longer to produce those than it did the big legal type decisions that we did in the past.

So we need to look at our process to make sure from the time we communicate verbally a decision to a worker to the time they receive the written decision, that the time frame has to be short in between those two points. It's part of the work that we'll do coming out of this audit.

Also, as Stuart said, we believe we'll achieve some administrative efficiency with our new systems. It will help us in that regard, but we need to set new standards because, you're correct, we currently have a standard that we're not meeting.

TIM HALMAN: Mr. MacLean, if I understood you correctly, you've been involved with Workers' Compensation for 33 years. With all of that corporate memory, I'm curious as to - looking back - if you could outline for Nova Scotians, how did we go from a two-day expectation to what's actually happening - a 30-day period? Learning from what has

happened and then implementing new procedures, we all agree that's critical, but could you outline for us how we got to that point where on paper it said two days, but in its practical application it was a 30-day period?

STUART MACLEAN: Well, I can tell you that when I joined the board 33 years ago - this was before the introduction of cellphones and personal computers, so we've come a long way. We had paper registers back in the day and, in fact, I joined the board as a result of an Auditor General Report recommendation where we needed to bolster the Department of Finance that came in in the accounting area at that time. So I can tell you things were very different. Decisions were made, but a lot of times you were relying on a letter - and I think Shelley spoke to this. I'll see if I can just sort of bear down on that a little bit for you.

If you have a letter that goes out that people don't understand and you're communicating the decision, that's really not good enough. It takes more than two days to actually write the decision, to get the decision written, to get it communicated. When you're dealing with a lot of these things coming at us on a regular basis, there's - I'd have to hazard a guess at how many decisions because we're dealing with 24,000 claims a year. We've got 25,000 people on permanent disability. Those people - we make decisions on those files. People are making requests there as well so there's a volume element to it and there are a lot of moving parts and certainly tools will help us in that regard.

I don't think two days is the right time frame in terms of giving it back to a caseworker who already has a caseload and having a letter come out. However, communicating verbally the decision, having a phone call - we've got to look at all of that and how we actually go forward. Again, in my opening comments, I mentioned with this new technology, with the modernization, we've implemented Guidewire, which is an insurance system that's AMS, in the Cloud solution, which will give our staff tools. We simply can't be part of the delay or creating return to work through making things take longer. I think that's what you're really bearing down on. We recognize that we have to do our part.

For many years in the WCB system with our partners at the Department of Environment and the Department of Labour, we focused on injury prevention. I'm very pleased that we're 35 per cent less than where we were in terms of the number of injuries coming in the door than we were, say, 10 or 12 years ago. However, what we've done in the last couple of years is - we have a strategic plan. The strategic plan, our stakeholders, our staff told us we need better tools. Our stakeholders told us we need to interact differently with you. It's time for the board to invest in modernization. That's where this came from.

So the timeliness of the recommendations of the Auditor General's Report landing with us to basically say, what should those standards be, how is the workflow going to be? We've been through a major business transformation in the last two or three years and

we're just live with it now. It's everything from the competencies for caseworkers to make sure they have the skills to do the job, so we're not promoting people into jobs that they can't do. It's got all of our processes changed. All of our screens, the different tools - so people will have reminders, that will have, for example, when a new claim takes place, we'll have the ability to have a follow-up or make sure we communicate with that injured worker, rather than the injured worker just gets a letter in the mail. We're trying to improve service. We're trying to make it better.

[9:30 a.m.]

I can tell you, a long time ago, you wouldn't even want to measure it because we wouldn't even have had a way to measure it. We didn't have proper statistics. We didn't have corporate performance measures. We didn't have a functioning board that was involved in the governance and oversight and have a clean governance audit like this. We didn't have a bipartite board at that time. We have come light years ahead in terms of governance. We have come light years ahead in terms of understanding what the issues are. We are taking active steps to try to improve the things that the Auditor General - we're already on a path, but there are some findings here, quite frankly, that were very disturbing for all of us, and we're taking action on those.

I'm not sure if that helps much. Certainly, we can do better. We understand the impact on the injured worker and on the employer in this case. We're trying to improve the system and be the right partner for our employers and injured workers in Nova Scotia.

TIM HALMAN: Everyone I know appreciates your commitment and desire for improvement; there's no doubt about that. Am I correct in saying that the unofficial 30-day policy was a management decision? Am I correct in saying that?

STUART MACLEAN: It's not a formal policy of the board. I'm not going to teach anybody here in the Legislature how things work, but there's the legislation that basically gives the policies of the board the power of law. Then we have informal policies, of which we have lots. Many companies might call them a procedure, where you set two or three or thirty days, and those procedures are then utilized by staff to be in compliance with them.

It's going to be in time to update that clearly. At this point, it has basically been management where we've done that. We report to the board on a suite of corporate performance measures - everything from injury prevention per hundred workers, to return-to-work outcomes, to return on our investment portfolio, satisfaction measures. We have a lot of rigour around that, but we need to do better. I think that's the key thing.

TIM HALMAN: The source of frustrations for many people when they deal with various government agencies or departments, is often the discrepancy between what's formally stated as a policy and what actually happens on the ground. When people are - if I can say this respectfully - in a state of crisis, what they read as a formal policy and then

discover isn't being implemented on the ground is an enormous source of frustration. I think we would all agree that a fundamental characteristic of transparency and accountability is there has to be consistency between what's officially stated and what officially happens. I'm pleased to hear that you're committed to changing that. What is it within the department's culture that you're actively trying to change so that there is no discrepancy between what is formally stated and what happens on the ground?

STUART MACLEAN: I think we have a lot of rigour around a lot of the things that we do - there's no question about that. As I mentioned, I think this is an area where there is opportunity. I can't tell you the frustration we feel when we're relying on keying in fax machines with incomplete information and all the different things that go along with that. That caseworker wants the information to make the decision, and they're out hunting for information. That can be challenging.

I don't know what more I can say with regard to this. I think what it really comes down to is, we are strategically working with our board and making an investment to improve the tools which will help address some of these issues. We need to bring our informal policies in alignment with practice. That doesn't mean we put the practice out to 30 days or 60 days or whatever that needs to be. We have to figure out what actually makes sense and have that dialogue with our finance audit and risk committee because it is in the scope of this audit. We will be reporting to them on a regular basis as we implement all 12 of these recommendations. That's what this is for. There are learnings here, and we have to take that forward.

RODNEY BURGAR: If I may just follow on Stuart's comments, at a corporate governance level, I would suggest that the essence of the Auditor General's Report is about responsiveness to injured workers and the employers who employ those individuals. It's about, as you note, being at a time of anxiety, crisis - they're injured, money is in question and so on. All those are big pressures. In that environment, we want to be as responsive as we can be. I think you've heard Shelley indicate that she has made some immediate changes to how we're responding to both employers and injured workers to put them in the picture earlier and continue to keep them informed.

On the question of policy and so on, I would like to sort of split your question, if I might. We are very transparent and I think - in a funny sense - the Auditor General was pleased with the ground that he found in our organization because we are very transparent. We know we have this obligation. The compensation system, the insurance system is paid by employers - not government money - and we have an obligation to the stakeholders to account for everything we do. We take that so seriously. Sometimes that can be our undoing because we document everything, including our policies and so on.

As Stuart indicated, we're in a massive time of change. It's hard to say how shocking it was when I came in as the Chair three and a half years ago. Your iPhone has more technology than the whole WCB system had three and a half years ago - seriously.

You could do more with your iPhone than these caseworkers could do on their desks. It was shocking. The fax thing - you think it is being made up, but everything was coming in by fax. Can you imagine? And being typed in - unbelievable.

All of that has been changed. There has been a massive modernization. We call it modernization, but for all of us in the world of digital technology, it's just being on Main Street. It's the way you do business with your bank and your broker and your doctors and so on. So all of that is in play right now. It will deliver better service, for sure - absolutely no doubt about that. The Auditor General in a way has reaffirmed the business case for the investment we made in that massive modernization.

TIM HALMAN: Let's take a look at the internal approach with respect to appeals and the targeted time frame of those appeals. It's stated if I've understood correctly, that with Workers' Compensation, to complete an appeal - it's to be done within 90 days from the date of notice of an appeal. However, in a number of cases, the reality was 140 to 458 days. This is substantially different from the stated policy or outcome that wishes to be achieved. The Workers' Compensation Board countered that the targets are based upon business days.

I'm curious, could you outline the amount of complaints you've received with respect to the appeal process? That's quite the discrepancy in some cases.

STUART MACLEAN: I'd start out just to say that when the Auditor General came in, we did have some vacancies in positions in appeals. The appeal volume has come down subsequently. The numbers - I'm going to turn that to Shelley in a second, but we have as an organization since the Auditor General's Report came out, added additional resources in internal appeals and also with regard to mental health claims. So there are a number of responsive things where we've seen growth that the board has supported us in to actually making some change. Shelley, could you speak to the question?

SHELLEY ROWAN: In internal appeals, during the period that the Auditor General looked at, we had a spike in appeals. They had gone up about 15 per cent over that couple of years and there were more appeals than we could meet the timeline for; we had received a few complaints. If you look at our annual report, our client relations officer has a report in there every year, and timeliness would be one of the things that they highlight. We have had a concentrated effort over the last six months to improve that. We have significantly reduced the number of appeals that are waiting. For the number of appeals over 90 days - 90 days is our timeline - we're down to just 30 that are over the 90 days. Some of those are complicated for different reasons.

We have made progress. Over 90 days is too long. The intention is to have it be a quick process, quick resolution, and to help the person get resolution to their issue so that they can move on to the next stage.

THE CHAIR: The time for the PC caucus is up for this round. Now I'll provide 20 minutes to the NDP caucus. Ms. Leblanc.

SUSAN LEBLANC: Thank you for being here and for your comments so far. I just wanted to clarify an answer that you gave to my colleague earlier. When you were talking about the timeline for a case to be resolved or to be decided upon, you mentioned that workers do get a payment so that there's no interruption. Can you just clarify what that means? Do they get a payment from Workers' Compensation, and then if their claim turns out to be denied, do they repay that? How does that all work?

SHELLY ROWAN: When an employer or worker files a claim, the WCB will make a decision relatively quickly on whether or not that claim is approved. Generally, that happens within the first couple of weeks of a claim, and the payment would begin immediately. What we were talking about earlier is written decisions. Essentially at the end of a claim is when we would issue a written decision. A big written decision is generally only provided when we are terminating benefits. If someone just comes in, needs some health care, misses a few days of work, we pay some financial benefits, and they go back to work, we never issue a formal decision. They get a letter saying that they're approved, but it's not a formal complex decision.

The majority of people - I think it's over 90 per cent of people that we approve those claims within the first couple of weeks and they are in pay. People are getting the health care they need, and we're working with them to get them back to work. The written decisions only come when we deny benefits at the end or when benefits are terminated.

SUSAN LEBLANC: Is there anything to protect people while they're waiting if it is a more complicated case? I know that I have had people come into my office who are waiting and waiting and waiting for a resolution, and they have no income. They're in a housing crisis. They're having to go to food banks while they're waiting for these things. Is there any protection for people while a decision is being made?

SHELLY ROWAN: Because the Workers' Compensation Board only provides benefits for work-related injury, if there is a question as to whether or not an injury or an illness is related to work, many times that's a very straightforward process, but there are times when it can be complicated, so we don't pay benefits until we have determined if it actually is work related. That is what can cause a delay at the front end. There is no question to that.

SUSAN LEBLANC: I'm going to turn my questions now to the letter that Jason MacLean, who's the president of the NSGEU, wrote to the Auditor General following the report. He pointed out in that letter some relevant issues that were not addressed in the Auditor General's Report in examining policies and procedures, staffing levels, and workload, that they were not considered in the audit. Given that weaknesses identified

included timeliness, it seems that it would be relevant to consider staffing levels and capacity to deal with the approximately 24,000 claims that WCB receives each year.

My first question is, how do you see the issues identified in this report as being related to staffing levels and current workload or caseload?

STUART MACLEAN: When you're dealing with limited resources, I'll say - you have to recognize that we all operate with constraints in our health care system, we know that. There's only so much that you can do, and we only have so many people, so we have to be smart with how we actually leverage resources. One of the things that we know from experience with other jurisdictions is the modernization that we spoke about earlier. It should result in our organization over time being about 15 per cent smaller. That's what they've seen with the introduction of the technology and of the tools.

[9:45 a.m.]

There is no question that our staff feel workload issues. I think most organizations where there is a lot of tough work to do, where you have issues like timeliness - the frustrations that we've already been talking about here today, people feel the burden of those because they're dealing face-to-face with the injured worker. This is a people business and they have to talk to people about when you can have your money - all those different types of things - when you get your benefits, when you get your services.

So we're always very conscious that every dollar that we collect has an impact on the economy. We're always conscious of doing the best we can with the dollar. Over 80 per cent of all the dollars in our budget go towards the injured worker and the rest of it is to fund the system, which we fund the Department of Labour and Advanced Education, Workers' Advisers Program, Workers' Compensation Appeals Tribunal, other organizations and agencies.

So when you look at the staff component, we believe we're properly staff resourced for the work that we need to do, but we also know that if we can become more efficient and we're not keying in those faxes anymore - and that's not an expense that our board has the chance to leverage those resources to do value-added work - that the tools will help us become more efficient and we'll have some flexibility.

We have a lot of money that I think gets spent on administration and we have to be responsible with all of that as we move forward. I think it's a challenge. Jason is the president of the union that represents our workforce. We are NSGEU local, so I have ongoing dialogue with Jason on a regular basis and understand his issues and concerns, and we take them into consideration.

RODNEY BURGAR: If I might respond a little bit to that question at a higher level - more at the governance level. I've met a number of times with Jason and understand his concerns.

What I would like to say though is both the NSGEU and the Federation of Labour specifically refer to the WCB as being one of the best employer/employee relationships in the province. Yes, we have our days and moments and so on, as you would in any labour union environment, but the overall relationship is excellent. This change we're talking about - this modernization - has acutely been of interest to the NSGEU because it can impact on jobs.

The bigger impact, I think, is in transferring skills to new positions and utilizing skills for new positions. Shelley and her colleague Wendy Griffin, who is the VP of HR, have worked tirelessly to integrate people into new positions. We've worked with the NSGEU all through the piece. There has been complete transparency. We have a working committee that is ongoing all the time.

I feel - at least at a Chair level - not complacent, but comfortable that the relationship with the NSGEU and people generally are being well-managed in a thoughtful way. I can tell you that from a performance point of view, one of the key performance indicators that we see at the board level is around our people talent and we survey them regularly with outside independent surveyors who give us very clear feedback on how they're feeling. We've done that particularly through this arc of the last three years as this modernization occurs. To Shelley's credit - and certainly Stuart's - the overall indicators are very positive and strong - notwithstanding the amount of change that's going on. Just more context.

SUSAN LEBLANC: Currently the WCB is down to eight term positions and one permanent caseworker. I'm wondering how long it takes to fill vacancies and what's being done right now to fill those positions promptly? How many vacancies currently exist in a staffing makeup for caseworkers?

SHELLEY ROWAN: Over the last couple of years, we've done a few things to try to be more flexible in our staffing - with case managers in particular. They are our most senior caseworkers. Last year, the board supported us in adding case manager float positions that would help us if we had short-term vacancies. We would be able to have somebody ready and available to put in those positions, and if we were having peaks and flows of work, we would be able to allocate caseworkers to those positions. That has helped us, but we have had vacancies in addition to that.

Over the years, we have often filled those more senior positions from within the organization, and that has changed over the last couple of years. We're now doing more hiring outside. We did end up in the position this year where we had eight case manager positions that were vacant, and we were trying to hire for them. A couple of those were

new positions that we had created to deal with the claims that are coming from the new presumption from PTSD - the PTSD legislation.

Our HR department has been very proactive in trying to fill positions, but there is no question it has taken us longer than we had anticipated to find good quality candidates to do the work. We are in the midst of those eight vacancies. I believe we have three of those that are now filled. We are actively interviewing with the intention that those would be filled by early this Fall.

SUSAN LEBLANC: Mr. Burgar, you mentioned that you do survey the workers. I'm wondering what information you're collecting about employee satisfaction and the root of recruitment and retention problems. Are you getting any sense from the workers about why it might be taking longer to fill those positions? When you do receive information that might be critical in the good sense, what's being done to address the issues when they're identified?

RODNEY BURGAR: I'm going to have to turn it to Shelley in respect of some details. I don't have the survey in hand. It's quite a comprehensive survey. I think if it was before us, we would all recognize the different types of questions and criteria. We have been doing it for a number of years, so it's well benchmarked against past performance. The things that we have been trying to keep an eye on at a board level - I'll roll this all up - it's really morale. How are people feeling when they come into work during this period of massive change? I have run many, many change management projects as a professional, and you can lose your people. That's a really, really high risk.

As Stuart said, we're in the people business, and we need our employees focused on that. That's what I have been trying to keep an eye on. It's very steady. It's within a range of 71 per cent to 73 per cent satisfaction overall. Frankly, it's surprising to me, given my other experiences and other work I have done, but I think in a positive way. It's a credit to Shelley and Wendy and Stuart, who are leading those people.

There are two things - we at the board level have approved very substantial budgets around change management, and we have worked with Jason on all of that, spent a lot of time, and time costs money. We have approved the budget. We feel it's an investment in our organization and in our people to oversee this change and the change management that goes with it and the people side effectively. We have been very comfortable with that.

STUART MACLEAN: Just a couple of things I would add to our chairman's comment. The surveys are actually conducted by a third party, so staff interact with them. We do report to the board on that on a regular basis. The number did take a dip last year. We have never had a number - well, one other time - that was less than 70 per cent. It has taken a bit of a dip. At the end of last year, it was 66 per cent.

We believe that's attributable to what our chairman is speaking to, the change management - when you're going to change everything and you can't tell them what it's all going to look like and then you ask, how do you like it so? Now they understand a little bit better about that. We had a bit of a dip in that, but we do take it very seriously to the point that as an example, each vice-president, the CEO, and the executive team - we read every verbatim.

The comments that come in - they're obviously blinded, they don't say who they're coming from. We get them from all areas of the organization saying, this is what I like, and this is what I don't like.

Our staff are very committed to our mandate. We have very low turnover. We have 90 per cent completion of that survey, which talks about the commitment of the organization and the organization's people. They know it's useful. They know we listen to it. They know we act on it. That survey is pushed down to every operational unit. They discuss the outcomes for their individual unit, and they make changes as they move forward. That's what you do when you learn from a survey, just like we're going to do from the audit today.

SUSAN LEBLANC: I would like to ask a couple of questions about Guidewire. You have referenced several times this massive change in the organization. I want to just get into that a little bit. My understanding is that the implementation began in June, so it's only been a month and a half now, but I'm wondering if you can speak a little bit about how things are going with the transition. What is the timeline for the complete Guidewire implementation?

STUART MACLEAN: Guidewire has been a project that has been in play for a couple of years to get ready. There's a lot of the pre-work that goes into it. There's a lot of work, as our chairman spoke to, of change management. Change management is a huge piece of this because we need our people to work effectively with new tools that are all going to change. The way they did it for 30 years was going to be different as of June, as you mentioned. It is early days. As we go through the implementation, we're very pleased that we're on time and on budget - those things are good - and we have stability. There's a lot of things that you look for initially because you have to get it up and running.

There's always the challenges of the firsts - the first time you run a statement of account, the first time you have a pension run, the first time you run the medical aid statements. Are they going to work the way they were planned, the way they were tested in the pre-phase? There has been some bumpiness to that, there's no question, but this team is working very hard to work on those things. Staff have been patient because we also need to get around to fixing some of the things that are inherent in these types of implementations.

To put an exclamation mark on Guidewire, a lot of other jurisdictions in Canada would do their claims system, or they would do their policy system, or they would do their registry system. We have done it all at once, so it's a very complex integration. We're only weeks into it. I think we'd like to be better off than where we are towards getting it to stabilize, but we don't see any challenges that we can't take on.

We have a board oversight committee that looks after us on the transformation. We meet with them almost every couple of weeks. They're looking at risk with external risk advisers. There's very healthy dialogue. Staff are engaged. We're having employee round table sessions to understand the staff. Shelley and I have personally been around to the desks of most people in the organization to ask them how they're feeling about it, what lessons are learned from it, what we need to be able to do, and what the current priorities are. You need to be nimble with this type of an implementation, and our team has worked hard with the integrator and with the other consultants who are involved in this.

Overall, we have challenges. There are still challenges for us to get through, but we're pleased that we're up and running with these new tools. I just would remind the committee that the systems that were in place were built back in the 1980s, and I think 1992 was one-half of it, the early part of it was in the late 1980s. We're talking about green screen technology where we did have technology.

This is integrated. We have partners with Revenue Canada, with Medavie, and all of those things are working. We have the fundamentals. We're paying claims. We're able to get the money in. People are paying. Our revenue is coming in. While there are some challenges, our staff are being patient. One of our values as an organization is to have a can-do attitude, and people have stepped up to that in a big way. I'm very proud of our staff for how they have been responsive and how, when we have challenges, they step up for the injured worker and the employer.

SUSAN LEBLANC: Speaking of the staff and the great amount of work and the can-do attitude and all of those things, what are you doing to provide support for staff who may be feeling a lot of pressure in this transition time - either because caseloads are high, there are positions needing to be filled, this massive transition happening all at once? What are you doing to ensure that you don't have worker burnout and that it all falls apart in a couple of weeks - it's too much?

[10:00 a.m.]

STUART MACLEAN: We have a lot of people focused on making sure our people make a successful transition. We've introduced float positions that the board has approved to support people. We've introduced coaches for people to actually understand how the new system works because you get trained, then you go back and it's all different and you forget and then they get frustrated.

There's no question that this is a big challenge, but we've taken a best-practice approach from our consultants and we've implemented that with board oversight.

THE CHAIR: Order, please. We'll now move on to the Liberal caucus for 20 minutes. Mr. Jessome.

BEN JESSOME: Thank you for your time here this morning - certainly for your ongoing work. I will make an effort to wrap up with a positive, but I'll make an effort to be a little bit critical for the first little while.

Initially, I'd like to focus a little bit on the Auditor General's Report around how complaints are handled at the WCB. Would one of our guests or a couple of our guests provide some commentary on a start to finish on how complaints are accepted, triaged, and then managed beyond deciding on what to do?

STUART MACLEAN: The complaints are something that we take very seriously. In fact, in 1998, the Auditor General's Report recommended the establishment of a client relations officer. Our client relations officer is Tim McInnis. Tim does a lot of great work. I'm sure most MLAs here know Tim and have had some experience with him. Tim helps a lot of people and I stand behind Tim 100 per cent in the work that he does.

What the Auditor General helped us understand is that there's a lot of room for improvement in the way that we actually deal with complaints, and we've acted immediately on that. As an example, we were very informal with the way we would decide if it was a complaint or not a complaint. A lot of that was left to the purview of the client relations officer.

In case I forget to mention, the client relations officer reports quarterly and has a meeting with our board. He has a dotted line over to management, obviously, so that he can get paid and all the things that go along with that. His formal reporting is actually to the board on what the complaints are.

There's no question that there's a process that needs to be improved around the rigour, around the forms - the intake forms on those kinds of things. We are designing intake forms. We are adding additional oversight. If you think about separation of duty, having one person look at it and say - and I'm not questioning Tim's judgment, but if you don't have multiple people asking if that is really a complaint or not, then you've really got the judgment of the client relations officer to rely on that. So we're adding additional oversight and eyes on that process.

With some rigour immediately on how things are coming in, having discussions and documenting those things, have a better job of documentation and multiple eyes with the manager and Tim looking at it - someone out of the corporate side that's not in Shelley's shop, that can look at things and ask if this is a complaint or not a complaint.

Tim also has extensive experience. He was not just a case manager, but he managed one of our major claims units at one time early in his career. We're also going to take a look across Canada to find out what others are doing. We started that process to bring back what are the best things we can learn from others, whether it's B.C. or Ontario in terms of their complaints process and how they actually manage that and how they report on it.

RODNEY BURGAR: If I could just follow up on what Stuart has been saying - Tim does report directly to the board. That's his line of sight in terms of accountability. I want to be really, really clear about this. The Auditor General's recommendation is around the process, as Stuart has been outlining, and it's about proper process and best practice around that. It in no way was around Tim's actual work and the output of his work. He's just an incredible individual, he has incredible ethics. His moral compass is completely headed in the right direction always. I think in a funny way, because of his integrity, you kind of sleep well at night. You don't really worry about things that Tim is deciding on.

When I saw the Auditor General's recommendation, though, as a lawyer, I immediately went, oh my God! Of course. He's right. He's absolutely right. There should be a way to oversee this better and have a check and a balance, in a sense. I really let Tim down on that, and we took immediate steps to correct that. I just want to be really clear about Tim himself.

BEN JESSOME: I asked that question so that you would have an opportunity to talk about the positive things that were going on. I would have to echo the support that Tim has provided our office ongoing over the past - since I have been around since 2013. It has been very positive to have him in our corner to field those complaints with constituents from my riding, and certainly good to hear that like everything else, there's always room for improvement, and we're trying to take as big bites as we can towards that.

Obviously, there's a lot of information coming and going from the individual worker, from the employer, and from medical staff. How does your office manage the intake, keep that information, and ensure that individuals' privacy is protected? What are you doing to improve upon what you're already doing?

STUART MACLEAN: I think that's a really important question. We're stewards of a lot of data. As we have talked about today, we have a lot of things coming in from doctors' offices, from advocates. There's all kinds of different people who contribute to a file. There's no situation where it's okay to share somebody's information. We collect it for a reason - to collect it. That's the reason we collect it. And we share.

I would like to just speak about an improvement that we're making around privacy, just to put it in context. We have already talked about 24,000 claims. About 1,400 or 1,500 times a year, we would have an appeal. In those appeals, on an annual basis, about half of them are with longer-term disability people who have been injured a long time ago, and

about half of them are current people we're working with who perhaps had a "no" decision, and they're appealing that decision.

In the Auditor General Report, there's about 200 times a year that we have an employer ask for a photocopy of the file in the appeals system. They did find almost 50 per cent of the time that we were missing things in what's called a redaction process. What that means is that basically, our staff then have to take a photocopy, because we're dealing with a lot of paper files - as we talked about, we're still in the stone age in some ways with some of this stuff. They photocopy a file - a file could have 1,000 pages in it. We go through that, and we might get it in some places and not get it in some places. I was of the belief, and I have always reported to the board, that we have a privacy culture and we take it very seriously. We have regular reports to executive committee from our general counsel on breaches of security and that kind of thing.

I was, quite frankly, blown away when I found out the learnings around the redaction process. I took steps immediately and talked to Shelley, who's the head of operations. We have added resources around that already, so more eyes looking at it. We also have privacy training on an annual basis with every employee. We do have a best practice approach that we received through the privacy commissioner with all the different steps, the foundational approach that we have utilized and implemented. We take it seriously, we take this seriously. There is no breach of information where we're sharing a drug that an employee is taking perhaps for blood pressure, we share that with the employer when it has nothing to do with the fact that they hurt themselves. That's unacceptable. I apologize for that and we will do better.

BEN JESSOME: Thank you so much for that reassurance. In terms of some of the individuals and files that have come through my office, they've shared an expression that they were concerned about the use of an in-house medical opinion rather than that of their own family doctor or their own source.

As I understood it, when we first went through the presentation of this report, I received feedback that there was an opportunity for individual workers to put forward an opinion or submit feedback from a source of their own decision. Could you provide some commentary with respect to the in-house versus the addition of a personal suggestion?

STUART MACLEAN: It's another great question. First of all, just to be really clear, the only one who makes a decision on an injured worker's file is the caseworker. So it is a composite of a lot of information. Medical advisers don't say, pay this or don't pay this. Just like the doctor can say, we believe this is work-related, they give you the information, but the caseworker is actually the one who makes the decision.

We have independent medical advisers. They are all doctors of medicine, they all have the Hippocratic Oath - they've been through all of that. We believe they're characters of the highest regard and they provide advice to the caseworker on everything in a file. So

if they look at the file, they may have a specialist saying this and they may have a physiotherapist saying something completely different, we may have another doctor that says something completely different. The medical adviser helps the caseworker understand what's going on in the file so that they can make the appropriate decision, because clearly these decisions are financial decisions for the system and they're also very important for the injured worker to make sure we get the decision right.

We can't make mistakes. We need to be absolutely crystal clear on that. We do have a team of medical advisers. We have a chief medical officer and that team supports Shelley and her caseworkers. Shelley, do you want to add to that?

SHELLEY ROWAN: To be clear, the role of the medical adviser is never to take the place of the treating physician, but as Stuart said, our medical advisers are all certified family physicians and they also have additional certification in occupational medicine, in evaluation and all of that. They're experienced in evaluating and looking at complex data.

So they provide support to caseworkers to interpret medical information that's coming to them. Often, that medical information can be conflicting. For the injured worker themselves, they are able to see any physician that they want. They can get opinions from their family doctor, they can see specialists. We don't restrict who a worker sees. They're able to see the physician of their choice.

BEN JESSOME: As I said, I would try to end on a positive note. There have been some changes over the last couple of years with respect to the inclusion of post traumatic stress disorder as an allowed coverage - that's probably not the right word - presumptive coverage for post traumatic stress disorder. Can you provide an update on the status of that initiative, perhaps the number of claims that have come in and how you got to the list of eligible professions that are going to be covered?

SHELLEY ROWAN: I can speak to the experience we've had. The department is actually in charge of the regulations so they may want to speak to that separately. The presumption for PTSD for front-line and emergency response workers came in at the end of October 2018. We have seen an increase in people applying for benefits - there is no question. When you look at the numbers over time, in 2017, we had 64 claims for PTSD. In 2018, that doubled. The majority of those claims are coming from the population that's in the presumption. That includes paramedics, police, fire, corrections, sheriffs, health care workers - whenever I give lists, I always forget someone. The majority of those claims in this list are coming from paramedics and corrections.

We have also had a great dialogue through the development of the regulations and development of the legislation. There has been a good discussion with the first responder community. They gave us a lot of input that there's no question that to eliminate some of the hurdles to benefits was important. They also gave the WCB advice in how we provide care and support for them. They also talked a lot about prevention and awareness, that it's

important to have the right supports and structures in place to provide treatment and care for people when they're in crisis or when they need it, but it's just as or maybe even more important to begin the work collectively on how we can prevent and build awareness around PTSD.

[10:15 a.m.]

We have progress on all those fronts. The presumption is in. People are applying for benefits. The WCB has reorganized the way we do that work. We're getting better access to health care providers, particularly psychology and psychiatry, like people asked us to. Our board has supported us by adding additional caseworkers so that we can provide more in-depth service. We have also brought the first responder community together to talk about how we work together to build awareness and think about prevention of PTSD in workplaces to begin with. Big progress - we're far from done, but big progress on all fronts.

THE CHAIR: Mr. Maguire.

BRENDAN MAGUIRE: Mr. Chair, we're going to be up against a time crunch with the next round of questioning. It's usually 12, 13, or 15 minutes, right around there, per side . . .

THE CHAIR: The second round will be eight minutes. You have four minutes left.

BRENDAN MAGUIRE: I wanted to put a motion to extend the time allowed for Public Accounts. Do you want to do that now, or do you want to wait until after the questions?

THE CHAIR: How about we just do it after we get through this round and go from there.

Mr. Glavine.

HON. LEO GLAVINE: I want to thank the WCB team here this morning for your presentation and comments. I do want to put on the record the acknowledgement and accommodation for the tremendous turnaround in the unfunded liability. I was here asking questions during the days of payouts for long-term pain and suffering which were immense. To have moved from the 20 per cent to 90 per cent is really a tremendous achievement for a corporation. I wanted to put that on the record.

One of the areas the Auditor General talked about was monitoring training for staff. This is going to be critical during the transition, the transformative period. Mr. MacLean did reference staff competency and low turnover, although some positions are currently unfilled. I'm wondering, are you coming from a position of strong professional development and a strong culture of training and renewal of staff?

STUART MACLEAN: I do believe that our organization invests in its people. We do have a culture of training. We do train people. In fact, if you look at the Auditor General Report, it does highlight changes that we need to make, especially in documentation of that training when it's taking place. There's no question that there are some circumstances where we have not trained people, specifically some of the ones that were - even about our own staff safety, which is of concern for me, when we miss defensive driving or we miss first aid. All of our caseworkers, I believe, are competent. We have competent people. They are trained. They are given the support that they need to actually do their job. We believe in our staff and we believe that that's one of our strengths.

There's no question as we go through this transition that with new tools and new ways of going about doing things, people are struggling a little bit. There's no question about that. We have been stepping up to that challenge by adding additional resources, by providing coaching. I spoke about some of these things earlier - having people available to support people as they go through that change.

The organization has well-established values. Most people in the organization would know what our values are; they would be able to recite them. I think there is a strong connection to our mandate. So if someone works in IT, they feel strongly proud of the ads that run on television, for example. We have this - where people believe they're making a difference, that they're leaving the province better than they found it throughout their career. That level of commitment has people wanting to be trained and wanting to be the best that they can be. That culture of excellence comes under Shelley. I'm going to ask Shelley if she wants to add anything, if we have time.

THE CHAIR: Order please. The time for the Liberal caucus is up at this point. You might have a chance to answer that in the second round. Now we get into the second round. I have scheduled eight minutes per caucus. We'll turn it over to the PC caucus for eight minutes - Mr. Halman.

TIM HALMAN: I'd like to return to the topic of privacy breaches, as outlined in the Auditor General's Reports. How many of these privacy breaches occurred?

STUART MACLEAN: The Auditor General's sample, as I mentioned earlier - we have approximately 200 files that we copy annually. They looked at a sample of 20 and in nine of those files they found problems with the redaction process, that I explained earlier on the record.

TIM HALMAN: What was the information exposed in those nine breaches?

STUART MACLEAN: I mentioned earlier that medication, I think, was a common one. Shelley, do you want to make any comments about that?

SHELLEY ROWAN: The majority of them, as I understand it - an example would be medication that somebody is taking for personal reasons - that somehow that got referenced in medical documentation. We then inconsistently redacted that or removed it from the file.

So when you look at the big claim files, as Stuart said, often they are hundreds of pages long and the same document may be in there multiple times. So we may have found it the first time and the second time, but missed it the third time - typically medication.

RODNEY BURGAR: If I could just add on to what Shelley and Stuart have just said - let me start with also reinforcing and reiterating that privacy is extremely important. We discuss privacy at the board level consistently. We receive reports on it. We take it very seriously. When this recommendation in the Auditor General's Report came out, the board was very keenly interested in understanding the ins and outs of that. It's an exceptionally important issue. As Stuart said, we accept responsibility for that and we apologize for that.

The contextual information though, I think often privacy breaches are considered to be massive privacy breaches like Citibank or one of those situations. What Shelley is talking about - when there was a failure to redact medical information or there was medical information shared that shouldn't have been shared, it was with the employer. It's not a broad public sharing of information. It's with the employer. It's in the context of a system where the employer is allowed to have information.

That doesn't excuse the fact that it happened. I want to be clear about that, but I also want the members to understand that this is not out on Facebook, it's not out on Instagram or anything like that. It's not one of those massive kinds of leaks.

TIM HALMAN: I'm sure all of you can appreciate privacy is of the utmost importance in the digital age. Certainly, in the last year, privacy breaches have been an ongoing issue. Certainly, it highlights the importance of all of us being as diligent as we can be when it comes to the personal sensitive information of the people we have the privilege of serving. How does a file get the go-ahead from a manager for it to be sent to an employer? Essentially, can you outline the process that allowed this to happen?

SHELLEY ROWAN: When we get a request in the appeal process from an employer, we have a team of people who photocopy files. In this circumstance, employers are requesting the file, but often workers will request a copy of their file as well. We have people who copy in both circumstances. They then go download everything that we have electronically, combine it with the paper, and make a photocopy. Then a person goes through that and identifies any information that is not relevant to the claim file and will eliminate that. Then the manager does a second check of that to review the file, so it's a very manual process.

We recognize that the process we had in place clearly was not thorough enough. We have added an additional step to that. We have hired two additional people. If I photocopy a claim file and I do the original redaction, then we have somebody else now who will be able to go through it and essentially check my work. We're going to hire an additional person to do the second check for the manager as well. In a manual world, and this was human error in these circumstances, we felt that the initial step, the immediate step, we had to take was to add double checks to that process. We're doing that at both the employee, front-line, initial photocopy and reading process, and also at the manager process.

TIM HALMAN: We have spoken about accountability. Internally, what are the consequences for a caseworker for passing documentation to an employer without a manager's review? Could you outline what the consequences are within the context of accountability?

SHELLEY ROWAN: There are two sides of privacy in this kind of situation. It's important that a person be held accountable for what has happened, if they have made an egregious decision, that they be held accountable for that. It's also important that we understand where the flaws in our processes might be and learn from that. We have tried to develop a culture where we encourage employees to self identify if they realize that they have made an error and they have committed a privacy breach, so that we can then have a corporate learning of that, we can all learn from what has happened so that we can be better.

From an HR perspective, if an employee has done something egregious, our collective agreement outlines the terms by which an employee will be held accountable for their actions on this or anything else. From an overall privacy point of view, we look at it as also a learning opportunity. We don't want people to keep things secret when they have made a mistake. We want them to tell us so that we can all learn from their experience.

THE CHAIR: The time for the PC caucus is up. We'll turn now to the NDP caucus. Ms. Roberts.

LISA ROBERTS: Thank you for this opportunity to ask some questions related to the audit. I am actually going to take the opportunity to talk a little bit about injury rates, particularly in the home care and long-term care sectors, which is a topic that might have come to this committee because it was touched on in the November 2017 Auditor General Report on managing home care contracts, but unfortunately, we haven't had the opportunity to call that report.

There was a 2018 report called *Workplace Safety for Nova Scotia's Home Care, Long Term Care & Disability Support Sectors* that someone from your organization was involved with at the level of a steering committee. Some of the findings in this report are very, very concerning. I'm just going to read one paragraph that really jumps out at me.

“A key finding from both the research and stakeholder consultations is that the current rate of workplace injury is having a major impact on staffing shortages. Home care, long term care and DSP workplaces are in a vicious cycle where injured workers are off the job and leaving the employer short-staffed, which in turn puts those remaining workers at higher risk of injury themselves.”

[10:30 a.m.]

The report talks about how there was some significant work done from 2009 to 2015 to reduce workplace injuries and avert a trend that was emerging, yet we're again seeing increases in workplace injuries. I'm wondering, at the level of our system and really of the well-being of Nova Scotians in our province - we know that we do have an aging demographic and that these services are very important, and they're also funded through the Government of Nova Scotia. What can you share about how you see possibly changing this trend line around workplace injuries in these very important sectors?

STUART MACLEAN: I'm really happy to get that question. One of the things that keeps us up at night is when we have a trend in injury that's getting worse. There's no question that the most dangerous occupation in this province, you might be surprised, is home care worker - more so than construction, more so than fishing. We have seen industries have major turnaround, through having dialogue about what the major risks are and how to actually be strategic about how we deal with them.

We work very closely with our colleagues at the Department of Labour and Advanced Education, for example, with construction and with fishing. Those two examples - construction at one time had 1,500 time-loss injuries, and today they have around 500 time-loss injuries. A safety culture is emerging or has emerged in that sector. The fishing sector may be the best example - very difficult to change things but we have seen the cost go down by 50 per cent.

Why am I talking about that? Because in home care, what we're trying to do with that action plan is a similar approach where we say, what are all the parties that can influence change? One of the intractable challenges of being in workers' compensation is that I have to get to a nursing home or a home care situation and have that worker make a different decision that makes them stay safer. How do you change the way they think? This is about culture. This is about what supports we give them and then what we do when they're injured.

There's no question that there are alarming numbers. I know Minister Glavine and I have talked about this when he was Minister of Health and Wellness. Currently, we have Minister Delorey - we had an update with him a couple of weeks ago. I'm one of the executive sponsors on that group, which has four, which are all from different departments. We have a steering committee that involves the unions. The conversation needs to be

robust. We're including the unions. We have a bunch of themes - slips and falls, safe lift and transfer, mental health, violence in the workplace, these are not surprises, and return-to-work. Those are key themes.

For me, if I would take the opportunity, I think there's also an opportunity for government, because you're the funder, to require things, whether it's procurement - it takes visible leadership to change things. We know that what we have seen in industry - where manufacturing has improved, fishing has improved, and construction - the biggest thing is figuring out what you need to do and then putting the resources towards it. The good news is that this health care action plan has a bunch of tangible, strategic steps towards creating safer workplaces. We saw the announcement of the government last week or a week or two ago where a bunch of money was committed towards non-violent crisis intervention training and personal protective equipment. I think those things are table stakes. We need to train our people. We need to keep them safe.

To your point, if you have 300 or 400 home care workers who are home on time-loss injury, that's not helping anyone serve the injured workers or the elderly population in this province. We all recognize the problem - I think government recognizes it, the stakeholders recognize it. The unions recognize the problem. At Workers' Compensation Board, it's our top priority to provide support to the government, to the Department of Health and Wellness, to the different stakeholders, to the unions, to the people of this province as we move forward and create a safety culture where we see that trend go in the opposite direction and have those people stay at work.

Everyone in Nova Scotia has a right to go to work and come home to their family at the end of the day. That's the number one thing. They have a right to know about health and safety, they have a right to participate, and they have a right to refuse. Those are indoctrinated in the legislation.

We have challenges about resourcing, no question, especially in health care. But that's not the biggest thing that's our opportunity. We have to move from knowing about it to caring about it. That's what happens in every industry where we see cultural change. We need the worker to understand that's a priority for the managers. We need the managers to understand that's a priority for the administrators. We need the administrators to understand that's a priority for the Department of Health and Wellness. We all need to do our part - all of us, all of us at the table here, where we're working together with the government, with all of us - to try to change things.

If we can do it in fishing, with the intractability of that culture, where they have seen all of those changes take place, and we could go on and on and on about that, which we wouldn't have time for. We're poised for making some big changes and things being better because we have the plan and we have some resources. We're all chipping in resources and we would like to see the changes we have seen in those other sectors.

LISA ROBERTS: That was one question. With a minute and a half, I'll just say that I really appreciate that answer. It does strike me that the government has not played the full role that it needs to play in owning this problem and also in owning the solutions. Certainly we know that these employees by and large are earning relatively low incomes. Number one, there are real significant personal consequences for them when they are then earning only a percentage of their lost earnings because already the earnings that they were making were qualifying them for a very low-income life.

Also at the level of the province, one of the interesting things in this report is that the costs of people being off don't reflect the total impact of backfilling staff because as a province then we have to pay, or those non-profit nursing home providers have to pay, for the staff to backfill those individuals who are off. We know that the low resources in nursing homes and in long-term care actually contribute to the injuries because you don't have . . .

THE CHAIR: Order, please. The time for the NDP caucus has expired. We'll now turn it over to the Liberal caucus. You have eight minutes. Mr. Glavine.

LEO GLAVINE: Unlike my colleague, I like to provide a compliment at the start of my conversation. I was pleased that both the board chair and the CEO spoke so strongly about the work of Mr. McInnis and his role dealing with complaints in that area. I have been here for 16 years, so therefore, 16 years of Mr. McInnis on occasion coming to my office. I only give him the most complex cases.

For that reason, I did want to state that my constituents go away happy with the fact that he has been able to bring together the employer and the employee positions, the medical, and WCB's policies and regulations. Constituents may not get the exact result they want, but they like the process, and I think that speaks so strongly for itself.

I did want to go back and hear from Ms. Rowan on how you view that culture of training and how it works out on a day-to-day basis, especially with the challenges of the years now you will be in transformation of WCB.

SHELLEY ROWAN: As Stuart said, we do have a learning and development culture. We try to do continuous development. We do onboarding when new employees come, and then continuous development as our work changes. We have seen a lot of change in claims over the past 10 years. Claims today are not the same as they were 10 years ago, and our employees are good, solid, dedicated people who have been there a long time, and we have needed to update our processes as we have gone.

One of the challenges we had with training was in our documentation. As Stuart said, we have had challenges with lots of our systems. One of them is that we have requirements for training for employees, requirements for qualifications, requirements for training, and we had no way for managers and employees to know when the next round of

that training was due. You basically had to remember, 'My first aid training expires this year, and I need to go and get it'.

One of the tools that we're currently putting in place is we have recently introduced a learning management system that is giving us better documentation of what we have. It will now enable managers and employees to monitor where they are in the training cycle and when it is due. Then they know the timing and know that it has been completed. That learning management system can then report to people like me so that I know for my team overall who has kept pace with what their requirements are. So there are improvements to come in that area.

LEO GLAVINE: To either the board chair or the CEO, do you do exit interviews with employees? Some government departments and companies now will give a worker leaving, either retirement or leaving the profession, an opportunity to speak candidly about their work experience. I'm just wondering if that is part of what you do for reflection.

STUART MACLEAN: I can't say that it happens in every instance, but I know that it does happen regularly. As I mentioned earlier, the people in our organization stay for a long time. There's a lot of people with long-service awards. If you look at the cumulative years, it's always almost shocking when you have this many 25 years, this many 20 years, this many 15 years.

What happens when someone leaves our organization is, not only do we have an exit interview - I have been there for 33 years. The staff call me by my first name. I know them all. I see them in the hallway up and down. Believe me, there's no lack of candour from our team around what needs to change. The ongoing conversation is really important. The exit interview is also something that we would utilize to find out what they learned and why they are leaving. It just doesn't happen very often. I don't know that we measure compliance on that, minister, but we certainly take open dialogue with our people, and we try to have regular communications.

Shelley already spoke about this, but we do have high compliance with having their personal performance appraisal done. We weren't doing a good job with documentation, and I believe the systems that we're implementing will help us in terms of not just acknowledging that they're getting done but also allowing us to have oversight. Shelley will get that report, and then I'm going to get that report, and Rod's going to ask that question as we respond to this through the finance audit and risk committee to make sure that everyone is having their performance appraisals done and not just that - that we're having mid-year conversations with people and exit interviews. I think that's a great idea, and we have to make sure that we're doing that.

LEO GLAVINE: I wanted to go back. I know there has been a reference this morning to complex cases and when you get conflicting medical information and even the employer's position on how the injury happened and so forth. Is this a team-based decision,

or does it come down to one individual then deciding that this claim needs to be fully supported or not? I'm just wondering how that process unfolds.

SHELLEY ROWAN: The ultimate decision maker on every claim is the caseworker. The caseworker can draw on resources to help them do that. We talked about the medical advisers. They can help them interpret medical information. They have information from the employer. They have all the information from the worker. We also have a team of policy people who help them interpret our policies to make sure that they're adjudicating in compliance with the Act and the policies. They have all kinds of supports around them, but at the core, the caseworker has the responsibility to make the decision.

LEO GLAVINE: I just want to follow up. That would also pertain to when a claimant goes before a panel, that final area of reviewing a case, would it come back to the caseworker in those cases?

SHELLEY ROWAN: In the appeal process, if I understand you correctly, at the WCB level, the internal appeal would go to a hearing officer, who would be the decision maker. Then at the Workers' Compensation Appeals Tribunal, which is an external appeals tribunal, that would be heard either by an appeal commissioner or at times in a complex case, there may be a panel. Those decisions, either the panel or the commissioner will make that decision. Then if the WCB's decision has been overturned, it will come back to the WCB to implement. The Workers' Compensation Appeals Tribunal is with the Department of Justice, so they're outside the Department of Labour and Advanced Education system.

THE CHAIR: Mr. Glavine, you have 13 seconds. Do you want to make a statement?

LEO GLAVINE: I would just like to thank you for the opportunity for all members to drill down on the auditor's report.

THE CHAIR: Order, please. That concludes the time allotted for questions put by the committee to members. It does, in fact, provide the opportunity for you people to make some closing remarks. The floor is yours. Mr. MacLean.

[10:45 a.m.]

STUART MACLEAN: First of all, as the CEO, the performance audit clearly is under my purview to respond to. As has been said by the governors of the system, our deputy, the chair of our board, and our independent board that governs us, we will have appropriate oversight. We will implement all of these recommendations. We do understand the seriousness of privacy, the seriousness of complaints, the seriousness of timeliness, the seriousness of documentation, the seriousness of properly training people, and the seriousness of having performance appraisals. These are all very important issues to us and have provided us insight.

I would like to thank the Chair and the committee today on behalf of the people who are here. I also want to thank Mr. Pickup and his staff, who I believe - as I mentioned earlier in my comments - were very collegial. They helped us understand. We have had meetings with them. We found that the findings here, while there were some surprises for us - that's always a little bit of a concern for me - but we're acting on those things. We take it very seriously.

As somebody who has been in the system for a long, long period of time, I just want to say on the record, there's nothing more important than keeping people safe at work. There is no objective, productivity measure, economic measure - nothing - as important as the people who live in this province returning home safely to their families at the end of the day. That's our mandate. We lean into that, all of us every day. We are a committed group of individuals at this table. We really believe that that's an important thing to stick with and remember at the end of the day. We will make these changes and improve from Workers' Compensation Board's perspective.

THE CHAIR: Mr. Montgomerie.

DUFF MONTGOMERIE: First of all, this is the best Public Accounts Committee meeting I have ever attended. (Laughter)

THE CHAIR: It's a good Chair. That's why.

DUFF MONTGOMERIE: Seriously, the one comment I would make is that I have the privilege every day of working with everything from university presidents to construction companies to union leaders, et cetera. You get a pretty good flavour of whether those organizations are really working hard on behalf of their members.

The thing that impressed me about the WCB when this report came out particularly around compliance and privacy - those are serious issues. We met with WCB right away, and they owned it right away, just like they have owned it here today. More importantly, they put resources to it right away.

I just want to reassure Nova Scotians that 25,000 Nova Scotians interact with the WCB every year. I think they're doing a really excellent job of trying, as we all say, to get better. Thank you.

THE CHAIR: Thank you very much on behalf of the committee for being here with us this morning and answering some of the questions as related to the Auditor General Report and a little beyond too. I think you provided an opportunity to learn more about the workings of WCB. Again, we thank you.

Committee members, there are some items of business to be brought up. We'll just give these individuals a chance to gather up their things, and there are a couple of items that we have to deal with.

[10:48 a.m. The committee recessed.]

[10:50 a.m. The committee reconvened.]

THE CHAIR: Order, please. We'll get back to the business at hand as far as the committee is concerned. Before we begin - Mr. Maguire, you had a motion that you'd like to put forward.

BRENDAN MAGUIRE: We are on a bit of a time crunch and there is some committee business to do. With the permission of the committee, I'd like to extend the Public Accounts Committee until noon. I would like to add an extra hour on to give us a lot of time just in case. We might not use the entire hour, but we just want to make sure that we have time for all the committee business.

THE CHAIR: The request is that we add one hour to the length of the meeting. Mr. Halman.

TIM HALMAN: Can you explain the specifics as to why you want to extend it by a full hour?

BRENDAN MAGUIRE: We have committee business and we want to make sure we have a lot of time to deal with it. It's as simple as that.

TIM HALMAN: Again, can you be specific - what business will warrant an extra hour? Could you explain that?

BRENDAN MAGUIRE: We would just like to call for the motion to be put on the floor to be voted on.

THE CHAIR: I just want to remind everyone that it has to be unanimous consent to extend the time.

Would all those in favour of the motion, please say Aye. Contrary minded, Nay.

The motion is defeated.

On our agenda, there are a couple of items that have to be looked after. Mr. Maguire.

BRENDAN MAGUIRE: I'd like to put a motion on the floor. I move that the topic for September 11th on the use of P3s for the twinning of the highway between Antigonish

and Pictou be removed from the Public Accounts Committee agenda. This topic is not a topic of an AG Report, which is the focus of the Public Accounts Committee and it is better suited for another committee.

THE CHAIR: We have that motion. Ms. Leblanc.

SUSAN LEBLANC: I'd like to begin with a couple of questions for the clerk, if I may - some procedural questions. Number one, is it within our rules of order that members abstaining or dissenting on an original motion are empowered to, at a later meeting, move to rescind the same motion?

KIM LANGILLE (Legislative Committee Clerk): I'll have to consult legal counsel.

NICOLE ARSENAULT: Every motion is independent, so whether someone abstains or votes on one motion doesn't preclude voting at a subsequent motion. Each motion is considered independent motions.

SUSAN LEBLANC: If that's the case, are there any differences in the proportion of members required for the rescindment to be successful between motions to rescind with no notice given and those made with advance notice?

NICOLE ARSENAULT: When voting on a motion, the rules just state the majority of voices shall carry.

SUSAN LEBLANC: Thank you. I'm going to get to my comments in a second, but I just want to clarify these things. Roberts Rules of Order state that in this case, if work relating to the motion has already been carried out, it cannot be rescinded. Is there a similar procedural rule that's applicable here in the House?

NICOLE ARSENAULT: Could you repeat the question?

SUSAN LEBLANC: In Roberts Rules of Order, if work on a particular motion has already begun, then the motion cannot be rescinded. I could give a banal example, but I think that's clear. I'm just wondering if there is a comparable rule of the Legislative Assembly. If something has been done on the motion, which we're talking about right now, then can it be rescinded?

NICOLE ARSENAULT: Under our rules - O'Brien and Bosc is one of the House of Commons rules that we follow - a decision of the committee shall stand. However, a motion to rescind can be successful, which will remove the previous motion and then a further motion can be made.

SUSAN LEBLANC: I think that's it for my questions, but I would like to make a comment. I strongly oppose the motion on the floor. This has been brought to our

committee before and there are many reasons why I oppose it. The first one is that there is nothing in our mandate as a Public Accounts Committee in Nova Scotia that we must only deal with Auditor General Reports. This is what my colleague, Mr. Maguire, has brought forward as the reasoning for removing this topic from the agenda.

We are mandated to discuss items or topics that address the spending of public accounts in Nova Scotia and when we look at this particular topic, we are talking about millions and millions of dollars of public money. There is excellent evidence provided by several sources, including a recent report by the Canadian Centre for Policy Alternatives that the planning to do infrastructure builds - in this case, highways in Nova Scotia using a P3 model - will cost Nova Scotians millions and millions of dollars more than a traditional non-P3 build. To me, this one fact is enough to make sure that this topic remains on the agenda of the Public Accounts Committee.

Notwithstanding all of those things, this committee voted to talk about the topic. This committee voted to bring this topic forward. Witnesses have been scheduled. It is in the public interest to discuss this in this room at this committee. We now see that the governing caucus - the Liberal Party - want to take away this topic from this discussion. My sense is that they just simply want this discussion to go away, for people to forget about it.

I, for one, will not let this go. I will continue to talk about this until the public is well informed about the dangers of using a P3 build, and in particular on the highway that is in question. I don't know if there are other people who would like to speak, but I will end it there for now, but I may come back.

THE CHAIR: Mr. Halman.

TIM HALMAN: Let's not forget what has happened since the Fall sitting of 2018. The government has seriously limited this committee's ability to question public spending and the execution of public administration, which we know were the core mandates of this committee going back many years. They limited the topics in order to limit Opposition to ask fundamental questions - think about that. Questions to government are key to getting better public policy.

Right now we're in a situation where we've gone through, as Opposition Parties, all the formal processes to get a topic that's outside of the Auditor General's Report that is of great importance to Nova Scotians, that falls under the category of public spending - millions, as my colleague pointed out. Also, the enormous amount of public administration that's going to be devoted to that. It's within the scope. It was proposed at subcommittee. It went through all the formal channels.

Now we get to this process, we now get to this situation where it's somehow not convenient for government. The fact of the matter is that they're using their majority on

this committee to once again limit the key topics that should be coming to the Public Accounts Committee.

We should be trying to strike a balance between those three fundamental pillars of questioning public spending. Let's not forget we have an \$11.5 billion budget. Yes, the Auditor General Reports are critical - they are important - but there are other key things that have to be factored in. An \$11.5 billion budget and we don't even have an opportunity at the Public Accounts Committee to raise topics that are in the public's interest.

This is a major problem. I really think what's happening here - the Liberal Party is simply using their majority to silence a topic that I think is of great importance to Nova Scotians. Once again, the erosion of the Public Accounts Committee under this government continues.

THE CHAIR: Are you calling the question?

SUSAN LEBLANC: No.

THE CHAIR: There are others that want to speak, but we need unanimous consent to continue this topic until we finish with it. Do we have unanimous consent to keep going until we finish this topic? It's 11:00 a.m. There are still items that have to be looked after.

The meeting is adjourned.

[The committee adjourned at 11:00 a.m.]