

# YUKON WORKERS' COMPENSATION HEALTH AND SAFETY BOARD

## ANNUAL INFORMATION MEETING

HELD SEPTEMBER 28, 2004 AT 2:00 P.M.  
at the Workers' Compensation Health and Safety Board Training Room

WHITEHORSE, YUKON

CRAIG TUTON  
PHIL DYKE  
BARB EVANS  
MICHELLE KOLLA  
DON FRIZZELL  
DOUG HEYNEN

CHAIR  
ALTERNATE CHAIR  
LABOUR REPRESENTATIVE  
LABOUR REPRESENTATIVE  
EMPLOYER REPRESENTATIVE  
ACTING PRESIDENT & C.E.O.,  
W.C.H.S.B.

LYN HARTLEY

FACILITATOR

REPORTER:

DOUG AYERS

DOUG AYERS REPORTING  
SERVICES

1 **WELCOME AND INTRODUCTIONS**

2 MS HARTLEY: Good afternoon; welcome  
3 everyone. My name is Lyn Hartley, and I am an  
4 independent facilitator in town, and I was  
5 asked to come help moderate this meeting this  
6 afternoon. I do teach at the college, so I've  
7 had a few people say, "Where do I know you  
8 from"... but I occasionally do teach up at the  
9 college, so maybe that's where.

10 So, thank you very much for  
11 taking the time to be able to come this  
12 afternoon. And many of you, I understand,  
13 were here this morning, at a Stakeholders'  
14 meeting, as well.

15 So the purpose of this  
16 afternoon... this is a public meeting, and this  
17 is the annual meeting, for the Yukon Workers'  
18 Compensation Health and Safety Board. And I  
19 also notice we do have several members of the  
20 media here as well. And you'll also notice,  
21 to my right, I have Doug Ayers, who is taking  
22 notes, and who does have a tape recording  
23 machine here. So, this is a public meeting,  
24 so we will have transcripts of this meeting,  
25 just so you know that we're not trying to  
26 catch you off guard, and I believe those will  
27 be posted, in approximately two weeks, on the

1 website.

2 So the purpose of this  
3 afternoon is be an opportunity to be able to  
4 raise issues and communicate directly with the  
5 Board. So we have the Board here, and they're  
6 interested to hear about issues here in the  
7 Yukon. And it's a time for the Board to be  
8 able to get that feedback, and to hear about  
9 what are the things that you think are the  
10 pressing issues.

11 But, to be clear, it is a  
12 public meeting. It is trying to raise issues,  
13 but we're not trying to get into specific  
14 cases. So it's looking at the broader issues,  
15 and that's something that the Board will be  
16 able to take into consideration in their  
17 deliberations.

18 The other thing I wanted to  
19 note is that there is the Workers'  
20 Compensation Act under review, right now, by  
21 the Territorial Government, and there is a  
22 website, which is [WWW.wcbactreview.gov.yk.ca](http://WWW.wcbactreview.gov.yk.ca).  
23 I can give that to anyone if you'd like it.  
24 And that is, also, definitely a separate  
25 issue.

26 So we're here, it's an  
27 opportunity, it's an open forum. It was

1           advertised in the paper, so hopefully people  
2           did see that. And there was an opportunity,  
3           if there were issues, to be able to make sure  
4           that this is an area that they could be  
5           addressed.

6                                So, there is an agenda; did  
7           everyone get a copy of the agenda? Great.  
8           It's a pretty simple agenda. We are here,  
9           we've put aside 2:00 to 4:00 this afternoon.  
10          We most likely will try to have a break about  
11          3:00, if we're running that long. And that's  
12          also an opportunity, just more informally, to  
13          be able to interact with the Board, and just  
14          on a more one-to-one level.

15                              We'll start off with some  
16          opening comments from the Chair, and then  
17          we're going to be moving into just questions  
18          and answers. Ideally, we're going to try and  
19          make space for everyone to be able to raise  
20          all the issues that are coming here.

21                              What else do I have on my  
22          list? Ah... washrooms. So, if you haven't been  
23          in this building, just outside the door, the  
24          washrooms are just to your right. Two fire  
25          exits (I could have another career here).

26                              And, yes, I guess just the  
27          media... so we do have media here, taking

1 pictures, as well as potentially recording, so  
2 just so you are aware of that.

3 We also had indicated that,  
4 if people wanted French translation, we could  
5 make that available. We didn't hear back from  
6 anyone, so we do not have French available at  
7 this meeting. But let me know if that is an  
8 issue, because we can arrange to get French  
9 translation. Is that an issue at all?

10 So, let's do a round of  
11 introductions, and I would suggest, let's  
12 maybe start off with the Chair and the Board,  
13 and maybe... could we start with the Chair, and  
14 come around my way.

15 MR. TUTON: I'm Craig Tuton, Chairman,  
16 Yukon Workers' Compensation Health and Safety  
17 Board.

18 MR. STEPHENS: Jim Stephens, Acting Vice-  
19 President Operations and CFO.

20 MR. DYKE: Phil Dyke, Alternate Chair  
21 of the Board.

22 MS KOLLA: Michelle Kolla, Board of  
23 Director, Representative of Labour.

24 MR. FRIZZELL: Don Frizzell, Board of  
25 Directors, Employer Representative.

26 MS EVANS: Barb Evans, Representative  
27 of Labour.

1 MS HARTLEY: Doug, who is taking  
2 minutes. Lyn Hartley.

3 MR. ZRAL: Richard Zral, with Zral  
4 Safety Services.

5 MR. DECHKOFF: Ivan Dechkoff.

6 MR. STONE: Darrell Stone, with Skookum  
7 Asphalt.

8 MR. KLIPPERT: Calvin Klippert, with  
9 Skookum Asphalt.

10 MR. DIECKMANN: Kurt Dieckmann, with Yukon  
11 Construction Safety Association.

12 MS BABCOCK: Sandy Babcock, Yukon  
13 Chamber of Commerce.

14 MR. SMALL: Jason Small, *Whitehorse*  
15 *Star*.

16 MR. FEDEROF: Vince Federof, *Whitehorse*  
17 *Star*.

18 MS STRIEGLER: Becky Striegler, Public  
19 Relations, Yukon Workers' Compensation Health  
20 and Safety Board.

21 MR. LOMAS: Tony Lomas, with the City  
22 of Whitehorse.

23 MR. MCCLURE: Rob McClure, Acting  
24 Director, Workers' Compensation Health and  
25 Safety Board.

26 MS WALD: Deb Wald, Executive  
27 Assistant to the President of the Workers'

1 Compensation Health and Safety Board.

2 MS GABB: I'm Pauli Gabb, Board  
3 Office Manager, Workers' Compensation Health  
4 and Safety Board.

5 MR. HEYNEN: Doug Heynen, Acting  
6 President for Workers' Compensation Health and  
7 Safety Board.

8 MS HARTLEY: Thank you. So, welcome  
9 everyone. I have to confess, I had a lot of  
10 problems with that acronym, and that was the  
11 second time I had to do that flip chart, to  
12 make sure I got the acronym right. It's got a  
13 lot of letters in it.

14 So, again, I guess just to  
15 look at the agenda... we're going to have some  
16 opening comments from the Chair, and then it's  
17 really open, as an open forum, to raise  
18 issues. And just before we go to the Chair,  
19 any clarifications or housekeeping issues we  
20 need to raise?

21 MR. TUTON: The cookies are down, since  
22 this morning; they were \$12 this morning,  
23 they're down to \$2 now.

24 MS HARTLEY: Actually, another good  
25 point. You can see, behind the Chair, there  
26 are cookies. So I don't know if he's guarding  
27 them, but... there are refreshments. And I

1           would also say that, please look after  
2           yourself and, if you need to stand to look  
3           after yourself, please feel comfortable to do  
4           that; and if you need to get water, please  
5           make yourself comfortable, and do look after  
6           yourself. We will try and take a break just  
7           to stretch, if nothing else.

8                                 So, I guess, without  
9           further adieu, I would like to introduce the  
10          Chair, who just introduced himself, but...  
11          welcome, Chair, for the opening remarks.

12         **OPENING REMARKS**

13         MR. TUTON:                     Thank you very much, Lyn.  
14           Good afternoon. I had an opportunity, on  
15           behalf of the Board, to speak with the  
16           majority of you here this morning. But,  
17           Richard, I guess some people take retirement  
18           in different contexts, and I guess, when  
19           everybody thought they saw the last of you  
20           months ago, not true; you're back, and it's  
21           nice to see you. And, Kurt, it's nice to see  
22           you. And, Tony, I haven't had an opportunity  
23           to meet you yet, but I'm sure I'm going to  
24           learn more about what you do for the City, and  
25           you may offer some questions this afternoon.

26                                 Jason, you're certainly not  
27           a stranger to me; and neither is your partner,

1 Vince. I only ask that, if you must take  
2 pictures of me, use the best side. And  
3 usually it's either side, so I'll let you  
4 select that.

5 MR. SMALL: We don't like to take  
6 pictures of feet.

7 MR. TUTON: As usual, I didn't quite  
8 catch what you said.

9 Anyway, thank you. We, at  
10 the Board, have had an extremely busy summer.  
11 I mentioned this morning, and I know there are  
12 some different people here but, since the  
13 press is here, I'll mention it again... we were  
14 very fortunate to have hosted Congress this  
15 year, which is a gathering of Workers'  
16 Compensation Board employees, and Boards of  
17 Directors, all across Canada. We hosted that  
18 in August of this year, and it was very  
19 successful.

20 Our small board did a  
21 tremendous job. Comments that we received,  
22 from all across the country, were extremely  
23 high level. I said, this morning, that this  
24 board and employees elevated our status,  
25 across the country, to a very, very high  
26 status. We had tremendous weather, we had a  
27 tremendous program. Our organizing committee

1 had some wonderful speakers, who included the  
2 Auditor General of Canada, and one of the  
3 famous mountain climbers of the world, or at  
4 least his son, Peter Hillary. And everyone  
5 that had an opportunity to listen to the  
6 comments from those two in particular, but  
7 including all of the other speakers, were  
8 quite impressed with the topics that they  
9 passed on to us.

10 So, I know that, I think  
11 it's in 12 years or whatever it is, when we  
12 host it again - 24 years? - 24 years, I know  
13 that all of you, out there, will be happy to  
14 hear me again, after that, to advise you how  
15 well we did in organizing that event.

16 We look forward, this  
17 afternoon, to discussing with you any matters  
18 of interest that you may feel need to be  
19 addressed. Our advertising for this meeting  
20 asked that, if you had any specific questions  
21 or issues, that you let us know ahead of time,  
22 so that we would be able to properly prepare  
23 for those questions. We didn't receive any.  
24 I'm sure that doesn't mean there are no  
25 questions or issues that either concern you or  
26 interest you, but, in all cases, we're going  
27 to do our best to respond to you now; or, if

1           it must be, we would make certain that we will  
2           provide you with the proper responses in a  
3           timely manner.

4                           As I said this morning, I  
5           was here once before, back in the '90s, '96,  
6           '95, in that era. And one of the faces that  
7           you'll notice is missing this morning is Tony  
8           Armstrong, who has been at the Board for a  
9           long, long time. Of course, he has a history  
10          at Workers' Compensation, and he also has a  
11          memory of all of the issues that happened  
12          around our building for a great number of  
13          years. And Tony is away from the Board for up  
14          to six months or so, on medical leave. So we,  
15          at the Board, are obviously wishing him the  
16          very best, as I know you would as well.

17                           We, as Board members, and  
18          more specifically the staff members, are going  
19          to miss Tony, who provided great direction and  
20          was always a person that you could talk to if  
21          you felt the need.

22                           Our Acting President, Doug,  
23          was brought into the fray this morning. As  
24          well, you'll notice that we have a number of  
25          staff here. We try to be careful not to  
26          outnumber you too much, but we try to get a  
27          number of staff here, who are able and capable

1 to answer any questions relating to different  
2 departments.

3 I'd also like to point out  
4 that copies of our Annual Report are here  
5 behind me. And Lyn was close to being  
6 correct, that, you know, somebody up here is  
7 guarding the cookies; I think it's Doug, and  
8 not me. That's more administrative in nature,  
9 than anything to do with governance.

10 Our audited financial  
11 statements are also there for you to peruse.  
12 If you had any questions, our steel trap CFO,  
13 Jimmy, is here to answer those financial-type  
14 questions if the Board can't.

15 We talked at length, this  
16 morning, about, as a board, trying to address  
17 the problem, rather than the solution. And I  
18 said, this morning, the solution would appear  
19 to be easy. The only one that we could really  
20 grab our hands around, and make work, is the  
21 rates that we charge to employers. We don't  
22 have, necessarily, control of what our  
23 revenues are on the investment side.

24 Tony, you're one of the few  
25 who weren't here this morning, and I offered a  
26 challenge out there, if anybody knew any ways  
27 we could increase the percentage of return on

1           our investments, I'd be happy, on behalf of  
2           the Board, to hear your comments.

3                                 Since we spoke to you last  
4           year, at our annual meeting, we've been very  
5           busy. Obviously, the Congress took up a great  
6           deal of our time, but, as well, busy on the  
7           other front; that is, how we proceed to make  
8           the workplace a safer environment, a  
9           friendlier environment, for our workers; as  
10          well as a comforting environment for the  
11          employers, to know that they have supplied the  
12          workers with that comfortable work  
13          environment.

14                                We started on a process to  
15          try to reduce the number of incidents or  
16          injuries in a year. We focused on the  
17          educational front, by forming a partnership  
18          with the Yukon Contractors Association, and  
19          formed a Yukon Contractors Safety Association.  
20          We, as a board, sincerely hope that, within  
21          the next short period of time, we're going to  
22          be able to expand that to include other than  
23          the confines of the contractors, and make it  
24          more open and accessible to other parts of the  
25          community. We're happy with the progress that  
26          the Association has made in just a short  
27          period of time. And in looking at what their

1 plans are in the future, we're happy that  
2 we're going to see some results, certainly  
3 over the long period of time and, more  
4 specifically, in the short.

5 We have introduced, to the  
6 community, two marvelous champions of young  
7 worker safety; Paul Kells and Candace  
8 Carnahan. They have been in our community  
9 twice now, in the last year, speaking to  
10 employers and youth, alike, about worker  
11 safety. And those of you who have met those  
12 two individuals, I'm sure, won't forget them,  
13 continuing our promotion to that Passport to  
14 Safety Program this fall, both to employers  
15 and young people.

16 To that end, we have  
17 structured a partnership in which a Prevention  
18 and Safety Committee, that is separate and  
19 aside from the role the Board does, in an  
20 attempt to address this very urgent situation  
21 that we, at the Board, look at; that is,  
22 reduce the amount of lost time due to injury  
23 in the workplace. We feel that, by addressing  
24 the area of youth, because one day they're  
25 going to make up the majority of the  
26 workplace, that we should concentrate some  
27 time and effort of the Board in that area.

1 I've discussed this morning, just briefly with  
2 the Teachers' Association, maybe there's an  
3 ability for us to look at education to deal  
4 with workplace safety in schools, much like  
5 happens in Ontario, where they have a  
6 tremendous program that leads to credits at  
7 the high school level.

8 So those are some of the  
9 areas that we're looking at dealing with on  
10 prevention. As well, our Occupational Health  
11 and Safety people have formed partnerships  
12 with various employers, in the COR program,  
13 and we're looking to expand that as we can.  
14 There is obviously some question, from the  
15 employers' side as well as from our side, as  
16 to how we deal with COR with a smaller  
17 employer. One of the facts of life, here in  
18 the Yukon, is that the majority of our  
19 workplace is made up of small employers and  
20 small business, and we have to insure that,  
21 when we offer the COR program, it doesn't keep  
22 people out because of the size of their  
23 business.

24 And we look for some ideas  
25 from the employers' side of the stakeholders  
26 to help us in trying to recognize ways that  
27 all of our employers will be able to take

1           advantage of that COR program. Because, if  
2           there's dollars in place, for example, from  
3           the City of Whitehorse, or from Yukon Electric  
4           or Yukon Energy, on a level of involvement  
5           with COR, it may restrict the individual  
6           smaller-type contractors from being able to  
7           compete on those jobs.

8                         So those are just issues  
9           that we have to deal with. And when I say  
10          "we", I mean "we" as in "stakeholders". All  
11          of us that have to be concerned with workers'  
12          compensation and health and safety issues.

13                        That Prevention Committee  
14          was struck earlier this summer or spring, and  
15          it has had two meetings up to this point. It  
16          involves participants from our First Nations  
17          community, Federation of Labour, Yukon Chamber  
18          of Commerce, the Construction Safety  
19          Association, and you. And that committee is  
20          going to provide guidance to the Board, as to  
21          where we should be focusing our prevention  
22          activities over the next period of time.

23                        We've worked hard on the  
24          area of policy. We've introduced at least  
25          half a dozen new policies. One of them is a  
26          new policy on vocational rehabilitation. It  
27          focuses on helping our injured workers

1           overcome disabilities so that they can return  
2           to the workplace, and the lives that they had,  
3           they enjoyed, before they were injured on the  
4           job. It outlines a team approach centered on  
5           the health of the injured worker. We, as a  
6           board, are really proud of this policy, and it  
7           comes into effect on the 1<sup>st</sup> of January of  
8           2005.

9                           We have launched an  
10           educational campaign, about preventing  
11           violence in the workplace. We've developed a  
12           workshop on that topic, which we're offering  
13           to supervisors, managers and workers this  
14           fall, and probably next year as well.

15                           For those of you that have  
16           an interest in assessment premium subsidies... a  
17           few words about that. As you may or may not  
18           know, the Board's been subsidizing private  
19           sector assessment premiums since 1999. And  
20           that was a planned drawdown of reserves in  
21           that area.

22                           In 2003, we gradually began  
23           to reduce those subsidies that were applied to  
24           premiums. And that follows an extensive  
25           consultation process that started in 2002. We  
26           plan to continue that course of action, of  
27           gradual subsidy reduction, in 2005, and we're

1 going to follow the plan that most of the  
2 employers favoured during that consultation  
3 process in 2002.

4 In the meantime, we're  
5 going to be holding new consultations with the  
6 Worker and Employer Stakeholders, on our  
7 reserves, that we talked about this morning.  
8 Our reserves, of course, are very important to  
9 the long-term stability of our assessment  
10 premiums and, obviously, our fund. Our goal,  
11 here, is to try to maintain that 100% funded  
12 liability. We don't want to dip below that,  
13 like some of the other boards across the  
14 country, into a large deficit situation.

15 Of course, both of those  
16 were going to lead us into 2005. An  
17 additional consultation with employers, and  
18 other stakeholders, about our assessment  
19 premiums and where they have to be, in 2006,  
20 in order to maintain our level of funding and  
21 our ability to make sure that our commitment  
22 to the injured worker and the long-term  
23 liability of that, is maintained as well.

24 I've sort of outlined just  
25 some of the highlights. I know that - if  
26 there are no questions, I'd be happy to  
27 continue on our way, but, if there are some

1           questions, or if there are some areas that you  
2           would like us to further discuss with you,  
3           we'd be more than happy.

4                        I said, this morning, that,  
5           in the interests of time, and the interest of  
6           time management, from an administrative point  
7           of view, obviously, if there are some  
8           questions that surround the reserve issues,  
9           and the assessment subsidy issues, we, as a  
10          board, would prefer, where possible and  
11          practical, to deal with groups or associations  
12          en masse, as opposed, as you can well imagine,  
13          to individuals. But we also recognize, having  
14          said that, that there are going to be certain  
15          circumstances or cases where there are  
16          individual employers, that don't belong to  
17          either associations or groups, that are going  
18          to want to have an ability to ask questions or  
19          raise concerns; and we would only ask that  
20          those questions or concerns are provided to us  
21          in writing. And our commitment to those  
22          individuals will be that we would provide them  
23          the information, responses or the answers, in  
24          as timely a manner as possible, from the Board  
25          perspective.

26                        So, having said all of  
27          that, I guess one other thing that I might

1 want to just mention is, this year is the  
2 first year that the Board has reduced the  
3 number of meetings, on our Annual Information  
4 Meeting, from two to one. We felt that, with  
5 the low attendance we had with two meetings,  
6 that one meeting would be fine. We have had  
7 no discussion or comments to the contrary, so,  
8 today, we have only one meeting, which will be  
9 from 2:00 to 4:00 today, and we'll be back  
10 again, as the Act requires, in a year from  
11 now.

12 So, thank you for  
13 listening, and... Lyn would be happy to take  
14 questions.

15 **QUESTIONS AND ANSWERS**

16 MS HARTLEY Yes, I will moderate the  
17 questions, actually. So, thank you very much,  
18 Mr. Chair. And so, just to set the context  
19 again, of course, the Board is the governing  
20 body, and is involved in setting the strategic  
21 direction, so this is an opportunity to be  
22 able to raise the issues that most matter to  
23 you, as well on the public record here.

24 And so I think, for this  
25 afternoon, what I will do is, if you do have a  
26 question or an issue that you would like to  
27 raise, I will take a list, and so I'll be

1 looking after that part. The Chair will be,  
2 then, making the decision if he'll respond, or  
3 if there's more of an appropriate person to  
4 respond to that issue. But I would also just  
5 remind people, just to have a respectful  
6 discussion, in that allowing people the time  
7 to be able to answer the question; that would  
8 be most helpful. And, also, I may be just  
9 asking points of clarification, if that seems  
10 necessary.

11 But, again, opportunity to  
12 bring the issues that most matter to you. And  
13 I guess just to raise that to the Board, so  
14 that the Board is aware. Even though I  
15 understand, from this morning, obviously you  
16 have had some discussions.

17 Oh, I guess the other  
18 point, too, is that if you haven't had an  
19 opportunity to get some of the reports, they  
20 are by the cookies. So it's your one stop  
21 over there.

22 It's 2:30 right now, so I  
23 would say, let's just see how questions go,  
24 and we'll try to have a break about 3:00, and  
25 then, at that point, we can see where we're  
26 at.

27 MR. TUTON: Sorry, I forgot one thing,

1           and I apologize, but one of the things that  
2           we, as a board, want to make sure of during  
3           the public consultation process, on both  
4           issues, reserves and the assessment premiums,  
5           is, we want to make the Board more visible in  
6           the community. So, to that end, I guess it's  
7           a good way of accepting a request... Sandy... but,  
8           if you have a group that wishes myself, on  
9           behalf of the Board, to come and address your  
10          group about Workers' Compensation, we'd be  
11          very happy to hear from you. And I'm also  
12          very happy to say, Sandy, I'd be very, very  
13          honoured and happy to accept your invitation  
14          to the Yukon Chamber Annual Meeting in Haines  
15          Junction in October, as the first one,  
16          officially, that I would attend on behalf of  
17          the Board.

18                                So, if you do have a group  
19          or association that has an interest in having  
20          the Board come and discuss issues of Workers'  
21          Compensation (which I'm happy to see, today,  
22          because of the involvement of the business  
23          community, that there is an interest), we  
24          would be very happy to be present and give you  
25          our views of the world.

26       MS HARTLEY:                        Thank you.     So, we're now  
27                                into the open segment of this afternoon.   And

1           just, once again, to remind you, though, it  
2           isn't an opportunity to discuss specific  
3           cases. We're looking more at the broader  
4           issues, and potentially how that might affect  
5           some of the strategic direction.

6                                So, can I see if there are  
7           any questions or issues for the Board? Yes,  
8           Sandy...

9           MS BABCOCK:                        On the assessment  
10          review, you had stated, earlier this morning,  
11          that it was going to begin after December.  
12          Are you looking for input from stakeholders  
13          before December, so that you have some sort of  
14          outline or format to present to stakeholders  
15          when you do your consultations?

16          MR. TUTON:                         I think what I said  
17          this morning, and I don't mean to preclude the  
18          assessment consultation, but we would like to  
19          deal with reserves first. So we put the  
20          discussion and consultation on the reserves at  
21          the forefront of the issue, and allow up until  
22          December 1<sup>st</sup> for your input and your comments.

23                                But I think that, in order  
24          to keep track of what we're doing, we'd  
25          appreciate it if we could follow that  
26          timeline, so we could concentrate our efforts  
27          on the reserves. Once we deal with that

1           issue, and the Board is in a position to make  
2           a decision on what they want to do with those  
3           reserves, then we would see ourselves moving  
4           into the consultation process on the  
5           assessment premiums.

6       MS HARTLEY:                   Does that answer your  
7           question, Sandy?

8       MS BABCOCK:                   Yes, thank you.

9       MS HARTLEY:                   Other questions?           Yes,  
10           Ivan....

11      MR. DECHKOFF:                  Can you tell us how the  
12           Board's doing in 2004? For example, we know,  
13           in 2003, the financials show losses of about  
14           1.1 million, after the evaluation of the  
15           benefit/liability. What does 2004 look like;  
16           or do you know yet?

17      MR. TUTON:                    I think it looks positive,  
18           but we pay Jim the big bucks to let us know  
19           exactly where we're at, so I'm going to pass  
20           it over to Jim.

21      MR. STEPHENS:                  Yeah, and this is, you  
22           know, a crystal ball forecast. Again, if  
23           things are similar to last year, with claims  
24           costs and investment revenues (our assessment  
25           revenue is up slightly), we're still looking  
26           at projected deficits. And they could be  
27           anywhere between, you know, 3 to 7 million and

1 up, again depending on claims costs in  
2 particular.

3 Normally, what we do at the  
4 end of September, which we're at right now, is  
5 we take our claims at a point in time, and get  
6 our actuary to do a projection on the claims  
7 costs. So we should know, within another  
8 month, what that number's going to be coming  
9 in as. And, again, that number can change,  
10 too, again as we process claims at this time  
11 of year. You know, we're very busy, and the  
12 data is not always in the system.

13 But, again, nothing has  
14 really changed significantly, so I would -  
15 that would be my anticipation.

16 MR. DECHKOFF: So the volume of claims  
17 have been pretty stable for this year, then?

18 MR. STEPHENS: Again, I'm not the guy to  
19 talk about that. I'm not sure. Sheila's not  
20 here; she could answer that better. But I  
21 would -

22 MR. TUTON: We're looking at positive.  
23 We're looking at it more in a positive than a  
24 negative light. In other words, if you look  
25 at it from 2002, at 24.5; 2003 at 11 point  
26 something... and, really, I think what Jim was  
27 trying to say in his accountant style, is that

1           we're hoping to be in the 7 to 9 million, in  
2           2004.     So we're hoping to see a gradual  
3           reduction.

4                                 But, of course, as was  
5           evidenced in 2002, and as we've stated in the  
6           past, that the Act Review could have an effect  
7           on where our bottom line is going to stand at  
8           the end of any given period, whenever that Act  
9           Review resumes, or comes to a conclusion.

10                                Because we can't, as a  
11           board, control legislative changes; and those  
12           legislative changes, as witnessed in 2002,  
13           could have a very serious effect on what the  
14           bottom line of the Board is.

15       MR. DECHKOFF:           Just to clarify, Jim  
16           mentioned deficits at 3 to 7; you mentioned 7  
17           to 9.

18       MR. STEPHENS:           Well, at this point, it's  
19           just a projection. You know, we're going to  
20           be in that neighbourhood.

21       MR. DECHKOFF:           Okay.

22       MR. STEPHENS:           You know, our revenues  
23           aren't going to cover off all our expenses.  
24           And, again, you know, if you look at the  
25           investment market these days, I mean, the  
26           year-to-day returns are very low. So, I mean,  
27           that could impact it further.



1           are still moving forward, in that we have two  
2           vendors, I believe the end of October/early  
3           November, that are coming up to give us  
4           demonstrations on possible solutions for a  
5           claims system. But I don't believe the  
6           Board's made any decision, one way or the  
7           other, as far as where that project is.

8           MS HARTLEY:                   Anyone from the Board wish  
9           to comment on that?

10          MS EVANS:                    Sure.        The project was  
11          tremendously scaled back.     The financial  
12          areas, particularly in the area of accounting  
13          and assessments, were upgraded, because they  
14          needed to be, trying to integrate the  
15          assessments with the financial statements and  
16          changing all the codes and that sort of thing.  
17          So a lot of that work was done because it had  
18          to be.

19                                        The first presentation on  
20          the claims management, based on all of the  
21          research, you know, drilling down to the best  
22          program, was, in the belief of the Board,  
23          still outside our financial range for a one-  
24          time implementation. So it went back, and  
25          they were asked to present options for a  
26          stepped integration, perhaps, or whatever.  
27          And so that's one of the things that's coming

1 back.

2 Also, in the interim, we've  
3 been advised that there's some new technical  
4 developments out there, that a couple of  
5 companies have embraced, in this area of  
6 database management; and these are the two  
7 that are going to be coming in November. One  
8 is the original, and one is a brand new one  
9 out of the States.

10 So, yeah, we're still  
11 looking forward to looking at a claims  
12 management system; but it has to be in a  
13 proven financial -

14 MS BABCOCK: I know the Yukon Chamber  
15 did respond to the consultation. And one of  
16 our major concerns was the huge variance  
17 between best case/worst case scenarios. Are  
18 you able to address that at all?

19 MS EVANS: Yeah, we said you're  
20 absolutely right. And, until we know exactly  
21 what we want, and someone can give us a price,  
22 that we would scale down into the smaller  
23 pieces, so that we could have a lot more  
24 stable response from the vendors. And I think  
25 that, clearly, with two having expressed such  
26 interest, and having done so much research  
27 into our business, that the response we get in

1           October/November are going to be much better  
2           from the perspective of relating to our fiscal  
3           responsibilities.

4           MR. TUTON:                   Fiduciary.

5           MS HARTLEY:                   Fiduciary responsibilities?

6           MS EVANS:                    Yeah, but I'm only here for  
7           another year, so....

8           MR. TUTON:                    Did you mention - and I  
9           apologize, I'm sure you did - did you mention  
10          that there's also another vendor?

11          MS EVANS:                   Yes.

12          MR. TUTON:                   And it came to light during  
13          our Congress, through our trade show. So  
14          Administration has each of them coming up,  
15          making a presentation based on what we'd  
16          outlined. I think the first one is  
17          October/November, is that right?

18          MS EVANS:                   Yes.

19          MR. TUTON:                   It's an issue that we as a  
20          Board, I think - you know, we share the same  
21          concerns, as Barb said; we don't want to be  
22          issuing an open-ended price tag. I mean, I  
23          guess, if I was in business, I'd love to be  
24          able to have somebody do that to me, but it's  
25          not really the right way to do it. Although,  
26          we recognize that, because of the increased  
27          interest by stakeholders, of how we operate

1           and how we do business, the demands are  
2           getting put on Administration, to provide more  
3           information in a timelier manner. But I guess  
4           the question is, then, what is the right value  
5           for the right dollar. And we apologize, both  
6           to our stakeholders and to Administration, for  
7           taking so long to reach our decision, but, at  
8           the end of the day, as Barb mentioned, we have  
9           a fiduciary responsibility to the fund, for  
10          the wellness of the fund, and we want to make  
11          sure that, whatever we spend, we spend wisely,  
12          and that it's going to produce the results  
13          that we, as a board, and that our  
14          administrative staff, are looking at, for a  
15          valuable price.

16       MS HARTLEY:                    Questions or issues?

17       MR. ZRAL:                        I have one.

18       MS HARTLEY:                    Yes, Richard...

19       MR. ZRAL:                        I was pleased to learn that  
20          the oil and gas part of the draft OH&S  
21          regulations had been passed, and was signed  
22          off by the Commissioner. That was nice to  
23          see.

24                                        I'm wondering now, though,  
25          if the Minister has indicated to the Board  
26          when the rest of the regulations might be  
27          passed. Have they indicated that they will go

1 through as a complete package; will they be  
2 done part by part, like the oil and gas was;  
3 is there indication there?

4 MR. TUTON: I think it would be safe to  
5 say that, in all the conversations that I've  
6 had with the Minister, since I have been the  
7 Chair on behalf of the Board, I have raised  
8 the issue of the OH&S regulations. The  
9 Minister tells me that there are a number of  
10 issues and concerns, throughout the business  
11 community, on some of those issues.

12 As you know, it's totally  
13 out of our hands. I have, though, made  
14 representations to the Minister, regarding the  
15 time and effort, on all sides, in preparing  
16 and moving forward with the draft regulations  
17 on our part. And, aside from that, I guess  
18 there's nothing else we can do, other than  
19 wait.

20 We have been responding as  
21 concerns are raised from his office to ours.  
22 We have responded in a very timely manner to  
23 those concerns and issues. And all I can say,  
24 Richard, is that we are taking the same  
25 approach we have since day one. It's on our  
26 list of agenda items each time I meet on  
27 behalf of the Board with the Minister.

1 MS HARTLEY: Questions, issues, to be  
2 raised? Kurt...

3 MR. DIECKMANN: On the same topic, has the  
4 Minister given you a list of concerns, raised  
5 by industry, with the regulations, so that -  
6 because I sure wouldn't mind seeing that  
7 myself.

8 MR. TUTON: I'm not sure how you mean  
9 your question, but the way I would respond to  
10 it is that the Minister has provided us with  
11 questions regarding the regulations, or  
12 certain parts of the regulations. We have  
13 provided responses back. But I would assume  
14 that, if you approached the Minister's office,  
15 being the contractors' group.. that you may  
16 wish to do that.

17 MS HARTLEY: Kurt, do you just want to  
18 clarify, was that the -

19 MR. DIECKMANN: Well, I just wonder.. like,  
20 you say that he has said that industry has  
21 specific concerns with certain sections, so I  
22 just wondered which sections they have  
23 concerns with. Because, I mean, if there's  
24 some rewrites or that type of thing that have  
25 to be done, I'd be more than willing to step  
26 in and help with that from the Construction  
27 Safety Association.

1 MR. TUTON: And I'm sure you understand  
2 that the Board is sort of, and has to be,  
3 separate from that process, because that's a  
4 political process. We've done what was asked  
5 of us, as a board and administration. But I  
6 don't think, as I look around the table, that  
7 you would have anybody from labour or from  
8 employers questioning your motives there, and  
9 I think it's probably a good idea if you did.  
10 I think we all share in the same. If there  
11 has to be some rewrites because of issues,  
12 then let's try to move on with it. Because,  
13 as we said earlier, we, as a board, want to  
14 make sure we do what we can, to insure safe  
15 workplaces. One doesn't like to be saddled  
16 with regulations, but, in the particular case  
17 of Occupational Health and Safety, you must  
18 have regulations in order to meet those  
19 requirements.

20 I know I read the comments  
21 in the news, where the Minister said B.C., for  
22 example, has reduced their number of  
23 regulations. But, if you put it into proper  
24 perspective, the number of regulations that  
25 B.C. has reduced them to, it's still a heck of  
26 a lot more than we have yet to pass.

27 MS HARTLEY: Sandy...

1 MS BABCOCK: Another question is, I  
2 don't know if you can answer it or not, but  
3 it's more on the regulations... that these were  
4 drafted approximately six years ago. And I  
5 know, in the case of Alberta, they have  
6 reviewed their regulations twice in the last  
7 six years. Have you heard any concerns from  
8 staff in OH&S, about validity or the relevance  
9 of the draft regulations?

10 MR. TUTON: Our staff are careful not  
11 to get involved in the political side of the  
12 picture, but I can say that they are very  
13 concerned.

14 MS BABCOCK: From a practical  
15 application.

16 MR. TUTON: From a practical point of  
17 view, obviously, there has to be concern. And  
18 that's not to say that there isn't a  
19 difference of opinion in either the structure  
20 of the regulations, or the results of the  
21 regulations. But, obviously, our people at  
22 OH&S do have a concern. I mean, there was a  
23 great deal of time and effort spent in  
24 drafting and developing those regulations, not  
25 just by our staff but by our stakeholders. I  
26 mean, we had involvement from the labour side,  
27 we had involvement from the employers' side.

1 I know a lot of work went into it.

2 But, as the legislation is,  
3 it all has to be approved at the politics.  
4 And it's quite evident by your comment, that  
5 six years have passed since they've finished.  
6 So it's obvious more than one government has  
7 not chosen to move ahead.

8 I would hate to say, or  
9 even think about it, but if it means we have  
10 to sit down and do it over again, I guess  
11 that's the process. I don't see that as being  
12 - or, at least I hope I don't see that as  
13 being the result or the answer.

14 I wish I could answer you  
15 better, but I - I mean, if you do have  
16 concerns, and you do have issues, I would  
17 suggest, respectfully, that you address those  
18 concerns directly with the Minister.

19 MS HARTLEY: Other burning issues,  
20 questions, for the Board?

21 MR. TUTON: Maybe I'll just jump in  
22 again...

23 MS HARTLEY: Yes, please. Do you have a  
24 question for the group?

25 MR. TUTON: I know that I've had a  
26 conversation with the City, for example,  
27 around the issue of reserve structures and the

1           assessment premiums. And this morning we had  
2           a Stakeholders Advisory Committee Meeting,  
3           where we had a document that showed, or that  
4           explained, what our reserves were, and some of  
5           the options that our actuaries presented. And  
6           I would, on behalf of the Board, have no  
7           objection to providing the City, or anybody  
8           else, with that document. If anybody hasn't  
9           received a copy of that this morning, it's not  
10          a problem, I'm sure Pauli will be happy to  
11          make that available.

12       MS HARTLEY:                    So, perhaps at the coffee  
13          break, again, an opportunity to talk,  
14          individually, as well as get some of that  
15          information. Any other questions?

16       MR ZRAL:                        Just a pat on the back to  
17          the Board. The Construction Safety  
18          Association has been in place for a year.  
19          I've worked with the Association, I've worked  
20          with some of the contractors or members of it,  
21          and it's quite rewarding to have been in the  
22          business for as long as I was, here, and to  
23          see the improvement that has been made over  
24          this past year, in turning around some of the  
25          contractors; some of the attitude changes;  
26          safety things happening on the workplace that  
27          weren't happening as frequently in the past.

1           It's very rewarding to see, and thank you for  
2           putting that association in place.

3       MR. TUTON:                   Well, I'm not going to say  
4           we don't get patted on the back enough, but  
5           sometimes we get patted harder than we like.  
6           We're happy to hear that from you. And, as I  
7           mentioned earlier today, it's a commitment  
8           that the Board made in moving towards  
9           fulfilling everybody's dream about - And  
10          Workers' Compensation hasn't changed since  
11          Meredith introduced the principles. We all  
12          want to insure that there's a safe and happy  
13          workplace for the workers. And, you know,  
14          it's taken maybe just a little different  
15          approach, that we're looking at the prevention  
16          side as very important. It's where everything  
17          happens.

18                                    If you don't get injured,  
19          we don't have to pay out on claims. If you  
20          don't have to pay out on claims, you don't  
21          have to pay as much on assessments. And we  
22          don't have to be as concerned as Jim, who  
23          sometimes has trouble sleeping at night, being  
24          concerned about our investments.

25                                    As I indicated to you, part  
26          of our agreement with the contractors is that  
27          we want an ability to expand that, and to open

1           it up to other groups. Recognizing, of  
2           course, that, because of the success that the  
3           contractors have had, that it may require more  
4           resources. But I think the Board has an  
5           appetite to be more concerned with prevention,  
6           and results; that work in that prevention and  
7           safety area are going to provide long-term  
8           benefits for employers and employees over the  
9           longer period of time. So our commitment is  
10          certainly in those areas.

11                        The Board has committed to  
12          more of our money, I guess it is, in Passport  
13          to Safety; we really want to improve on that.  
14          Although, that's just one small piece of the  
15          puzzle. And part of our group of Prevention  
16          and Safety is, we have our Occupational Health  
17          and Safety people there, and they're listening  
18          to what our industry groups, and our  
19          representative groups, have to say about  
20          prevention. And that's the big thing; they  
21          get to hear, Rob and his people get to hear,  
22          probably a lot of things that normally, in a  
23          day's process, they wouldn't hear about that  
24          issue.

25                        And I know that we, as  
26          Board members, that happen to sit on the  
27          board, are very pleased with the progress that

1           we're making. We're still taking very, very  
2           small steps, and we have some awful big steps  
3           to move ahead with, but I know that one day,  
4           if we keep plugging along, and the Board still  
5           has the appetite to provide the resources,  
6           that we're going to be successful. And I  
7           think success, for Workers' Compensation, can  
8           be measured in very small amounts, and that's  
9           where we have to start.

10                                So, do you want to take a  
11           coffee break?

12       MS HARTLEY:                Let's just try and see if  
13           there's any more - I don't want to beat a dead  
14           horse, but any other - yes, Kurt...

15       MR. DIECKMANN:            I just want to make one  
16           quick comment, and just let Craig know, if you  
17           look in the YTG Quarterly, we're not waiting;  
18           we're already expanding outside of the  
19           construction. We're offering courses to YTG;  
20           we had our supervisory safety training, for  
21           the YTG, in October.

22       MR. TUTON:                 Sounds like, be prepared  
23           for more requests for money.

24       MR. DIECKMANN:            So, yeah, we're not waiting  
25           for you.

26       MR. TUTON:                 Well, I'm happy to hear  
27           that. And I know employers are going to be

1           happy to hear that, too.

2       MS EVANS:                   And that's really important  
3           to the Board, and I'll tell you why. Because,  
4           if you can focus on what's already happening,  
5           it will free up the Board to move forward in  
6           the education of the up and coming workers; it  
7           will set the bar for those new workers; but,  
8           also, it means that we will have the freedom  
9           to address the fact that Workers' Compensation  
10          is one of the social pillars, and the whole  
11          concept of compensability is expanding;  
12          disability is expanding. I think everyone's  
13          listened to the health care issues out there,  
14          and we need to take a big picture. We are  
15          looking at the environmental scans. I was  
16          just reading, recently, in a conference in  
17          Ottawa coming, where they want to say that a  
18          chronic disability is obesity.

19                                So, one of the things that  
20          Paul Kells was speaking of, at Congress, was  
21          healthy communities. And so we have to  
22          recognize that we don't exist in a vacuum;  
23          that we are partners; and that all of the  
24          disability prevention, not just injury  
25          prevention but disability intervention, is  
26          intertwined with lifestyle, as well as  
27          employer/happiness/workplace, as well as what

1           we do here.

2           MS HARTLEY:                    Thank you, Barb. Any other  
3           - I'll just check... any other Board member  
4           wanting to add comments at this point?

5                                    One last chance; any  
6           questions or issues before we break for  
7           coffee? Knowing, also, at coffee, please,  
8           it's an informal time to be able to meet with  
9           the Board and, if there's questions that you  
10          wanted to ask more one-on-one. I'm getting no  
11          direct eye contact, so I'll take that as, it's  
12          time for coffee break. But I would like to  
13          just give the opportunity for the Chair just  
14          to give some closing comments, if he would  
15          like.

16          MR. TUTON:                    I'll reserve it, and see  
17          how much coffee and cookies they eat and take  
18          with them.

19           **ADJOURNMENT**

20          MS HARTLEY:                    Super. Well, again, thank  
21          you for taking the time to be able to come and  
22          to voice some of your issues to the Board.  
23          This is one, out of many, ways that the Board  
24          does look to the community to be able to get  
25          feedback. So, thank you very much, Board, as  
26          well as for all those that came this  
27          afternoon.

