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On Our Cover
"A Cup of Christmas"



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MEETINGS, VENUES & SPEAKERS

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Entire Executive

MAY 2023 ELECTIONS & PAST PRESIDENTS NIGHT

Teresa Mitchell - CHAIR (705) 719-3306
Kim Graveson (705) 739-8996



Here we are wrapping up another calendar year. It has been an exciting year for the chapter as we begin to host a few events that have been very well attended.

Looking ahead when we flip the calendar into 2023, we have a very busy schedule with many opportunities for networking.

We have been busy recruiting new volunteers to join the executive and we look forward to the new faces and fresh ideas to come.



A huge thank you goes out to the Christmas Social Committee for organizing an amazing event at the Couchiching Brewery in Orillia. This was very well attended and sold out in record time.

On January 26th, 2023 we will be hosting our Ski Day at Craighleith Ski Club in Blue Mountain. This is an event you will not want to miss. For the non-skier, Craighleith offers a snow shoe option. We are also in the planning stages of OIAA Georgian Bay Hockey game at the Sadlon Centre followed by the OHL Barrie Colts game. As always, please keep an eye on our website at www.oiaagb.com for further updates.

This year OIAA Georgian Bay supported the United Way Simcoe Muskoka Holiday with a Hero. Without all of you supporting OIAA Georgian Bay, we as an executive would not be able to give back to the community. Supporting the United Way Simcoe Muskoka's Holiday with a Hero event is rewarding and leaves us all with such a good feeling knowing we were able to give back to the community, especially approaching the holiday season.

I wish everyone a healthy, peaceful and safe holiday season. I look forward to seeing you all again in 2023.

Merry Christmas and Happy Holidays to everyone!

Greg Doerr

OIAA Georgian Bay President

"The Bad News is Time Flies. The Good News is, You're the Pilot!"

~ Michael Altshulert



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JANUARY	FEBRUARY	MARCH
January 26 - Ski Day Craigleith Ski Club	February 17 - Curling Tournament Barrie Curling Club	March 9 - Adjusters vs. Brokers Sadlon Centre, Barrie



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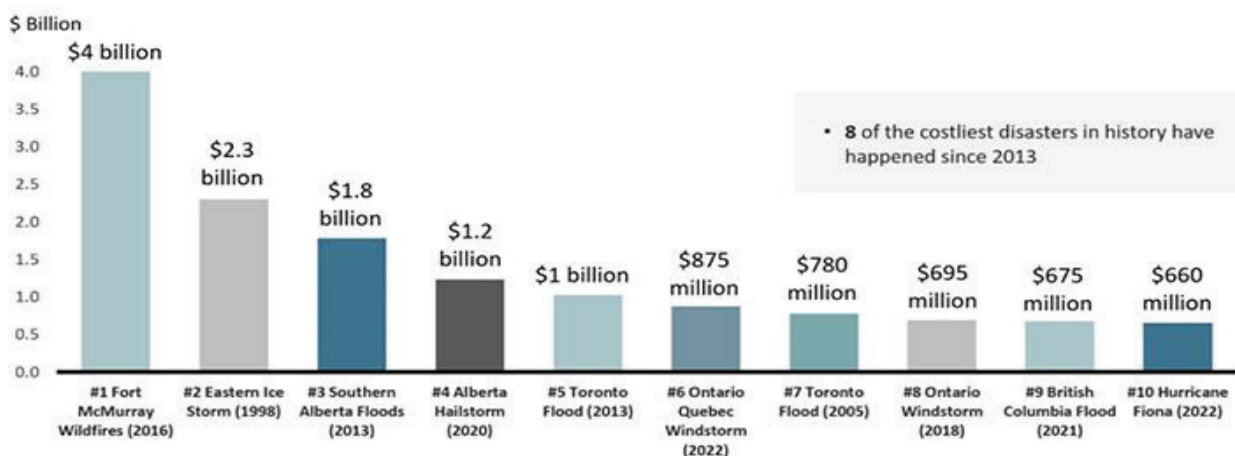


HURRICANE FIONA CAUSES \$660 MILLION IN INSURED DAMAGES

<http://www.ibc.ca/nb/resources/media-centre/media-releases/hurricane-fiona-causes-660-million-in-insured-damage>
Insurance Bureau of Canada

Hurricane Fiona is estimated to have caused \$660 million in insured damage, according to initial estimates from Catastrophe Indices and Quantification Inc. (CatIQ).

Canada: Top 10 Natural Disasters for Insurance Payouts



Losses exclude Loss Adjustment Expenses
Source: IBC Facts Book, PCS, CatIQ, Swiss Re, Munich Re & Deloitte
Values in 2021 \$ CAN

Hurricane Fiona is the most costly extreme weather event recorded in Atlantic Canada and the tenth largest in Canada in terms of insured damages – surpassing the 2011 Slave Lake wildfire. This long-lived and powerful storm first made landfall in Atlantic Canada on Saturday September 24, 2022. With maximum wind gusts exceeding 100 km/hr in Atlantic Canada and Eastern Quebec, Hurricane Fiona resulted in tragic loss of life as well as violent winds, torrential rainfall, large waves, storm surge, downed trees and widespread power outages.

Although the estimated \$660 million in insured damages is a record-breaking figure, many affected residents were located in high-risk flood areas and floodplains where residential flood insurance coverage is not available. As a result, the overwhelming majority of costs for this disaster will be borne by government.

OIAA Hurricane Fiona - Millions in Damages (Cont'd)

The following is a provincial breakdown of insured damage estimates[1] from Hurricane Fiona:

Nova Scotia – over \$385 million in insured damages:

In Nova Scotia, damage to trees was widespread, with numerous large trees falling on cars and buildings in Halifax. Cape Breton Island and Pictou County saw significant damage, including extensive flooding, roofs torn off buildings, roads washed out and storm surge. Power outages topped 415,000 customers in Nova Scotia on Saturday September 24, leaving about 80% of the province without power.

Prince Edward Island – over \$220 million in insured damages:

Hurricane Fiona extensively impacted Prince Edward Island, with damage reported across the entirety of the island. Damages included houses being moved off their foundations by storm surge and roofs being torn off buildings by wind. Trees and power lines were damaged or snapped/uprooted across the island, leaving 82,000 customers without power by Sunday September 25. This accounts for 95% of total customers on the island. Significant beach erosion also impacted much of the north coast.

New Brunswick – over \$30 million in insured damages

New Brunswick was spared much of the damage caused by Hurricane Fiona due to the easterly track of the storm. However, the province still experienced widespread power outages in Saint John, Fredericton, Moncton and the Acadian Peninsula. Damage to structures was largely located along the Northumberland Strait and near the Nova Scotia border, with large downed trees and branches.

Quebec – over \$11 million in insured damages:

The Iles-de-la-Madeleine saw extensive flooding, with many homes and businesses flooded to a depth of several feet. Storm-surge-related flooding and erosion from large waves were reported along parts of the Gaspé Peninsula coast.

Newfoundland and Labrador – over \$7 million in insured damages:

Southwestern Newfoundland was particularly hard-hit by Hurricane Fiona, with severe damage being reported from Burgeo to Port aux Basques. At least 20 homes were washed into the ocean by the storm, primarily in Port aux Basques, which led to evacuation orders during the morning of Saturday September 24. The evacuation led to nearly 200 people being displaced by the storm. One fatality was confirmed in the town after a home collapsed into the sea amid intense wave action and storm surge. Homes were also destroyed in Burgeo, Burnt Islands and Fox Roost, where multiple buildings were destroyed by waves and storm surge.

[1] amount of insured damage is an estimated provided by CatIQ under license to IBC.



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Save the Date!

January 26, 2023

OIAA Ski Day
in conjunction with Edwards Insurance Brokers

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OIAA GEORGIAN BAY CHAPTER WELCOMES NEW DIRECTOR & SOCIAL DIRECTORS TO THE 2022-2023 EXECUTIVE

Every OIAA Chapter in Ontario is in search of new Executive Members, to bring new and fresh ideas that would be of interest to both adjuster and social members; and OIAA Georgian Bay Chapter is no different! Fortunately, four individuals have agreed to become Executive Members for the 2022-2023 term, and hopefully they will remain on the Executive in future years, to continue bringing Benefits of Membership.

We would like to introduce you to the following individuals:

SHANNON WOLOCHATIUK DIRECTOR

Shannon Wolochatiuk - has worked in the P&C industry for a little over 10 years, entirely with Wawanesa Mutual Insurance Company, currently as a Property Field Adjuster. Shannon previously completed my CIP and CIC designation through the Insurance Institute of Canada and has taken 2 of the FCIP courses. She enjoys working in the Property line and learns something new every day. She looks forward to being part of the OIAA Georgian Bay Chapter Executive!



OIAA Warm Welcome to NEW OIAA Executives

JOHN ROSS **SOCIAL DIRECTOR**

John Ross is a Chartered Insurance Professional (CIP); has been in the insurance investigative industry for over 50 years; and his accomplishments over the years are too many to name. John has been active in OIAA Georgian Bay Chapter for over 20 years; and is currently employed with Carroll Heyd Chown law firm in Barrie. John is pleased to return to our Chapter as a Social Director, and bring his many years of knowledge and experience back to our Members.

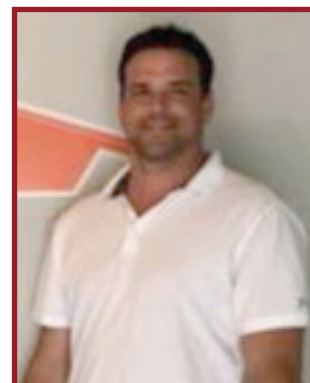


DIANA ROCKBRUNE **SOCIAL DIRECTOR**

Diana Rockbrune is the Business Development Manager for Investigative Risk Management (IRM) in Barrie. Her expertise comes from 10 years marketing & business development for plaintiff law firms. Diana has always had a passion for law but a knack for business, so she received her education locally at Georgian College for Business Administration followed by continuing education through Northeastern University taking Marketing, Content Management and Leadership focused courses. We are fortunate Diana is bringing her expertise to our Chapter, and she is pleased to be added to the OIAA board in supporting the membership.

ALEX ROBERTSON **SOCIAL DIRECTOR**

Alex Robertson is the owner and CEO of ServPro of Barrie Large Loss & Storm Team, specializing in the cleanup and restoration of residential and commercial property after fire, smoke or water damage. ServPro of Barrie, under the helm of Alex, is well known throughout the insurance industry, and within the local community, and brings with him years of experience and ideas to our Members.



Please join us in welcoming,
Shannon, John, Diana and Alex
to the **OIAA Georgian Bay Chapter Executive!**

IAA *GRC Policy - Increased Rebuild Costs*



Guaranteed replacement cost (GRC) coverage for rebuilding a flooded home in an area regulated by a conservation authority includes the increased regulatory compliance costs required for the rebuild, Ontario's Superior Court has ruled in *Emond v. Trillium Mutual Insurance Company*.

In reaching its decision, the court rejected the insurer's policy exclusion for any additional rebuilding costs "due to the operation of any law." The ruling suggests that GRC policy exclusions must explicitly refer to repair or replacement costs due to "rules, regulations, by-laws, or ordinances."

In *Emond*, Stephen and Claudette Emond owned a home located on the Ottawa River, in the catchment area of the Mississippi Valley Conservation Authority (MCVA). Their home was destroyed by a flood in April 2019 and deemed a total loss.

The Emonds purchased a home insurance policy from Trillium that included:

- GRC coverage
- a policy exclusion for the increased costs of repair or replacement "due to the operation of any law," and
- an exception to the policy exclusion that provides additional building by-law and code compliance (BBCC) coverage up to \$10,000.

The Emonds argued the GRC coverage in their policy allowed them to rebuild their home without limitation, notwithstanding the exclusion for compliance costs related to "any law." They also argued the policy exclusion defeated the purpose of the GRC policy, which they argued should include any additional compliance costs to rebuild according to revised MCVA building codes.

Trillium disputed the Emonds' interpretation. The insurer noted a \$10,000 policy cap on "qualifying compliance costs" in the BBCC coverage. The GRC endorsement did not override this limit of liability, the insurer argued, nor did it extend coverage to all compliance matters.

The court sided with the Emonds. In a decision released last week, the Superior Court suggests that if an insurer issuing a GRC policy wishes to limit costs for a rebuild so that they do not cover increased compliance costs, it needs to "list a monetary limit for the GRC coverage provided in the GRC endorsement."

It also found Trillium was conflating two distinct stages for determining whether: 1) a policy exclusion applied, and 2) if there was an exception to the exclusion.

In this case, the court found the policy exclusion did not apply. And essentially, the BBCC's \$10,000 limit on additional costs related to compliance — which was an exception to the exclusion — didn't apply either.

Trillium's GRC policy wording specifically excludes "the increased costs of repair or replacement due to operation of any law regulating the zoning, demolition, repair or construction of buildings and their related services; except as provided under Additional Coverages of Section 1 [the BBCC coverage limit of \$10,000]."

The court noted the language in the policy exclusion merely refers to "any law," whereas in the BBCC section of the policy, the language explicitly references laws, rules, regulations, by-laws, or ordinances.

Since the MCVA's compliance requirements were not "due to the operation of any law [i.e. an act of Parliament]," but were rather building code requirements under MCVA's "regulation policies," the insurance policy exclusion for compliance costs didn't apply to the Emonds' rebuild, the court ruled.

"The BBCC coverage uses the terms 'law,' 'by-law,' 'regulation,' and 'ordinance,'" the court decision states. "The language of the policy must be read to give effect to each word of the policy and the policy should not be interpreted in a manner which would render any words superfluous."

"Had Trillium wanted the term 'law' to include subordinate authority for the purpose of the [policy] exclusion, it could have drafted the policy accordingly. It did not."

Excerpt taken from Canadian Underwriters online - October 5, 2022

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Anyone involved in serving alcohol can potentially be held liable for damages or injuries where alcohol is deemed to have been a contributing factor. Know best practices for serving alcohol in your home, what your liability is as well as what to do in the event of a claim.

As a homeowner, you have potential liability for bodily injury or property damage arising out of the negligent serving or distribution of alcohol on your property.

Hosting a Party and Serving Alcohol?

You may be responsible for your guests' actions if you serve people past the point of intoxication on your property. Hosting a staff party or

backyard wedding with several dozen or more guests increases the possibility of you not being able to monitor all alcohol consumption.

Tips for Limiting Alcohol Consumption

The legal threshold for intoxication is lower and courts are now holding people who serve alcohol to their friends and guests on their property more accountable. Whether you are a homeowner or tenant, you may be held responsible for your guests' behaviour – even after they leave your property – if you serve them alcohol. Consider the following before you serve alcohol to guests:

- Ask people when they arrive if they are a designated driver.
- Ensure many non-alcoholic beverages and food options are available.
- One hour before you anticipate guests will leave, stop serving alcohol and start serving coffee, tea or water.
- Have cash on hand for cabs and/or an extra bedroom made up for last-minute overnight guests.
- Keep watch and don't hesitate to ask for someone's keys if you have concerns about their ability to drive.

Your Legal Liability as a Social Host

You may be responsible for your guests when you serve alcohol on your property. Forms of liquor liability include:

- Liability as a server – serving people past the point of intoxication.
- Liability as an occupier – a person who owns, has possession of or responsibility for premises are responsible for protecting people on their premises from harm.
- Anyone involved in the service of alcohol could be held liable for damages or injuries where alcohol is deemed to have been a contributing factor.
- Liability as an employer regarding employees consuming alcohol, such as at staff parties.
- Liability as a sponsor of potentially dangerous activities.

3 Steps To Take in The Event of A Claim

- Immediately contact your insurance representative.
- Record all relevant information such as the names and contact information of any witnesses who were present or have information relevant to the incident.
- Refer any discussions with the claimant to your insurer. Do not discuss liability with potential claimant and NEVER ADMIT LIABILITY!

Excerpt taken from Insurance Bureau of Canada online - 2022

Working in the Cold

Employers should:

- Choose equipment with thermal insulating materials and tools that can be operated with gloves.
- Survey and monitor the temperature.
- Train managers, supervisors and workers on symptoms, safe work practices, re-warming procedures, proper clothing practices, and what to do in case of cold injury.
- Clearly outline emergency procedures, with at least one trained person available at all times.
- Use a buddy system to watch for symptoms in others.
- Adjust the pace or rate of work (not too low that a person becomes cold, nor too high and cause heavy sweating or wet clothing).
- Allow time for new workers to become accustomed to the conditions.
- Provide or make sure that protective clothing is worn at or below 4°C, including layers of warm clothing, with an outer layer that is wind-resistant, a hat, mittens or insulated gloves, a scarf, neck tube or face mask, and insulated, waterproof footwear.

The toes, fingers, ears and nose are at greatest risk because they do not have major muscles to produce heat. Mental alertness is also reduced.

- Chilblain** – redness, swelling, tingling and pain
- Frostnip** – caused when top layers of skin freeze, turning white, numb and hard, but deeper tissue feels normal
- Frostbite** – occurs when tissue temperature falls below the freezing point or when blood flow is obstructed; symptoms include inflammation of the skin in patches and slight pain
- In severe cases, there could be tissue damage without pain, or burning or pricking sensations that result in blisters.
- Immersion foot/Trenchfoot** – caused by prolonged wet or cold feet; symptoms include tingling, numbness, itching, pain, swelling, and blisters

Workers need to maintain a core body temperature of +37°C (+98.6°F) for normal body functioning as well as to provide energy for activity.

Hypothermia is the most severe cold injury. The excessive loss of body heat can be fatal. Warning signs can include **nausea, fatigue, dizziness, irritability or euphoria, pain in the extremities** (hands, feet, ears) and **severe shivering**. Move workers to a heated shelter and seek medical advice when appropriate.

What the law says

Some jurisdictions provide a range of acceptable temperatures (http://bit.ly/cold_legislation) for specific circumstances. Others use the Threshold Limit Values* for cold stress published by the American Conference of Governmental Industrial Hygienists (ACGIH) as occupational exposure limits or guidelines.

Where there are no maximum exposure limits for cold working environments, there are guidelines that can be used to conduct work/task assessments, create safe work plans, and monitor conditions.

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GRINCHY PUNCH

Kranky punch is perfect for your holiday party!



Ingredients

- 1 (0.13 oz.) packet Kool-Aid Lemon Lime mix
- 4 cups water
- 4 cups ice
- 3 cups lemon-lime soda
- 2 cups pineapple juice
- 2 cups Vodka
- 1 cup ginger ale
- Lime Wedges for rimming
- Red sanding sugar for rimming

Directions

1. In a large pitcher, combine Kool-Aid and water.
2. In a large punch bowl, combine ice, Kool-Aid, soda, pineapple juice, vodka and ginger ale.
3. Use a lime wedge to rim glasses and dip in sanding sugar to coat. Pour punch into glasses to serve.

PULL-APART CHRISTMAS TREE

This adorable appetizer is the perfect thing for Christmas!



Ingredients

- 1 lb. refrigerated pizza dough
- Egg wash (1 egg whisked with 1 tbsp water)
- 7 mozzarella sticks
- 1/4 cup melted butter
- 1/2 cup finely grated Parmesan
- 1 tbsp. thinly sliced basil
- 1 tbsp. chopped parsley
- 1 tbsp. chopped rosemary
- Marinara, warmed (for serving)

Directions

1. Preheat oven to 450°. Line a large baking sheet with parchment paper. Cut mozzarella sticks into 1" pieces and set aside.
2. On a floured surface, divide pizza dough into two pieces. Stretch and roll each piece of dough into a long rectangle, then cut dough into 2" squares (you'll need 33 total).
3. Wrap a dough square around each piece of mozzarella, forming a tightly sealed ball. Place balls seam-side down on a baking sheet in the shape of a Christmas tree (they should be touching). Brush egg wash on dough balls and bake until golden, 15-20 minutes.
4. Meanwhile, whisk together melted butter, Parmesan and herbs. Brush on baked pizza balls. Serve warm with marinara for dipping.

PEPPERMINT OREO TRUFFLES

So simple, yet so yummy! The perfect homemade gift!



Ingredients

- 1 (15.5 oz.) package Oreos, crushed
- 1 (8 oz.) package cream cheese, softened to room temp.
- 12 candy canes, crushed, divided
- 2 cups choc. chips, melted
- 2 tsp. coconut oil

Directions

1. Line a small baking sheet with parchment paper. In a large bowl, combine crushed Oreos with cream cheese and half the crushed candy canes. Stir until cream cheese is completely integrated into the Oreo crumbs.
2. Using a small cookie scoop, form Oreo mixture into small balls and place on the cooking sheet. Repeat until all Oreo mixture is used and place baking sheet in freezer for 10 minutes.
3. Meanwhile, mix coconut oil with melted chocolate chips. When the balls are chilled, dip them in the chocolate and place back on cooking sheet.
4. Sprinkle with remaining crushed candy canes and return to the freezer to harden, 10 more minutes.

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Sean Douglas, National Practice Leader, Hazardous Materials
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<https://blog.pinchin.com/you-thought-asbestos-was-fully-banned-in-canada-not-until-2018/>

Did this article's title give you pause? Did it make you wonder: wasn't asbestos banned and phased out in the 1980's? What's this about a 2018 ban? That can't be right, can it? The saying "better late than never" rings true and the *Prohibition of Asbestos and Products Containing Asbestos Resolutions (SOR/2018-196)*^[1] in fact, came into effect on December 30, 2018.

Now you may be wondering: what does this mean for construction professionals, property managers, owners and developers? To answer this question, we first need to revisit the history of asbestos and how this dangerous material has managed to dodge the government's phase-out tactics for so long. Having worked in this industry for the best part of 30 years, I've been fortunate enough to experience this journey almost since the start. As we near the fourth anniversary of the 2018 Asbestos Prohibition, I believe now is the perfect time to navigate this journey again and educate industry stakeholders on our asbestos status.

The History of Asbestos

Asbestos is a group of naturally occurring minerals made up of very thin fibres, which rose to prominence in the early 1900's when industry learned of its heat resistance, tensile strength and insulating qualities, and it was quickly popularized in construction and commercial sectors. It was during the post war period (1945-1970) when asbestos use peaked in North America with over 3,000 documented asbestos products being manufactured.



Asbestos - Banned in Canada 2018 (Cont'd)

Health Risks

It wasn't until the early 1970's that the negative health impacts of long-term asbestos exposure were fully published and disclosed by the manufacturers, and governments were left scrambling to draft legislation for a material they didn't yet fully understand. Their task was made even more challenging by the fact that asbestos was already in use and installed in many homes, buildings and structures.

The health risks due to asbestos exposure is clearly linked, occurring when airborne asbestos fibres are inhaled and are trapped within the lungs and respiratory system. However, symptoms do not usually appear due to a long latency period of 20-35 years. Occupational deaths from mesothelioma^[2], a rare respiratory cancer caused almost exclusively from asbestos exposure, increased 60% between 2000 and 2012, according to Statistics Canada. Experts estimate 150,000 Canadians are exposed to asbestos at work, particularly in the construction industry.

A Natural Resource in Canada

Another problem the Canadian Government faced was that asbestos was profitable and in abundance. Canada has always been a resource-based economy, and voters were reluctant to elect officials that would take away their source of income. The last asbestos mine wasn't closed until 2012 (in Quebec), more than two decades after the 1980's-era phase-out of common asbestos products and utilizations. During the last few years of asbestos mining in Canada, over 90% of the raw asbestos material was exported to India. To add to this, in 2015, Canada was importing \$8.2 million in products that contained asbestos, mainly in brake pads, but other miscellaneous products, such as gaskets and cement pipes. Asbestos was completely banned in more than 50 countries by 2016, but Canada's true ban did not pass until the 2018 Asbestos Prohibition because of these conflicting interests.



Abandoned Jeffrey Asbestos Mine, Val des Sources, Quebec

Prohibition in Canada

The 2018 Asbestos Prohibition passed regulations prohibiting the import, sale, and use of asbestos as well as the manufacture, import, sale, and use of asbestos-containing products, with a limited number of exclusions (military, nuclear facility and chlor-alkali facilities). Exports are also prohibited, and these regulations effectively prevent new asbestos and asbestos-containing products from entering the Canadian Market. While this is great news for Canadians, the Prohibition does not solve the existing problems we are currently facing.

Products Containing Asbestos

There is a common misconception that any building constructed after 1990 will not have asbestos-containing materials (ACM's). While it is true that friable materials (a material that can be crumbled by hand pressure) with large concentrations of asbestos are virtually non-existent in post-1990 builds, we must remember again that over 3,000 different manufactured products containing the material have been in use since before the prohibition went into effect. In our experience, products that can contain asbestos that were used beyond 1990 and even into the 2000's, including certain types of sealants, adhesives, mastics, caulking and cement pipes and boards. These products can be found in sealants on window glazing, caulking around door and window frames, caulking on flashings, adhesives, mastics in roof applications, caulking for firestopping and rain water leaders.

IAA Asbestos - Banned in Canada 2018 (Cont'd)



Sealants



Butyl Sealant



Gasket



Cement Pipe



Duct Mastic

The good news is that these products typically have low concentrations of asbestos (1-5%) and are non-friable; therefore, inherently less dangerous than friable products. If left undisturbed, non-friable materials such as those described above would typically not present a risk of asbestos exposure during the normal maintenance and occupancy of buildings, however the risk of exposure increases if the material is disturbed by renovation or demolition activity.

Regulations in Canada

In BC, health and safety regulations^[3] require an asbestos inventory of the workplace, particularly in advance of renovation or demolition work. If asbestos is identified and could potentially be disturbed, appropriate controls and safe work procedures will be required. Other hazardous materials (e.g. lead-paint, mercury, silica, mould and PCBs) are also required to be identified prior to renovation or demolition activities. In fact, all other provinces have similar regulatory requirements to identify hazardous materials including asbestos prior to renovation or demolition activities. Every element (roof, wall, floor, structure, HVAC, plumbing, finishes) or space within a building can potentially contain asbestos, and there is no way to determine the presence of asbestos without laboratory analysis. This is an intimidating situation for even the experienced construction professional or building owner, which is why the hazardous building material identification and removal process requires an experienced professional, with expertise in sample collection and analysis, and design and specifications through to complete abatement, air monitoring and sign-off, including the knowledge, resources, and industry understanding to safely and affordably carry out an asbestos and hazardous materials program.

[1]<https://pollution-waste.canada.ca/environmental-protection-registry/regulations/review?id=150>

[2]<https://www.cdc.gov/cancer/mesothelioma/index.htm>

[3]<https://www.worksafebc.com/en/law-policy/occupational-health-safety/searchable-ohs-regulation/ohs-regulation/part-20-construction-excavation-and-demolition#SectionNumber:20.112>





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TIPS TO KEEP IN MIND FOR SAFE TRAVELS*



* <https://www.cooperators.ca/en/Resources/stay-safe/safe-travels.aspx>

Few experiences can compete with the thrill of international travel. Most popular destinations offer safe environments for tourists, but it's always smart to take precautions, no matter where you're going. Here are tips to keep you safe when you visit another country.

Personal safety

Research your destination beforehand. When you arrive, check with local tourism officials or your hotel concierge for advice on safe and unsafe areas. Here are a few other tips to keep in mind while exploring the sights:

- Avoid actions that make you look like a visitor (ex. carrying a camera, guidebook, maps or large backpack).
- Be discreet when handling money, use credit cards or traveller's cheques when possible, and avoid using ATMs at night.
- Use a money belt to carry cash, credit cards and your passport under your clothing, and leave other valuables at home or in a secure location.
- Practice common sense: Be extra careful when drinking alcohol, exercise caution when in crowds, and never hitchhike.
- If you're in a foreign country, always carry the contact information of the Canadian embassy or consulate.

Immunizations

If you're going to an exotic location, minimize your chance of illness by getting the necessary immunizations from your family doctor. Some countries actually require that you have certain immunizations before you're allowed to enter.

Check the country's official website to make sure your shots are up to date and find out what documentation you need as proof of immunization. You can also check the Government of Canada's recommendations for travel vaccinations and find current health and safety warnings for destinations around the world.

Travel documents

Canadians now require a passport for travel to most countries, including the United States. Some countries also require a travel visa, especially if you're staying for an extended period. Visas are only available from the country you're travelling to and may be applied for through their government website.

Before you leave, write down the details of your passport and visa (if applicable), credit and debit card details, travel insurance information, and driver's license. Keep this information in a

secure location. If anything gets stolen, like your wallet, you'll have a record and be able to quickly take action.

Cyber safety

People often use social media to ask for sightseeing and dining recommendations before they travel, but you should exercise caution when posting details about your travel plans. It leaves your home vulnerable to break-ins. Try to make your home look lived-in while you're away; have someone collect your mail and shovel your snow in winter.

When travelling, avoid using public WiFi to access confidential information like credit card and banking websites. Public WiFi is easier for thieves to hack and puts you at risk of theft and identity fraud.

Check your travel coverage

When purchasing travel insurance, ensure the coverage includes:

- Emergency hospital and medical
- Multi-trip plans for frequent travellers
- Trip cancellation and interruption
- Flight accident
- Accidental death and dismemberment



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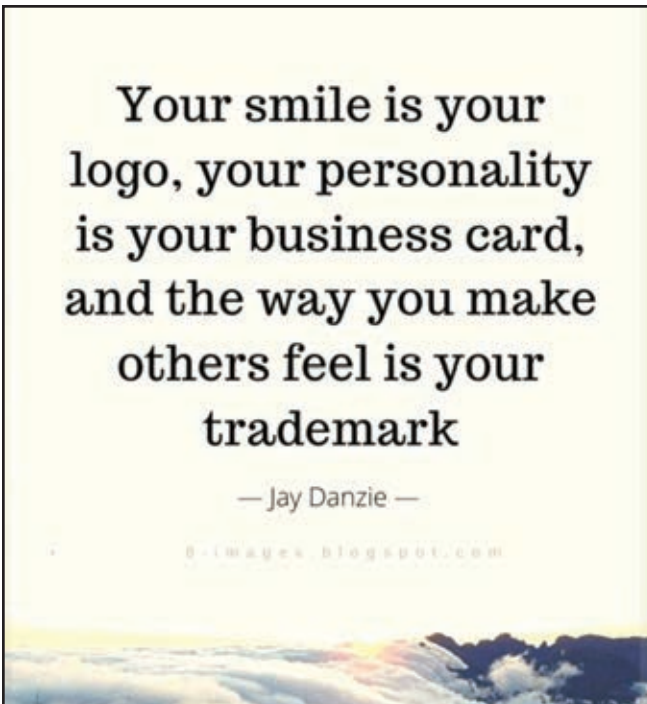
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I DON'T KNOW WHAT CITY THIS IS...



BUT THEY'RE ALL GONNA DIE THURSDAY.

Dear santa,
This year all I ask is a Big Fat Bank Account and a Slim Body.
PLEASE, don't mix up the two like you did last year.



Be Happy
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LIABILITY FOR HOCKEY INJURIES

<https://chcbarristers.com/liability-for-hockey-injuries/>

Courtesy Of Alex Vigneault, Associate
Carroll Heyd Chown^{LLP}



It's Thursday night. Your D-Division non-contact men's league is playing at the local rink's latest possible ice time. You just want to go out, get some exercise, and then get to bed.

There's a guy on the other team you're wary of. Gordy Gohard. You hear him always talking about how he almost went pro before his thumb injury slowed him down. He plays every D-Division game like there are dozens of scouts in the stands. You match up against him on a shift and skate towards the offensive zone. Gordy sees you coming up the

middle with your head down and lays you out with a big, blindside hit. You're concussed; you have missing teeth; you suffer continued symptoms of post-concussive syndrome. But this is hockey – a non-contact league or not, physicality in the sport is expected. Gordy can't possibly be liable, then, right?

Wrong. (Well, maybe).

In *Kempf v Nguyen*,^[1] the Ontario Court of Appeal stated that in hockey, players must assume some risk of injury from bodily contact, even contact intentionally inflicted or in breach of the rules of the game. A body check – even one that calls for a penalty – is part of the ordinary risk of each game. The risk assumed by the player has limits, however.

According to the decision in *Kempf*, conduct in hockey becomes unacceptable only when it is malicious, out of the ordinary or beyond the bounds of fair play. In agreeing to play hockey, a player implicitly consents to a risk of injury inherent to a fast-paced and sometimes physically violent sport. This includes the risk that a player may suffer injury, even serious injury, from bodily contact with another player during normal game play. However, a player does not accept the risk of injury from conduct that is “malicious, out of the ordinary, or beyond the bounds of fair play”.^[2]

If the conduct is malicious and/or there is a clear intent to injure, the defendant will immediately be found liable per the above standard. However, the analysis of whether an action within a game is “out of the ordinary” or “beyond the bounds of fair play”, is circumstance-driven standard. It will vary on a case-by-case basis. A judge will examine such factors, like the type of league in which the game was played, the level of play in the league, the applicable rules, and the nature of the game. The result of these facts being applied to a particular set of circumstances can vary greatly.

For example, in *Levita v Crew*,^[3] the plaintiff was playing in a local non-contact hockey league. According to one of the refs for the game, the plaintiff picked up the puck a few feet from the boards in the defense zone,

IAA *Liability for Hockey Injuries (Cont'd)*

at which point the defendant gave him a shove, resulting in the plaintiff crashing hard into the boards. The ref in question assessed the defendant a 5-minute major penalty and a game misconduct, though it was conceded that the penalty was only elevated from a 2-minute minor penalty after the ref saw the plaintiff in notable pain. The ref's evidence at trial that while there was no intent to injure, the defendant should have been aware of the plaintiff's position on the ice (an awkward distance from the boards) and acted accordingly.

The court ultimately found that the defendant was not negligent in this case. In arriving at its decision, the court stated that a finding of negligence would follow if the plaintiff demonstrated that the defendant breached the standard of care by engaging in conduct which "fell short of what a reasonable hockey player participating in a hockey game in the parties' league would do or refrain from doing, taking into account the nature of the game and its inherent risks to which the players willingly consented." [4] The court considered that, while the incident occurred in a recreational league, it was the "A" division, which was "high-level and frequently aggressive". The plaintiff had played in the league numerous years and understood that such injury could occur even in the non-contact recreational league. The physical contact between the players which took place in this game occurred during play and fell within the accepted inherent risks. The court found that the plaintiff "impliedly consented to being body-checked in the course of play, even where that body-check might warrant a penalty". [5]

Conversely, in *Casterton v MacIsaac*, [6] the plaintiff was hit behind the net by the defendant – in what was described as a "blindside" hit. The plaintiff suffered a concussion and several broken teeth. In this case, the court found for the plaintiff and awarded him \$702,551 in damages. The court determined that the defendant anticipated the collision and could have avoided it. Further, numerous witnesses testified at trial that the defendant raised his arms just prior to the impact, which was corroborated by the injuries to the plaintiff's face. The court further accepted evidence that blindside hits – particularly hits to the head – are absolutely prohibited and have no place in any hockey game. The court determined that the defendant either deliberately attempted to injure the plaintiff or was reckless about the possibility that he would do so. Interestingly, the court goes on to state that even if it had concluded that the hit was neither intentional nor reckless, the defendant would be liable to the plaintiff because he failed to meet the standard of care applicable to a hockey player in the circumstances. In essence, the hit was outside the bounds of fair play.

So, would Mr. Gohard be found liable for your injuries sustained? ~_("/)_/~

[1] 2015 ONCA 114.

[2] *Casterton v MacIsaac*, 2020 ONSC 190.

[3] 2015 ONSC 5316.

[4] *Ibid* at para 93.

[5] *Ibid* at para 102.

[6] 2020 ONSC 190.



Alex is a long-time member of Carroll Heyd Chown LLP, starting as an intern in 2014. He is now an associate at the firm, after a brief and unimpressive career as Steve Buscemi's body double. Alex was born and raised in Sudbury, Ontario, but has called Barrie his home for nearly 20 years. His educational background has brought him to Waterloo, where he attended Wilfrid Laurier University, and London, where he attended law school at the University of Western Ontario. As a part of Western Law, Alex was a frequent participant in sports arbitration moots, and was the chair of *Obiter Dicta* – a committee that organizes student-performed charitable concerts. Alex has litigation experience in a broad range of practice areas, with a particular focus on employment law, construction law, and corporate litigation. He is bilingual, fluent in both French and English.



Canadian winters are tough. From coast-to-coast we all need to be prepared for winter's wrath. And preparation should start as soon as possible.

Here are a few helpful tips to help you safely navigate the winter months. Whether at home, at work, or at play, follow these tips to help stay safe when the temperature drops.

Winterizing your home

Top 10 maintenance tips for winterizing your home:

- Test and maintain smoke detectors and carbon monoxide detectors.
- Ensure your furnace, wood stove and any other heating sources are in good working condition. Have them inspected, maintained and cleaned. During the heating season, clean or replace furnace air filters each month.
- If you go on vacation, even for a few days, leave the heat on and have someone you trust check on your home while you are away.
- Run water through all plumbing fixtures regularly.
- Test plumbing shut-off valves.
- Inspect your attic for frost accumulation, and check your eavestroughs and roof for potential ice dams or icicles.
- Keep your sidewalk and the front stairs of your house clear of snow and ice.
- Keep snow away from gas meters, gas appliance vents, exhaust vents and basement windows.
- Trim branches that are close to your house or electrical wires.
- Prevent freezing of pipes by fitting exposed pipes with insulation sleeves or wrapping.

Ice safety tips

Top 10 Ways to Help Avoid Ice Hazards

- Use designated ice surfaces. Many communities have designated ponds or outdoor ice surfaces – for activities such as skating – that are maintained by knowledgeable personnel. Designated ice should be regularly tested to ensure that it is thick enough and strong enough for recreational use.
- Measure ice thickness in several locations. Local conditions such as currents and water depths can affect ice thickness. White ice has air or snow within it and should be considered suspect for recreational use.
- Avoid travelling on ice at night or when it is snowing. Reduced visibility increases your chances of driving onto an open or weak ice area. This is a frequent cause of ATV- and snowmobile-related drowning.
- Never go onto ice alone. A companion may be able to rescue you or go for help if you get into difficulty. Before you leave shore, tell someone where you are going and what time you expect to return.
- Stay off river ice and avoid the narrows between lakes. River currents and moving water at the narrows where one lake flows into another can quickly change ice thickness or cause ice to be much thinner than in other locations on the river or on the lake.
- Wear a thermal protection buoyant suit or a lifejacket. If you don't have a thermal protection buoyant suit, wear a lifejacket or PFD over your snowmobile suit or layered winter clothing to increase your survival chances if you go through the ice.
- Take safety equipment with you. Pack ice picks, a rope and a small personal safety kit (i.e., a pocket knife, compass, whistle, fire starter kit and cellphone) in your pockets or backpack.
- Avoid alcohol. Alcohol impairs your judgment, coordination and reaction time and speeds up the onset of hypothermia.
- Don't drive on ice if you can avoid it. If you can't avoid it, have an escape plan. Open your windows, unlock your doors and turn on available lights to allow for a quick escape from your vehicle. Some ice safety experts recommend that you have your seatbelt unfastened and your door slightly ajar to speed up an escape. Don't wear a lifejacket while riding inside an enclosed vehicle; the extra bulk and flotation could hamper your escape through a window.
- Always supervise children playing on or near ice. Children playing on or near ice should always be with a companion and under adult supervision.

Slip, Trip and Fall

As a homeowner, you're responsible for keeping your property and areas such as stairs, walkways and driveways reasonably safe for people who use them. Before a courier, babysitter, delivery person or repair technician visits, be on the lookout for common hazards such as:

- Ice and snow – use salt, shovel and/or sand to keep walking surfaces clear within bylaw timeframes
- Unexpected elevation changes, surface cracks or gaps – fix issues within your property line and/or report issues on municipally-owned property such as uneven sidewalks
- Slippery surfaces such as wet floors or tile flooring – put down a non-slip covering
- Missing or loose handrails on stairs – arrange repairs
- Debris such as slippery and wet fall leaves – keep walking paths clear
- Lighting – ensure all areas are adequately lit

Your Legal Liability

You may be held liable for slips, trips and falls if you don't provide a reasonable standard of care in keeping your property free from hazards. If you are hosting a yard or garage sale, consider what you can do to prevent the potential for harm.

As a tenant, liability may be shared with your landlord. Who is held liable depends on the circumstances of the loss. The following criteria are considered:

- Was the danger foreseeable?
- Was the homeowner's conduct in accordance with acceptable standards of practice?
- Did the danger exist for an unreasonable amount of time?
- How easily could the danger have been prevented?

The best way to avoid liability is to prevent losses from occurring in the first place. Be diligent in keeping your property free of hazards. Regular maintenance is one of the most effective ways to defend yourself against a claim or lawsuit should one occur.

In the case of a shared space when you are a tenant, ensure your lease agreement clearly states your responsibilities

What to Do If Someone Slips, Trips or Falls

- Assist the injured person in finding medical treatment. Call an ambulance if necessary.
- Record the names and contact information of any witnesses. Obtain and record detailed descriptions of the incident from the victim and witnesses.
- Refer any discussions with the claimant to your insurer. NEVER ADMIT LIABILITY!
- Take pictures of the area where the incident occurred. If possible, photograph the footwear that the injured person was wearing.
- Document the incident. This may help to establish a defense for a claim presented at a later date and help your insurer analyze the cause of the incident.
- Report the incident to your insurer. Provide them with: a) Details of the incident; b) Information about what you did to avoid the incident.
- Investigate potential causes and take steps to prevent and/or respond better to similar incidents in the future.

Winter Road Safety

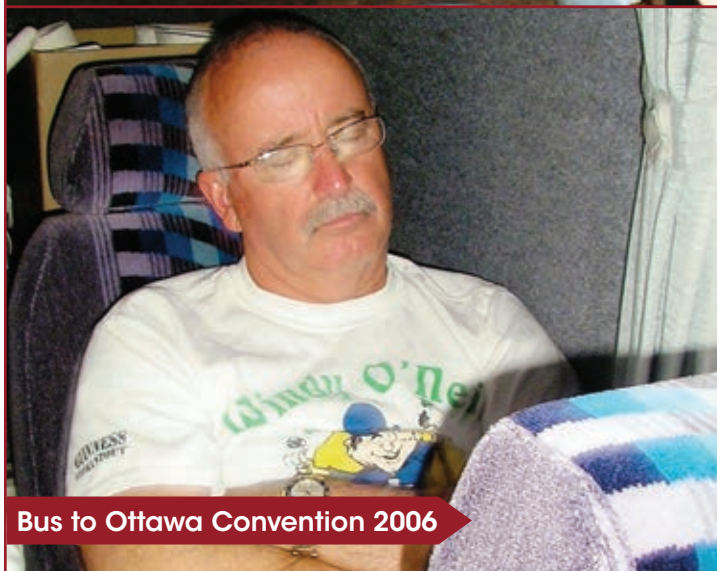
Top 10 tips for safe winter driving:

- Drive according to the road conditions. Heed the warnings from Environment Canada's local weather offices.
- Tune up your car. Check your vehicle's battery, belts, hoses, radiator, coolant/antifreeze, oil, lights, brakes, exhaust system, heater/defroster, ignition system and tires.
- Check the wipers regularly and carry an extra jug of windshield-washer fluid in your vehicle.
- Inspect the tires and check the tire pressure at least once a month in cold weather.
- Install four winter tires. Winter tires allow you to stop up to 40% sooner than all-season tires and significantly improve your vehicle's handling in winter weather.
- Keep the gas tank topped up.
- Always carry an emergency kit. Include extra antifreeze, a flashlight, batteries, blankets, a candle, matches, hazard markers, a snow shovel, an ice scraper and brush, the phone number of a local towing company, sand, booster cables and food.
- Tell someone where you are going and when you expect to arrive.
- Bring a map or GPS and plan an alternative route.
- Carry a charged cell phone.

Excerpt taken from Insurance Bureau of Canada online - 2022



Curling 1994



Bus to Ottawa Convention 2006



Golf 2007



Christmas 2001



Past Presidents 2006



Christmas 2001



Golf 1998



Curling 2002



Christmas 2004



Curling 2003

Fantastic Memories!



Executives' fears that remote workers are becoming less engaged and spontaneous when working online than they are while in the office may be unfounded, new research has determined.

One of executives' biggest worries about remote work is the reduction in spontaneous meetings and conversations with employees. As such, a major driving argument for bringing employees back to the workplace is that remote workers are becoming less engaged over time, resulting in less frequent and spontaneous interactions with colleagues that are vital for both organizational performance and innovation, two authors wrote in a Harvard Business Review blog.

"But is this worry justified? New research on meetings show that it might not be," Andrew Brodsky and Mike Tolliver wrote in the Dec. 6 blog, *No, Remote Employees Aren't Becoming Less Engaged*.

"It turns out that employees have more short, one-on-one meetings compared to 2020, and those meetings are increasingly spontaneous (meaning they weren't set up in advance on the calendar). While there are limitations to this data, it does suggest that employees are finding new ways to connect with each other — and that there are steps organizations can take to encourage them to continue to do so."

Brodsky, assistant professor of management at McCombs School of Business at the University of Texas at Austin, partnered with Tolliver, director of product management at Vyohta, a software company that provides remote meeting and collaboration analytics for large organizations.

The two researched employee engagement and how the frequency of remote meetings have changed since the start of COVID-19 (Remote meetings were defined as those using remote video/audio conferencing software, meaning that at least one person was remote from others in attendance).

"Given the anecdotal evidence of workers recently disengaging or quiet quitting, we had originally predicted that one of the easiest ways to observe this effect would be a continual decrease in the number of times remote or hybrid coworkers were engaging — or meeting — with each other. However, we found quite the opposite."

Brodsky and Tolliver gathered metadata from Zoom, Microsoft Teams and Webex meetings from 10 large global organizations (seven of which are Fortune 500 firms) spanning a variety of fields, including technology, healthcare, energy and financial services. They compared six-week snapshots of raw meeting counts from April through mid-May 2020 following COVID-19 lockdowns, and the same set of six weeks in 2021 and 2022.

The dataset included more than 48 million meetings for more than half a million employees. The data analysis uncovered some major ways remote meetings have changed since the pandemic first forced employees to work remotely:

- Remote meetings have become more frequent — There were 60% more remote meetings per employee in 2022 as compared to 2020 (a change of an average of five to eight meetings per week per employee)
- Meetings have become shorter — Since 2020, remote meetings have decreased in length by 25% from an average of 43 minutes per meeting in 2020 to 33 minutes in 2022
- Meetings have become smaller — The average number of participants per meeting dropped by half from an average of 20 per meeting in 2020 to 10 in 2022. This change was driven predominantly by the increase in the proportion of one-on-one meetings rather than a decrease in the size of group meetings
- Meetings have become more spontaneous — The blog authors were able to tell which meetings were scheduled via calendar invites and which were spontaneous. In 2020, only 17% of one-on-one meetings were unscheduled, but in 2022, 66% of such meetings were unscheduled.

IAA Are Remote Workers Less Engaged? (Cont'd)

"The combination of these findings presents an interesting picture: not that remote workers seem to be becoming less engaged, but rather — at least with respect to meetings — they are becoming more engaged with their colleagues," Brodsky and Tolliver wrote in the blog. "This data also suggests that remote interactions are shifting to more closely mirror in-person interactions."

"Whereas there have been substantial concerns that employees are missing out on the casual and spontaneous rich interactions that happen in-person, these findings indicate that remote employees may be beginning to compensate for the loss of those interactions by increasingly having impromptu meetings remotely."



The authors acknowledged there are limitations to the data and that much more data is needed to fully understand all the implications of remote work.

"However, [the findings] do challenge the idea of what may be 'lost' about the in-office experience," the blog said. "In fact, employees seem to have adapted over time with regard to remote meetings — they are increasingly efficient (shorter), more frequent, and more spontaneous. This suggests that remote workers seem to be compensating for losses due to working outside the office and are engaging in behaviors that are more and more similar to office work."

Excerpt taken from Canadian Underwriters online - by Jason Contant, December 15, 2022.

FATIGUE AND WORK

Fatigue is the state of feeling very **tired, weary** or **sleepy** resulting from insufficient sleep, prolonged mental or physical work, shift work, or extended periods of stress or anxiety.

Boring or repetitive tasks can intensify feelings of fatigue.

Staying awake for **24 hours** straight affects the human body almost exactly like a blood alcohol level of **.10%**, which exceeds Canada's legal limit for drivers.

One shift worker in five dozes off during a shift. ^[1]

Night, evening, rotating and irregular shifts are associated with an increased risk of occupational injury due to **worker fatigue, less supervision and reduced co-worker support.** ^[2]

Signs

- increased vulnerability to illness
- sleepiness
- loss of appetite
- giddiness
- depression
- irritability
- digestive problems

Impacts of fatigue

DECREASED

- decision making ability
- ability to do complex planning
- communication skills
- productivity / performance
- attention and vigilance
- ability to handle job stress
- reaction time
- memory / ability to recall details

INCREASED

- tendency for risk-taking
- forgetfulness
- errors in judgement
- sick time and absenteeism
- medical costs
- accident rates

Fatigue is increased by...

- dim lighting
- limited visual acuity
- high temperatures
- high noise
- high comfort
- tasks over long periods of time
- long, repetitive and monotonous tasks

Tips for workers

- EAT** a healthy diet that promotes longer-lasting energy. Complex carbohydrates (starch) are preferable to simple carbohydrates (sugar). Avoid fatty foods and junk food.
- ADOPT** a steady exercise routine that includes cardiovascular, muscle strengthening and flexibility workouts.
- TRY** to get at least 7.5 - 8.5 hours of sleep per night.
- STAY** positive. Make a conscious effort not to be overwhelmed by negative circumstances.
- AVOID** driving if you are tired, especially in inclement weather where vision is impaired.
- AVOID** excessive noise.

Advice for employers

- ENSURE** the work environment does not promote fatigue. Try to avoid dim lighting, toasty temperatures, and excessive noise.
- VARY** job tasks to eliminate repetition or long periods of boring, monotonous work.
- INCORPORATE** and encourage taking breaks.
- TRAIN** workers on the importance of getting enough rest and how to achieve work-life balance.
- INTRODUCE** shorter shifts, and rotate shifts in the direction of the sun (morning, afternoon, night, in that order).

Fatigue is regarded as having an impact on work performance. Most accidents occur when people are more likely to want sleep — between **midnight and 6 am**, and between **1-3 pm**. ^[3]

midnight-6am
1-3pm

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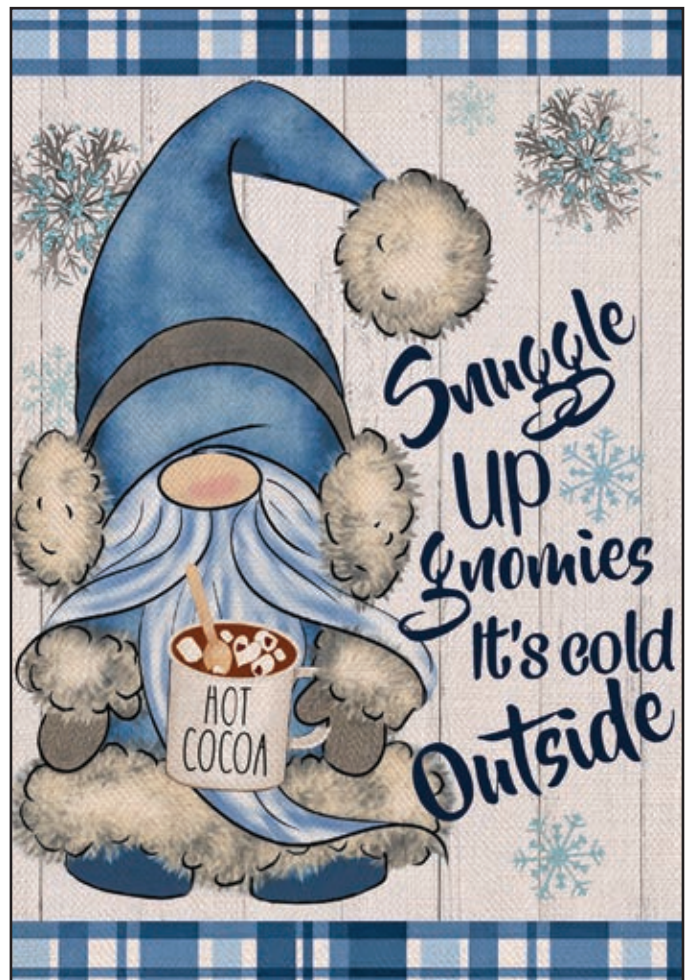
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If you see any articles that strike your interest or have a suggestion as to what you would like to see in this newsletter, email your thoughts and ideas to Kayla Guy at kayla_guy@cooperators.ca



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