

2015

WSIS

Workplace Safety
and Insurance System

Year-End Report

April 2016



Working together to build a safety culture

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INTRODUCTION

The Workplace Safety and Insurance System (WSIS) is a collaborative partnership of stakeholders, government, agencies, and others all working together to improve workers' compensation and occupational health and safety in Nova Scotia. Throughout the System there are increasing conversations about workplace safety, return-to-work, and improving outcomes for workers and employers.

Throughout 2015, enhanced collaboration continued between the partner agencies, and other stakeholders including third party and aligned organizations, the OHS Advisory Council and hundreds of other Nova Scotians as we continue to implement the *Workplace Safety Strategy for Nova Scotians 2013-2017*. This is a true testament of how WSIS was intended to work. Specific examples include Fishing Safety Now, Nova Scotia Health & Safety Leadership Charter and the Leadership Matters event. Significant stakeholder engagement is happening throughout the system in other areas as well, including improving the appeals system and the development of the *WCB Strategic Plan 2016-2020*. Ongoing stakeholder consultation ensures the system is continuing to evolve, balancing the interests of workers and employers – those whom the System serves.

WCB Nova Scotia continues to face several challenges including an unfunded liability, lower benefits for workers and higher rates for employers compared to the rest of Canada. WCB Nova Scotia is committed to a systematic reduction of the unfunded liability. Once achieved, we look forward to working with our partners to address benefits and rates.

This 2015 Year-End Report provides highlights of the initiatives that were undertaken in the past year and summarizes the progress WSIS is making.

BACKGROUND

Workers and employers play an integral role in the Workplace Safety and Insurance System by providing valuable input into the System's collaborative areas of priority. The agencies, in turn, are responsible for considering stakeholder expectations and feedback in the context of operational realities – to determine what is possible and/or what is required to achieve improved outcomes. A Coordinating Committee provides oversight – ensuring that stakeholders and partners work together toward common goals.

Our Mission

Our mission is to work together to help keep people healthy and safe at work, to insure against loss and to support workers' rehabilitation. We strive to be fair, open and responsible in everything we do.

Our Shared Vision

Safe, healthy workplaces for Nova Scotians, and sustainable safety and insurance services.

Our Goals

1. Improve outcomes for workers and employers;
2. Improve service delivery;
3. Ensure effective governance of the System; and
4. Ensure financial sustainability of the System.

A vision is the destination that we steer toward; goals are the guide posts that help us get there. This report examines our progress in 2015 along the path to that vision by evaluating progress on initiatives and System performance results.

More details on agency-specific performance reports can be obtained from the respective agencies:

- Occupational Health and Safety Division Annual Report
- Workers' Advisers Program Annual Report
- Workers' Compensation Appeals Tribunal Annual Report
- Workers' Compensation Board Annual Report

PROGRESS TO PLAN

Collaboration is a key focus area. The following initiatives best characterize this collaboration that supports continued progress toward System goals:

Workplace Safety Strategy for Nova Scotians 2013–2017

Together, partners in the Workplace Safety Strategy continued our work toward the vision of making Nova Scotia Canada's safest place to work. The year saw a dedicated focus in higher risk industries such as fishing and a focus on reaching out to leaders. In the past year there have been many examples of groups coming together to enhance the focus on injury prevention and return-to-work. Some great examples of recent initiatives that involved significant stakeholder collaboration include: Fishing Safety Now, Nova Scotia Health & Safety Leadership Charter and the Leadership Matters event. More details on the progress achieved in year three of the Strategy are available at www.workplacesafetystrategy.ca.

Improving the Appeals System

Over the past three years, in an effort to improve service, consultation between WCB, WAP, WCAT and stakeholders led to a change in WCB claim decision writing. WCB internal teams improved the way they work together to resolve first-level claim decision appeals, and adopted a plain language writing approach for claim decisions. These changes are aimed at making the decisions more consistent and easy to understand, which are making the appeal process less litigious, and resolving issues earlier in the appeal process. The number of internal appeals is down to 1,313 in 2015 from 1,938 in 2012. In addition, written decisions are now easier to understand for workers and employers across Nova Scotia and appeals are regularly resolved with a final decision within 90 days over 90 per cent of the time. To build on these improvements, conversations have begun in 2015 between WCB, WAP and WCAT to collaboratively work to improve the full appeals process.

2015 Mainstay Awards

The Mainstay Awards were created in 2008 and are a partnership of the Workers' Compensation Board and Nova Scotia Labour and Advanced Education.

The Mainstay Awards recognize Nova Scotians as leaders in promoting a culture of safety. Under the program, effective injury prevention and return-to-work management programs or initiatives are publically recognized, resulting in positive company morale and corporate reputation, and a higher profile for workplace safety as a key part of business success.

The annual Mainstay Awards event is held in conjunction with the WSIS Annual General Meeting during NAOSH Week.

WCB Strategic Plan 2016-2020

The new 2016-2020 WCB Strategic Plan is the product of extensive consultation. Those stakeholder conversations confirmed our direction, but also made it clear that we have much to do. The new Strategic Plan calls for continued focus on injury prevention and return-to-work while moving toward financial sustainability. But it also makes it very clear that in order to reach those goals, we must continue to work with others and to work in new ways, including modernizing the organization by leveraging technology.

Compliance

The Workplace Safety Strategy called for safety inspections to target identified workplaces, as well as respond to complaints. In 2015, LAE took a more balanced approach, and executed improved proactive and reactive inspections. The table below outlines those efforts:

	Total Inspections	Targeted Inspections	Complaint Inspections
2014	2796	565 (20% of total)	1210 (43% of total)
2015	3056	1210 (40% of total)	1074 (35% of total)

Inspections were focused on construction throughout the spring, when activity is busiest and more new workers are on-site. New areas for inspection included landscaping sites, youth employers, and long-term care facilities. Efforts were made to engage employers and employees to increase awareness and understanding of the internal responsibility system, demonstrate what an effective safety program looks like, and show what OHS inspectors do during an inspection. This approach has proven successful in getting information to the workplace and gathering insight that can help set priorities for future activities. Reactive inspections relate to incident reports, complaints, calls and emails. Both types of inspections are a valued and effective part of the OHS program.

LAE, along with the Public Prosecution Service and the Department of Justice, hosted a symposium on investigating criminal and regulatory offences in the workplace. The aim was to increase awareness of the unique issues around the investigation of serious workplace incidents. In 2015, the first criminal negligence charges were laid in Nova Scotia in relation to a workplace fatality.

Efforts to rehabilitate the Donkin Mine in Cape Breton have continued throughout 2015. LAE has been working with the company operating the mine to ensure all safety regulations are followed and that the safety of workers remains a top priority.

Joint Workplace Initiative

The Joint Workplace Initiative is another example of a new way of working collaboratively. LAE and WCB are working toward safer outcomes in workplaces, working directly with workplaces together in partnership. This coordinated approach is well received by workplaces. The long-term goal is to help workplaces improve their culture, compliance, and systems in health and safety and return-to-work. Workplaces that go through the program speak highly of it, and they also tend to have lower claims costs.

System Performance

System performance is monitored on an on-going basis. The results are used by stakeholders and agencies to gauge the health of the System and measure the progress towards achievement of the System's goals and objectives.

Table 1 depicts the System Scorecard, and measures within each quadrant. For more information on 2015 performance results, refer to Appendix A.

Table 1: System Scorecard – 2015

Measure	2015	2014
OUTCOMES		
Composite Duration	108	102
% Labour Force Covered	73%	73%
% Return To Employability	95%	96%
Injury Rate	1.84	1.82
Injury Rate, Claims > 26 Weeks*	10.65%	10.26%
SERVICE DELIVERY		
Injured Worker Satisfaction Index for WCB	72%	75%
Employer Satisfaction Index for WCB	81%	79%
Workers' Advisers Program Client Satisfaction	94%	95%
Injured Worker Satisfaction, claims > 26 weeks	68%	70%
Awareness of Importance of Workplace Health & Safety	90%	94%
Decisions allowed or allowed in part (WCAT)	43%	46%
FINANCIAL SUSTAINABILITY		
Benefits Comparison	See Table on Page 13	
% Funded	80.6%	76.9%
Average Assessment Rate (Actual)	\$2.67	\$2.67

*The proportion of workers with a lost-time injury who received short-term disability benefits exceeding 26 weeks.

Aligned and Third Party Organizations

Aligned and Third Party organizations are collaborative partners in achieving the System's goals and objectives.

An Aligned Organization is funded directly by a System agency. A Third Party organization is not directly funded by an agency but shares elements of goals and objectives of the System.

The following submissions are from the Aligned and Third Party organizations directly.

Aligned Organizations

Office of the Employer Advisor & Office of the Worker Counsellor

Both the Office of the Employer Advisor and the Office of the Worker Counsellor developed year-end reports for 2015. These reports are available on the WSIS website at www.wsis.ns.ca and provide details of the organizations' achievements in the past year.

Pictou County Injured Workers' Association & Cape Breton Injured Workers' Association

Both Pictou County Injured Workers' Association and Cape Breton Injured Workers' Association provided a report on their achievements in 2015, found in Appendix B.

Third Party Organizations

AWARE-NS, Fisheries Safety Association of Nova Scotia and the NS Automotive Dealers Safety Association

AWARE-NS, Fisheries Safety Association of Nova Scotia and the Nova Scotia Automobile Dealers Safety Association provided 2015 Annual Reports and are posted on the WSIS website at www.wsis.ns.ca.

Retail Gasoline Dealers Association of Nova Scotia

The Retail Gasoline Dealers Association of Nova Scotia refers readers to the Automotive Trades Association of Atlantic Canada website to review the Retailer Report Newsletter at www.ataatlantic.ca. A sample of the newsletter is included in Appendix B.

Where Next?

Throughout 2015, considerable progress was made toward achieving the goals and objectives of the System. The System's collaborative initiatives and partnerships are examples of this progress.

In 2016, consultation with stakeholders will continue to be a key area of focus. Several important initiatives involving strategic alignment between the partner agencies are planned for this year including:

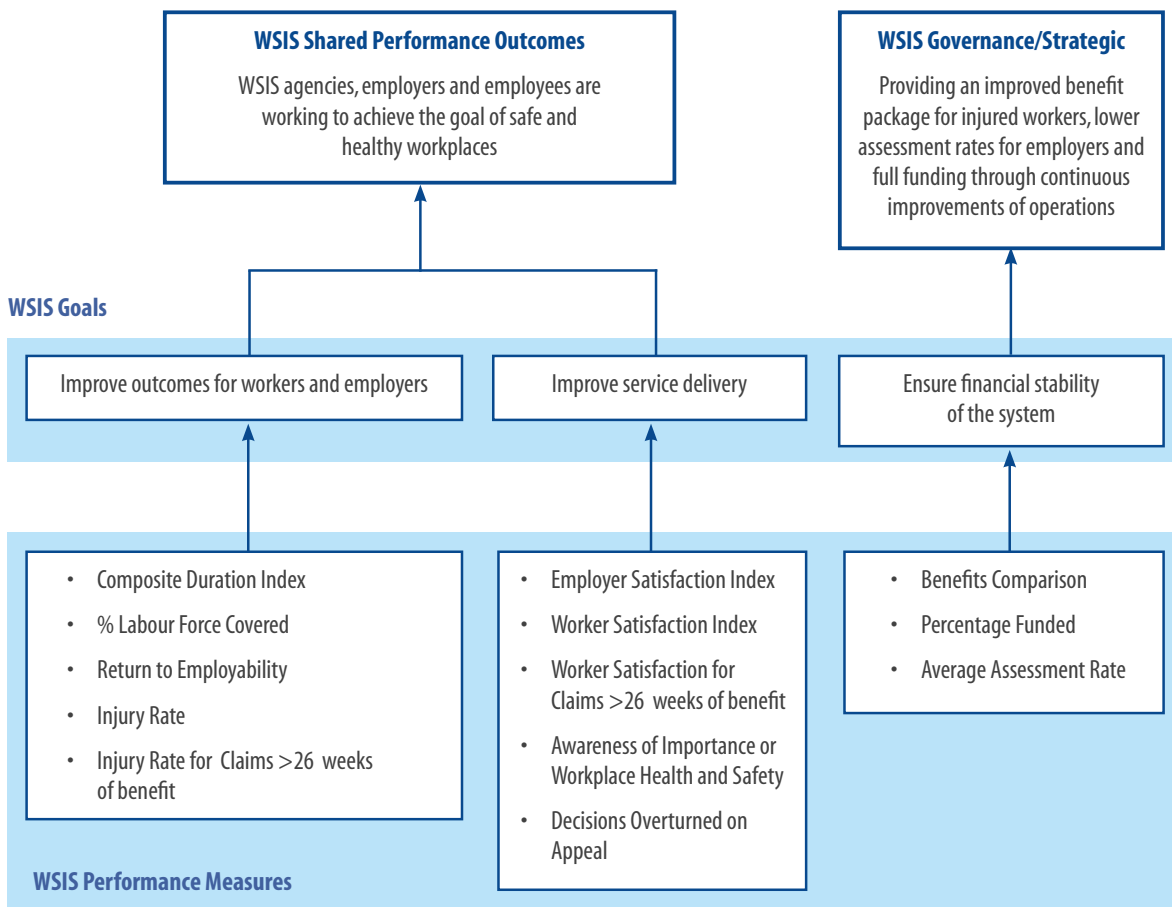
1. Collaboration between the WCB, LAE and stakeholders to continue implementation of the *Workplace Safety Strategy for Nova Scotians 2013-2017*.
2. Education and outreach programming will continue to evolve over the coming year as we look to make changes to reflect client needs, especially around access to information through changes to our website. Other information products will also be under review.
3. Improved awareness of OHS responsibilities and requirements is part of an effective Workplace Safety Insurance System. More activities are being planned to help expand our opportunities to inform and educate, this includes connecting with new businesses and reaching out to others in a different manner than in the past.
4. LAE will be seeking collaborative opportunities to work with key sectors to help develop safety awareness and implement changes to improve safety, knowing that success will be best achieved through sector-led changes. The changes in the fishing sector provides a positive model to work from.
5. The *Workplace Safety Strategy for Nova Scotians 2013-2017* identifies the healthcare sector as a particular focus. WCB and LAE are working closely with stakeholders and partners such as the Nova Scotia Department of Health and Wellness and AWARENS to develop a strategy to help position the healthcare sector for greater success.
6. The WCB is focused on modernizing its organization by leveraging technology. This will mean increased options for how services are delivered, including new online services, to make it easier for workers, employers and service providers to connect with the WCB.

These initiatives, plus the ongoing collaboration amongst agency partners and stakeholders, will continue to define the success of the Workplace Safety and Insurance System going forward.

APPENDIX A: Workplace Safety and Insurance System – Performance Measurement Results 2015

WSIS Performance Measures

When agency partners and stakeholders first came together in 2005 to officially form the WSIS, there was a desire to create performance measures that could be used to measure the outcomes of the System. For the most part the measures were already in existence and collected by individual agencies. In the spirit of WSIS, agencies and stakeholders grouped the measures that correspond to the System's goals. The chart below depicts the groupings that existed at that time.



Goal #1 – Improve Outcomes for Workers and Employers

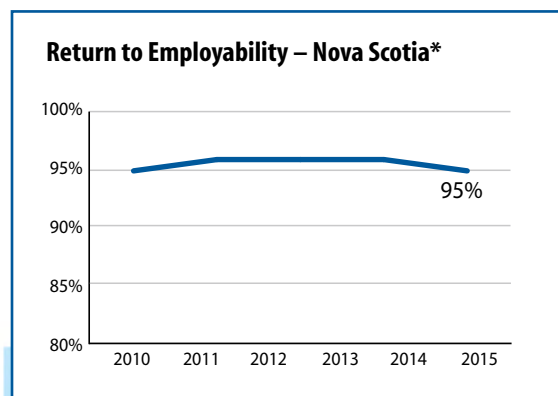
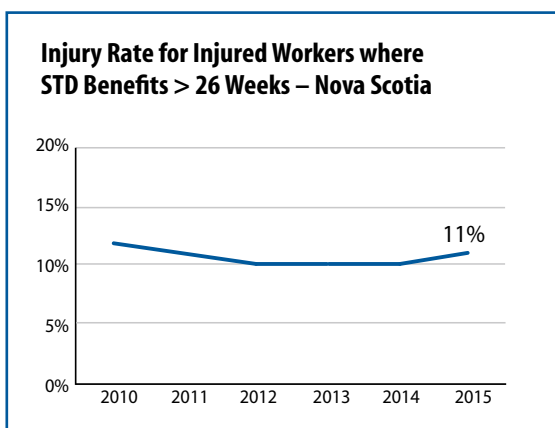
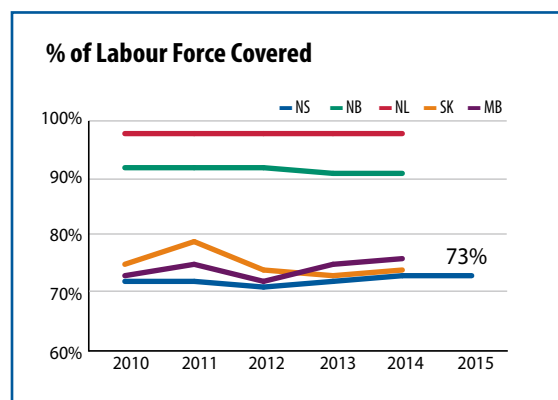
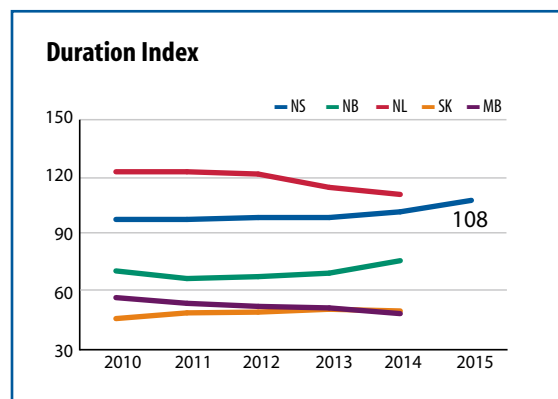
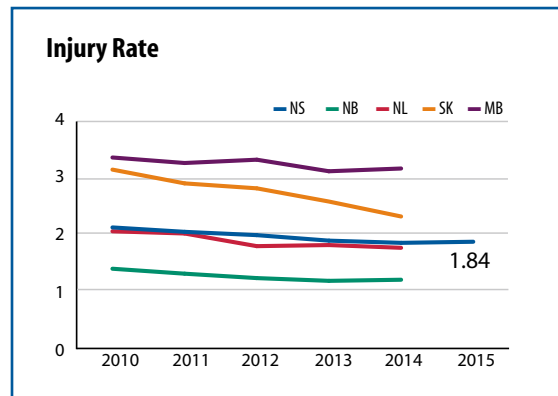
Improving outcomes for workers and employers is the System's first goal.

In 2015 we encountered realities that were different than anticipated, and some measures did not show the pace of improvement we had hoped. Significant progress in some sectors was counterbalanced by declines in other sectors. In particular, there were challenges in long-term care and home care, and we saw a higher-than-usual number of slips, trips and fall injuries through a harsh winter.

One of the primary indicators of progress in the System is the workplace injury rate. The injury rate remained relatively stable, increasing slightly to 1.84 in 2015. This does mark a reduction of more than 35 per cent over the past 10 years.

The number of new time-loss claims increased slightly to 6,014. While this is not our desired outcome, we are encouraged by the long-term progress. In 2005, 9,046 Nova Scotians suffered a time-loss injury at work.

Through the Workplace Safety Strategy, in which all Nova Scotians play a part, there will continue to be advancements in making workplaces across the province safer, aiming for a continued decline in injury rates over time.



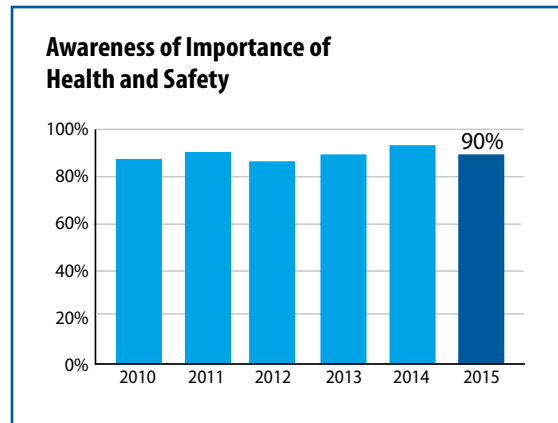
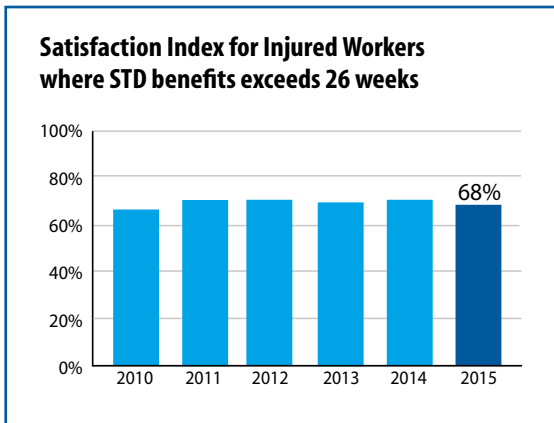
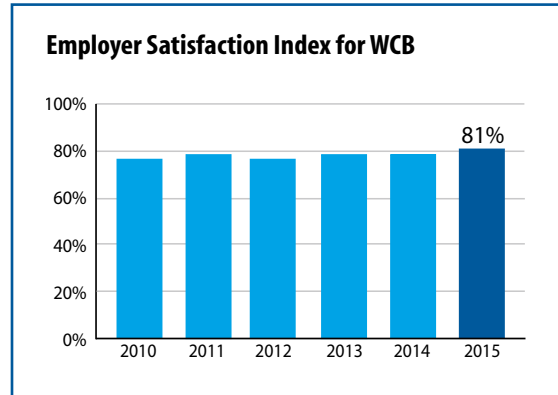
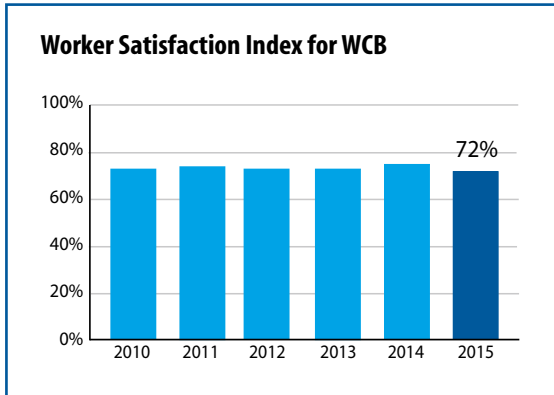
*Return to Employability is a new measure as of 2011.
% Return-to-Work is no longer measured.

Goal # 2 – Improve Service Delivery

The Stakeholder Satisfaction Indices provide an overall rating of satisfaction with services provided by System agencies.

This multiple measure approach provides a more comprehensive reporting of overall stakeholder satisfaction.

Both injured worker and employer satisfaction with WCB service remains high with both indices above target in 2015.



Satisfaction with services provided by the Workers' Advisers Program is also very favourable with 94.7 per cent of clients indicating they are satisfied with WAPs services.

Awareness of the importance of health and safety in workplaces is a measure that reflects the important work agencies and stakeholders undertake to promote awareness of health and safety as an important issue. In 2015, 90 per cent of survey respondents indicated that health and safety is critically important or important, down slightly from 94 per cent in 2014, but, statistically holding steady for the past several years. This number has been on a gradual climb from 78 per cent in 2007, and held in the 90s the past few years.

Year	WCB – Claims		WCB – Internal Appeals			WCAT			NS Court of Appeal
	Received	Timeloss	Received	Decisions	Allowed/ Allowed in part	Received	Decisions	Allowed/ Allowed in part	
2015	23,933	6,014	1,313	1,119	259 (23%)	720	587	250 (43%)	14
2014	24,974	5,953	1,524	1,482	308 (21%)	740	582	270 (46%)	9
2013	25,050	6,034	1,670	1,392	309 (22%)	774	655	308 (47%)	9
2012	26,422	6,341	1,937	1,536	405 (26%)	777	710	321 (45%)	15
2011	27,786	6,616	1,926	1,784	390 (22%)	827	670	285 (42%)	15

The number of appeals per year received by WCB Internal Appeals has decreased by 32 per cent since 2012, and continues to reduce, shrinking 14 per cent since 2014. The number of appeals allowed or allowed in part is significantly decreasing as well.

In 2015, appeals at WCAT decreased by 3 per cent since 2014 and 7 per cent since 2012. Overturn rates decreased slightly to 43 per cent in 2015.

Appeals at the Nova Scotia Court of Appeal increased slightly to 14 in 2015 with 14 cases before the Court.

Goal #3 – Ensure Effective Governance of the WSIS

The Workplace Safety and Insurance System is designed to serve the needs of employers and workers. Governance, as it applies to the System, refers to the structure, processes and accountability mechanisms in place to ensure the System effectively fulfills its mandate.

The System Coordinating Committee, which is the Deputy Minister, Labour and Advanced Education and the Chair, Board of Directors, Workers' Compensation Board, meets regularly with the Heads of Agencies Committee (WAP, WCAT, WCB, OH&S). These committees oversee the day-to-day implementation of the System.

Goal #4 – Ensure Financial Sustainability of the System

Financial stability of the System is linked to a number of factors – the number of people who get hurt on the job, how long they are off the job and in receipt of benefits, investment returns and the Nova Scotia economy.

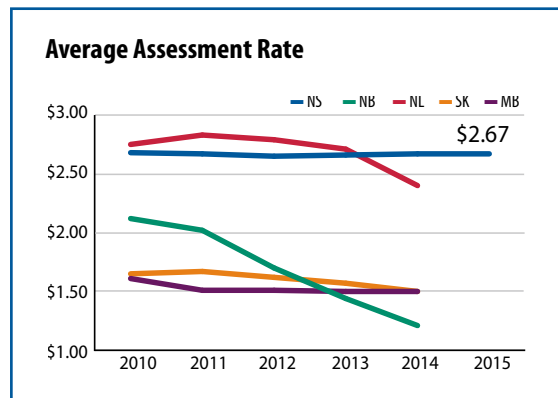
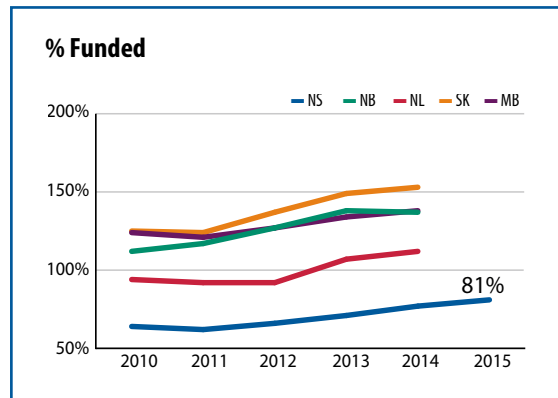
The System has much more direct influence on some of these factors than others.

Last year, there was progress in moving the System closer to financial sustainability. For the fourth consecutive year, the WCB is reporting a total comprehensive income that moves us closer to retiring the unfunded liability – \$72.6 million for 2015. The System is now 80.6 per cent funded and the funding strategy indicates that we should reach full funding between 2019 and 2023.

While this is positive, it is important to keep in mind that Nova Scotia continues to be among the worst funded systems in Canada. All other provinces, other than Ontario – which is in a lower funded position than Nova Scotia – are fully funded.

In 2015, the average assessment rate remained relatively stable at \$2.67 per \$100 of payroll.

When contrasted to other jurisdictions, Nova Scotia's benefits regime is lower than other jurisdictions. (see table on page 13).



Comparison of Compensation Benefits

	NS	NB	NL	MB	SK
Percentage of the Workforce Covered (2014)	74%	91%	98%	76%	73%
Waiting period	2/5ths	3/5ths	No	No	No
CPP offset for earnings loss benefit	Yes, 50% is offset	Yes, 50% is offset	Yes, 75% of net CPP benefits is offset	Yes, 100% offset	Yes, after 12 months of loss of earnings capacity, 50%
Percentage of earnings covered: Long-term	85% of net	85% loss of earnings	80% of net	90% of net	90% of net
Fatal benefits other than pensions – immediate lump sum	\$15,000 at date of death	An amount equal to 50% of the New Brunswick Industrial Aggregate Earnings 2015: \$20,307.50	\$15,000 or 26 times the worker's average weekly net earnings at time of injury, whichever is greater	\$76,530	None
Maximum Earnings Covered (2015)	\$56,800	\$60,900	\$61,615	No maximum	\$65,130
Average New Impairment Award (2014)	8.38%	7.40%	14.49%	5.55%	8.49%
Annuity	Yes, 5% of extended earnings replacement benefit is set aside for annuity	Yes, 10% of 'long term earning loss' benefit is set aside for annuity	Worker paid a pension replacement benefit at age 65 if loss of a pension benefit due to compensable injury can be proven.	Yes, up to 7% of 'long term earning loss' benefit is set aside for annuity	Yes, 10% of 'long term earning loss' benefit is set aside for annuity
CPI Index or AIW index	Yes, 1/2 of CPI	Yes, 100% of CPI	Yes, 100% of CPI	Yes, AIW	Yes, 100% of CPI
Supplementary Benefits	Yes, for claims prior to 1990	No	No	No	No

APPENDIX B: Workplace Safety and Insurance System – Third Party and Aligned Organizations Additional Information





Pictou County Injured Workers Association, 142 Provost Street, New Glasgow, Nova Scotia B2H 2P7
Tel: 902- 695-7249 Fax: 902-695-3153 E-mail: pciwa@eastlink.ca

March 2016

The mandate of Pictou County Injured Workers Association is to provide assistance, advocacy and support for injured workers and their families who experience the devastating effects of workplace injuries. The long-term goal of our association is to facilitate sufficient change to the workers' compensation system to allow our association to devote 100 per cent of our focus on our founding principle: *To be a support group for injured workers and their families.*

Our association's active participation in the WSIS system contribute to the system goals of improving outcomes for workers and employers, improving service delivery and ensuring effective governance of the system. Our most significant focus is on providing advice and advocacy to workers involved in the case management process, including return-to-work programs, to promote safe outcomes and decreased appeals.

The increased complexity and more lengthy adjudication of claims have significantly increased our time commitment to claims management issues. Our workload has increased dramatically from 100 files in 2003 to our current 621. This represents a 600 percent increase. One case worker and a half time volunteer may have been adequate for 100 claim files but it is impossible for over 600.

Our activities include consultation and discussion with the Board's adjudicative and corporate staff, attendance at case conference and return-to-work meetings, and presentations to community agencies and groups. We prepared and submitted hundreds of appeals to the Board's Internal Appeals Department. The vast majority of appeals are referred to the Workers Advisor Program but we do actively represent some injured workers at the Workers' Compensation Appeals Tribunal level. In 2015, we represented injured workers in 8 appeals to WCAT. The outcome was successful for the injured worker in 5 of the appeals, a success rate of 62.5 percent.

Our association addressed numerous issues in 2015 while advocating on behalf of injured workers. Some of the main issues included:

- The denial of prescription medication coverage in relation to the WCB's contract with MediaVie Blue Cross.
- The Board's consistent failure to honour the legislative and policy requirements of forcing those Employers who claim an inability to provide permanently accommodated employment to injured workers to produce hard, concrete evidence such an accommodation would prove undue hardship.
- Situations of bullying and harassment of injured workers by Board case managers and adjudicators during the claim management process.
- The continued failure of Board to be a neutral administrator of the system. Corporate officials fail to hold Board decision makers to account with respect to adhering to the legislation and board policy in rendering decisions and fail in assessing hard evidence, thoroughly investigating and utilizing the legislative authorization to hold violators accountable.
- Providing support to injured workers and their families resulting from the ever present, financial and personally devastating impacts of workplace injuries such as separation and divorce, financial hardship, bankruptcy, depression, anxiety, suicide, etc.

Injured worker associations continue to endure the challenges of maintaining a consistent level of services to increasing needs for our services from injured workers at a funding level which is dramatically lower than all other agencies, programs and associations who are funded via the Accident Fund.

Yours truly,
Mary Lloyd, President



Retailer Report

Retail Gasoline Dealers Association of Nova Scotia

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ataatlantic@eastlink.ca

February 2016

Welcome TO THE **34th** EDITION OF THE RETAILER REPORT!



Executive Director Graham Conrad and Director of Operations Shannon Trites

WCB Rates Reduced

Once again the **retail gasoline sector** of the Nova Scotia Automotive Industry has experienced a reduction in reported accidents, claims and W.C.B. assessment rates.

	<u>2014</u>	<u>2015</u>	<u>2016</u>
Highest W.C.B. Rates	2.95	3.19	2.72
Lowest W.C.B. Rates	1.57	1.48	1.45
Base Rate Settings	2.11	2.07	1.98
Number of Reported Accidents	71	63	n/a

The emphasis placed upon **improving safety standards** in the workplace **continues to pay off** and retailers are encouraged to keep stressing the importance of work place safety practices to their employees. As always, retailers and staff are encouraged to take advantage of the **RGDA Onsite Safety Training Program** delivered by Mr. Jim Benoit, Occupational Health & Educational Services (2002). (902-481-0879)

A.T.A./Medavie Blue Cross Plan

The RGDA is pleased to once again, promote this very effective and affordable group health insurance plan. This plan provides retail gasoline dealers with the opportunity to obtain savings at the most competitive premium rates in the industry, combined with the best service levels anywhere.

Nova Scotia Automotive Industry W.C.B. Accident Reported Claims

	5911 Recyclers	6311 Auto Dealers	6331 Retail Gas	6351 Repair Shops	6352 Auto Body	Totals
2001	9	475	186	223	33	926
2002	13	424	168	241	26	872
2003	14	432	149	234	25	854
2004	22	392	115	260	30	819
2005	20	297	112	193	31	653
2006	12	293	105	160	36	606
2007	12	319	85	171	24	611
2008	14	279	99	179	21	592
2009	10	270	87	154	26	547
2010	12	225	81	151	22	491
2011	14	269	76	160	18	537
2012	12	240	90	129	24	495
2013	13	212	73	149	19	466
2014	11	226	71	138	15	461
2015	10	229	63	154	19	475

Source: WCB Statistics

Thank You Sponsors!



Cape Breton Injured Workers is a non for profit association; incorporated under the Societies Act. Our funding is largely provided through Labour and Advance Education (LEA); and at the moment we only have one other donor, The Cape Breton Island Building and Construction Trades Council.

Our number one mission is to provide advice, assistance, and representation to workers and their families who have been injured in the workplace or who have suffered from industrial disease. These services are provided for free of charge. The Association also advocates for change and, as a stakeholder in the Workers Compensation System, brings to attention of Government, and Workers Compensation board the needs and concerns of all workers in the Province of Nova Scotia. One of our future goals within the Association is to create solidarity within the community, and surrounding communities and be able to provide any support we can.

Since opening back up in September we've had an increase in incoming calls on a daily basis. We average 800 incoming calls a month, 600 outgoing calls a month to (clients, case managers, healthcare providers, provincial and federal offices etc.) We average 100 in office clients meetings a month; most clients are walk-ins. Within the 100 clients a month we usually receive about 10 new clients a month; while most of our cases are from Nova Scotia, due to economic down turn we have quite a few from out of province (PEI, NL, ON, SK, AB, BC, and NWT.) We average about 10 appeals a month into Internal Appeals and WCAT.

WSIS | Workplace Safety
and Insurance System

www.wsis.ns.ca