

**AWCBC ALL COMMITTEE CONFERENCE
INTERJURISDICTIONAL COMMITTEE MEETING**

May 18 and May 19 2016

Fairmont Royal York, 100 Front Street, Toronto, Ontario

2016 MINUTES - FINAL

Lesley Galway (Executive Sponsor, Newfoundland Labrador)-Via Telephone

Ann Martin (Newfoundland Labrador) - Chair

Suzette Doyle (Newfoundland Labrador)

Glenn Jones (Manitoba)

Rhonda Dean (Alberta)

Jan Glemba (Alberta)

William (Bill) Ostapek (Alberta)

Curtis Craig (Alberta)

Deepak Kothary (British Columbia)

John Panusa (British Columbia)

Melody Mladineo (New Brunswick)

Marlene Bonnell (Northwest Territories/Nunavut)

Shirley Walsh (Northwest Territories/Nunavut)

Eve Bercovitch (Ontario)

Robin Senzilet (Ontario)

Vera Radicevic (Ontario)

Sophie Genest (Quebec)

Yvonne Weigerber (Saskatchewan)

Kathleen Avery (Yukon)

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Paula Arab (Nova Scotia)

Gregg MacCallum (Prince Edward Island)

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1. Call to Order

Ann Martin (NL, Chair) called the meeting to order at 9:00 am. Lesley Galway (NL, Executive Sponsor) joined by phone.

2. Welcome and Introductions

Ann (NL) welcomed all attendees and requested round table introductions. A special welcome was made to all new members of the committee.

3. Approval of Agenda/Workplan (Agenda Item #1)

No new agenda items were added. The agenda was approved in current form with no revisions or additions.

New chair will be selected at the end of day 2.

4. Approval of May 2015 Meeting Minutes (Agenda Item #2) – approved

No further changes required to the 2015 meeting minutes that were circulated to the committee members. All jurisdictions approved the minutes.

Final meeting minutes for 2015 were agreed to be distributed to all Committee members by June 3, 2015.

Reminder: As agreed in the 2012 meeting, there are two workplans circulated each year; a workplan distributed at the beginning of the 2 day meeting that shows all workplan items recorded as “to be completed” on the previous years’ work plan (first workplan will mirror the workplan update submitted to the AWCBC Executive the year prior) and the second workplan (workplan update) that is submitted to the AWCBC Executive at the end of the 2 day meeting to record the “to be completed” workplan items that are now “completed” since the last meeting and before the end

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of the current meeting. "Completed" workplan items will not carry forward to the next year's workplan.

Action Items

- ❖ Suzette (NL) to send 2015 finalized meeting minutes to Ann (NL) by Friday June 3rd, 2016
- ❖ Ann (NL) to submit 2015 meeting minutes to Cheryl Tucker (AWCBC) by June 30, 2016.

5. 2016 Workplan Items

1. Alternate Assessment Procedure (Agenda Item #3)

Deepak (BC) – Summarized his email sent to Ann(NL) in follow up to 2015 meeting action item, issue related to retroactively correcting AAP application errors to the Assessment Committee in June. Based on the scenario presented related to errors made in payment would it be retroactively fixed? All jurisdictions except for Ontario agreed that in that particular example, they would retroactively set up the employer for AAP purposes. However, as I have given it some more thought and had discussions with Robin (ON), I think my response is best summarized by saying that every situation can be very different and it is therefore hard for any jurisdiction to categorically say they would always retroactively correct AAP errors. Depending on the specifics of a particular case, each Board would have to make their own decision on what they would do.

Discussion: What direction does the committee see the AAP moving in the future? How can collaboration occur among regions? Are there possible expansion opportunities? Improved communications?

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Sophie (QC) - Issues with the interpretation of AAP appendix when industries do not fit with the North American Industry Classification System (NAICS). Some industries related to transport or trucking are not described in the NAICS (some boards are classifying as included others not). For example, pilot cars - Drivers for hire – lending drivers to another company to drive a truck for another company. Sophie could not find where these would fit.

Deepak (BC) – 13 different provinces (areas) trying to fit NAICS model since each jurisdiction has their own classification systems. It is very difficult to list all industries in Appendix E. Need to see how the industries fit in the NAICS and have conversations between the jurisdictions involved. This is an issue for all jurisdictions. Before accepting the claim the jurisdictions should discuss with the other jurisdiction, especially for industries not clearly identified in Appendix E. The board will have to make the call if consultation is needed, not all boards will see it as necessary.

Action item – All jurisdictions to send industries outside the NAICS to Deepak (BC).by May 27, 2016.

Action item – Deepak (BC) to discuss at the National Assessment meeting – June 13/14, 2016

Action item – Deepak (BC) to send Rhonda (AB) decision points from the National Assessment meeting by June 30, 2016

Completed a discussion regarding the consist application of the AAP.
Decision – consult other boards if required and modify Appendix E if required after survey and National Assessment meeting.

Action Item – Rhonda (AB) to update PPP with the industries outside of the NAICS after finalized at the National Assessment meeting.– pilot car and drivers for hire industries not in the AAP Appendix E and not in the NAICS will

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be determined if covered after Deepak (BC) survey is finalized August 31,
2016.

Expansion Discussion: No further expansions to discuss at this time.

2. AWCBC IJA repository clean-up

Terms of reference – This is an annual review to ensure the document is current.

3. Cost Relief and Cost Reimbursement

Rhonda (AB) presented a summary of Cost Relief Application Case - Issues of Cost Relief between Jurisdictions.

Case Facts:

- Cost relief was requested by the employer to the Adjudicating Board
- The Adjudicating Board reviewed the request and denied cost relief, referencing their own Board's cost relief policies, rather than referencing the IJA procedures.
- The employer appealed and the Adjudicating Board's appeal body granted cost relief.
- The Adjudicating Board realized that there were no costs (as costs were with the Reimbursing jurisdiction) and referred the employer back to request cost relief from the Reimbursing Board.
- The employer felt strongly that the Reimbursing Board should honor the Appeal Body decision from the Adjudicating Board. However, the Reimbursing Board did not have the ability to honor another jurisdiction's decisions on cost relief.

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Supporting Rationale: PPP (Updated May 27, 2015)-Page 12

May 28 & 29, 2013 (Clarification Provided)	Cost Relief	The Reimbursing Board is responsible to determine cost relief entitlement based on its own policies/procedures for the amount reimbursed to the Adjudicating Board. If there is a shortfall in reimbursement, the Adjudicating Board can decide if cost relief is applicable for the amount left in claims costs. It is the IJA coordinator's responsibility to keep the front line staff informed of this process.
April 30 & May 1, 2014		The Ontario Board will determine entitlement to cost relief in cases where it is the Adjudicating Board, but any amounts that are subsequently reimbursed will be removed from employer's cost statement and would no longer apply.

The agreement has always been that Adjudicating Board does not have the ability to weigh in on the cost relief for the Reimbursing Board. The committee is aware but each jurisdiction's operational areas may need further education on this point. The lack of consistency creates issues with our employers. Rhonda (AB) asks each jurisdiction to reiterate the agreed upon process regarding cost relief to their operational areas.

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Glenn (MB) – the internal appeals area may also require this reminder. The larger the boards, the more potential people are involved, along with turnover of staff.

Rhonda (AB) - Adjudicating Board can only apply cost relief on a shortfall where not reimbursed by the Reimbursing Board.

Action item – Rhonda (AB) - This can be added as a resolution to this discussion to the PPP.

THIRD PARTY ACTION-Availability of Reimbursement

Rhonda (AB) presented a summary of a Third Party Action case for group discussion.

Case Facts:

- Adjudicating Board requests reimbursement from Reimbursing jurisdiction, overlooking the fact that third party action is pending
- Reimbursing jurisdiction provides full reimbursement
- The Adjudicating Board later notifies reimbursing jurisdiction that third party action is ongoing and/or completed, resulting in an overpayment between jurisdictions that needs to be resolved.

Supporting Rationale:

Interjurisdictional Agreement-Section 9.5

Reimbursements shall be requested by the Adjudicating Board and paid by the reimbursing Board either when the claim is closed or, at a minimum of quarterly on a calendar basis. *When an action has been commenced, a request for reimbursement shall be deferred pending determination of the net actual cost to the Adjudicating Board* (emphasis added).

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In addition, the PPP (Updated May 27, 2015, page 36) provides further clarification

April 29 & 30, 1999	Third Party	Adjudicating Boards will put paying Boards on notice that the Adjudicating Board will exercise its subrogation rights and then seek reimbursement for any shortfall.
August 19 & 20, 1999		Board should not seek reimbursement for third party claims costs that have been recovered from third party.
May 20 & 21, 2009		Reimbursement requests are not to be sent until the 3 rd party recovery action is complete. Sending a notice of intent to bill for possible reimbursement (within 2 years of claim acceptance) will preserve the right to send the future request once 3 rd party action is completed.

This type of situation has occurred in AB, causing additional work between boards, and can lead to reimbursing additional cost (extra cost that should not have been reimbursed). This is a reminder to ensure that operational areas are aware of this agreement.

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Requests for Reimbursement Timeliness.

Rhonda (AB) presented a summary of this case.

Case Facts:

-Jurisdiction A prepares a cost statement covering a 90 day period to invoice Jurisdiction B, in order to adhere to IJA minimum requirement on cost reimbursement.

-Jurisdiction B does not receive invoice from Jurisdiction A until nearly 30 days after the invoice date due to delays with Jurisdiction A.

-Jurisdiction B now has only 60 days to reimburse and meet the provisions of the IJA based on the date of the invoice. Within another 90 days a second invoice is received. Best practice to reimburse invoices within 90 days is compromised and is not a fair reflection as invoices are not received in a timely fashion.

Supporting Rationale:

Interjurisdictional Agreement-Section 9.5

IJA Section 9.5

Reimbursements shall be requested by the Adjudicating Board and paid by the Reimbursing Board either when the claim is closed or, at a minimum of quarterly on a calendar basis.

When an action has been commenced, a request for reimbursement shall be deferred pending determination of the net actual cost to the Adjudicating Board. In addition, the PPP (Updated May 27, 2015, page 36) provides further clarification:

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April 19, 2004	Reimbursement (Invoice Frequency/ Reimbursement)	Accounts are to be paid within 90 days from receipt of billing.
May 14 & 15, 2008		Billing is to occur quarterly
May 20 & 21, 2009		Jurisdictions agreed that they would make every effort to issue and pay invoices in a timely manner. Best practice is a minimum of quarterly on a calendar basis (Section 9.5). This requirement applies to both billing and reimbursing costs.

The best practice to reimburse invoices within 90 days is compromised when invoices are not received in a timely fashion. The date on the invoice is correct but the reimbursement request is not received until 30 days after the invoice was issued so not being sent in a timely fashion by the Adjudicating Board.

Yvonne (SK) – SK has this issue, turn over in staff, they do not have the answer today, but are aware of the issue. SK has a manual paper process, reimbursements are via paper cheques, they have a lot of opportunities for improvements, and one person is doing all these reimbursements. SK is aware of the concerns, but indicated that it will take some time to see improvements.

Rhonda (AB) –With this particular issue with SK, Rhonda asked whether the 2nd invoice could be delayed until the 1st invoice was paid.

Vera (ON) – There are few boards that pay within 90 days.

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Glenn (MB) – Is there a way to link multiple requests?

Ann (NL) – Some boards send a letter with dates and time periods listed, invoice number is also helpful, allows for easier tracking.

4. Benefits in Kind Contact List

- Workplan Item 4 (ii) all jurisdictions to provide updated contact list to AWCBC for IJA repository contact list. This is a recurring activity.

Action Item: Ann to send Carmen updated Benefit in Kind contact list and reminder to review list by June 30, 2016.

Action Item: All jurisdictions to provide Benefits in Kind contact list updates to Carmen by August 31, 2016.

5. 2015 Meeting Minutes - approved above.

6. Disclosure of Information

All jurisdictions agreed that further clarification is required to the Disclosure of Information table circulated last year to provide additional definitions for each heading.

Sharing personal information: Do jurisdictions require additional worker consent for cost reimbursement to other boards? No – the consent received from a worker during the normal course of adjudication is sufficient. This is also the case for claims outside of the jurisdiction.

Action Item: Suzette (NL) to update the table with the definitions by June 30, 2016).

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Action Item –Suzette (NL) to distribute the table with definitions to the group by Sept 30, 2016.

Action Item – All committee members to return completed sections to Suzette (NL) by December 31, 2016

Action Item-Rhonda to update PPP with this information for next meeting in May 2017.

7. Best Practice Guide

- Workplan Item 7 Update BGP – review and approval of the BGP

Rhonda (AB) – red items need to be accepted, future changes have to be approved.

Pg. 5 – reviewed contact changes - Approved.

Pg. 10 & 11 - Section 12 – additional and payment guide is in section 4.

The definition of registering board requires clarification.

Withdrawal from AAP deadline is December 31 of each year – this will need updating to BPG and PPP.

Action Item – Rhonda to complete updates to the BPG and PPP by June 5 2016.

New discussion item: Participation in AAP – Once accepted in the AAP then the employer is participating in all jurisdictions there is no partial acceptance.

Ann (NL) – recap of group discussion – (1) all jurisdictions are required to inform the employer regarding the registration requirements and the intent of AAP (2) the AAP was updated in 2013 this was a difficult and very time consuming process. Some jurisdictions may need to clarify their registration

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requirements with operations as they are not presently following this AAP registration process. ON to provide feedback on their position.

Rhonda (AB) - BPG/PPP – will modify section subject to ON feedback. PPP – will also reflect the deferred item.

Action Item – Rhonda (AB) – update BPG and PPP to reflect ON to provide feedback.

Shirley (NWT) - NWT does not pay loss of earnings for pensions

Action Item – Rhonda (AB) – to add Benefits in Kind contact list to BPG.

8. Review and approval of PPP

Rhonda (AB) – In 2015, initially there was some concern that fatality statistics were not gathered consistently among all jurisdictions and the reference in page 21 of our PPP was not accurate which stated:

Specifically, the NWISP Committee indicated that this was not consistent with their practice and the IJA Committee information was inaccurate. NWISP Committee provided their 2009 meeting minutes which suggested that fatalities were counted by the jurisdiction who accepted the claim for compensation which was different than what our PPP document reflected.

In the May 2015 IJA meeting, it was agreed that this was going to be clarified and confirmed with NWISP for the next meeting. In September 2015, the NWISP committee clarified that all jurisdictions were counting fatalities consistently, with the exception of NT/NU. No information was provided by the Saskatchewan Board.

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Rhonda (AB) have clarified that this issue is on the NWISP committee agenda for 2016 and discussions will occur as to whether NT/NU has any flexibility to change their reporting business practice to comply with national standards.

Rhonda (AB) proposed that the PPP be modified as follows.

Updated Version:

<p>May 14 & 15, 2008 May 20 & 21, 2009</p> <p>May 27 & 28, 2015</p> <p>May 18 & 19, 2016</p>	<p>Fatalities (Statistics)</p>	<p>Fatalities are only counted in the jurisdiction where it occurred.</p> <p>Clarification from NWISP required.</p> <p>Fatalities are counted in the jurisdiction where it was accepted (for the year it was accepted, <i>not</i> the year when incident occurred), with the exception of NT/NU. SK did not confirm their process.</p>
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NWISP will get back to IJA if NT/NU is going to change their process. Does SK have anything to report?

Shirley (NT/NU) – Will follow up with their NWISP committee member and their jurisdiction.

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Yvonne (SK) – Will follow up with how they report fatalities.

Pg. 4 – new heading Application outside of Canada - Approved

Pg. 5 – Participating and registering board definition clarification - Approved

Pg. 6 – fax and email receipt – Approved

Pg. 7 – AAP withdrawal date Dec 31- Approved

Pg. 21 – fatality – clarification from NWISP and group discussion today –
Approved

Action Plan: Rhonda (AB) to make final changes – Due Date TBD.

9. Election Notification Requirements – completed.

Sophie (QC) – Chart was circulated 1 year ago, it contained name, DOB, DOI, one additional piece of information to identify. This is completed.

10. Appendix A translation and revisions – completed

11. QC online secure system

Sophie (QC) explained QC's online system to request medical assessment which was developed after QC faced the following issue: a request was made by a board to make an appointment for an injured worker. The doctor completed the assessment and QC sent it to the adjudicating Board. The worker asked for a copy of the assessment to the adjudicating Board who refused. QC was then asked for the copy of the assessment but was not comfortable giving it to the worker since they were not involved in the management of the claim. QC's only responsibility was to set up the medical appointment. The online system allows Boards to request medical assessment for workers living in Quebec but all the medical documents on file and the evaluation report do not transit anymore by the QC Board. Three letters are produced when appointment is set – one for the

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board requesting the appointment (with the information on the appointment and a request to send the medical file to the doctor), one for the worker (information about his/her appointment) and one for the doctor (worker's name, Board that will send the medical information and who to invoice).

Link is on CNESST's website.

Two people from each board have access to this system. This access may need to be reviewed.

**Action Item: Sophie (QC) to send the current people with access to the QC system.
Due date TBD**

Action Item: All committee members to review access and send updates to Sophie (QC) Due date TBD.

12. Develop Fact Sheet for AWCBC website

All approved to post the current version of the fact sheet in current version.

Action Item: Ann (NL) to circulate factsheet to AWCBC. Due date: TBD.

13. Strategic Direction Discussion

- Dollar for dollar reimbursement

Ann (NL) is interested to help cut down on administrative cost.

Shirley (NWT) – NWT is also interested in further discussion regarding dollar for dollar reimbursement. Currently would consider dollar for dollar for only loss of income not paid but loss of impairment. Looking at how this could

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change their pension structure. Until then dollar for dollar could be for everything else but not pensions.

Kathleen (YK) – YK is interested.

SK and BC have approached each other for an agreement. Probably just in the western province since the traffic is not there.

Gregg (PEI) – regionally interested, Atlantic region only due to wage loss cap.

Sophie (QC) – QC is interested.

Robin (ON) - WSIB's current systems make it difficult to reimburse dollar for dollar from an administrative perspective. Would hold off for now since they are currently in the process of replacing their systems.

Rhonda (AB) – AB is interested in further dollar for dollar agreements. Currently AB has a dollar for dollar agreement with SK, MB and Yukon and a modified dollar for dollar agreement with BC.

Melody (NB) – NB is interested regionally, although can have further discussion to have national dollar for dollar.

Paula (NS) – NS is interested. At this point NS would take a financial hit. Neighboring NB would be the best for them to start there on a trial basis. NB and NS will have side discussion.

Ann (NL) - Most boards are interested, but practically speaking would be based on a regional basis. Boards will investigate individually.

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14. Other Business

- Chair Report out – items discussed as a group.

Ann (NL) committee mandate, nature of the committee

Initiative taken on last year – dollar for dollar, updates BGP/PPP, factsheet,

Reviewed new initiatives in the workplan – Appendix review and update,

Potential collaboration with the Communication Committee

Participation in the AAP – everyone is in agreement to use the AWCBC as an area to promote the AAP awareness. Work with the Communication Committee to work with to develop material on the AWCBC website.

Action Item: Ann (NL) to discuss with Communication Committee – Due Date TBD

- Privacy and Security

Paula (NS) – Privacy is an area we can work further on. Use of information, actual consent vs. implied consent. There is a lot of information sharing and sending too much information. We have the authority to send but often board does not have time to vet before sending.

Bill (AB) – this could lead to problem, if not entitled to collect then can't have it.

Ann (NL) – could have a detailed review of process.

Yvonne (SK) – how should we be sending the information? Currently only paper, is there future project for electronic data sharing.

Bill (AB) – Could investigate developing an IJA committee agreement into access to information across jurisdictions.

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- Internal training item – promote within our organizations. BPG.

- MARS and CANUS (United States agreement).

Marlene (NWT) – tasks last year with a study of payment to firefighters and volunteers. Government has now posed a question how to deal with volunteers.

Action Item – Bill (AB) will bring the international and provincial agreements for discussion at the next meeting. This will be a good education discussion for the committee.

- Selection of next chair

Rotation outlined in the PPP - 2010 it was decided to select chair based alphabetical for a 2 year term.

Ann (NL) reviewed the list of past Chairs from 2010.

All committee members agreed to NWT – Shirley Walsh (NWT) to be the new chair.

15. Approval of 2016 Final Workplan

All committee members reviewed and approved the final workplan that was to be submitted to the AWCBC by 10:30 am on May 19, 2016.

16. Adjournment

Meeting concluded May 19, 2016 at 10:00am.

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