WP Without Prejudice

Official Journal of the Ontario Insurance Adjusters Association

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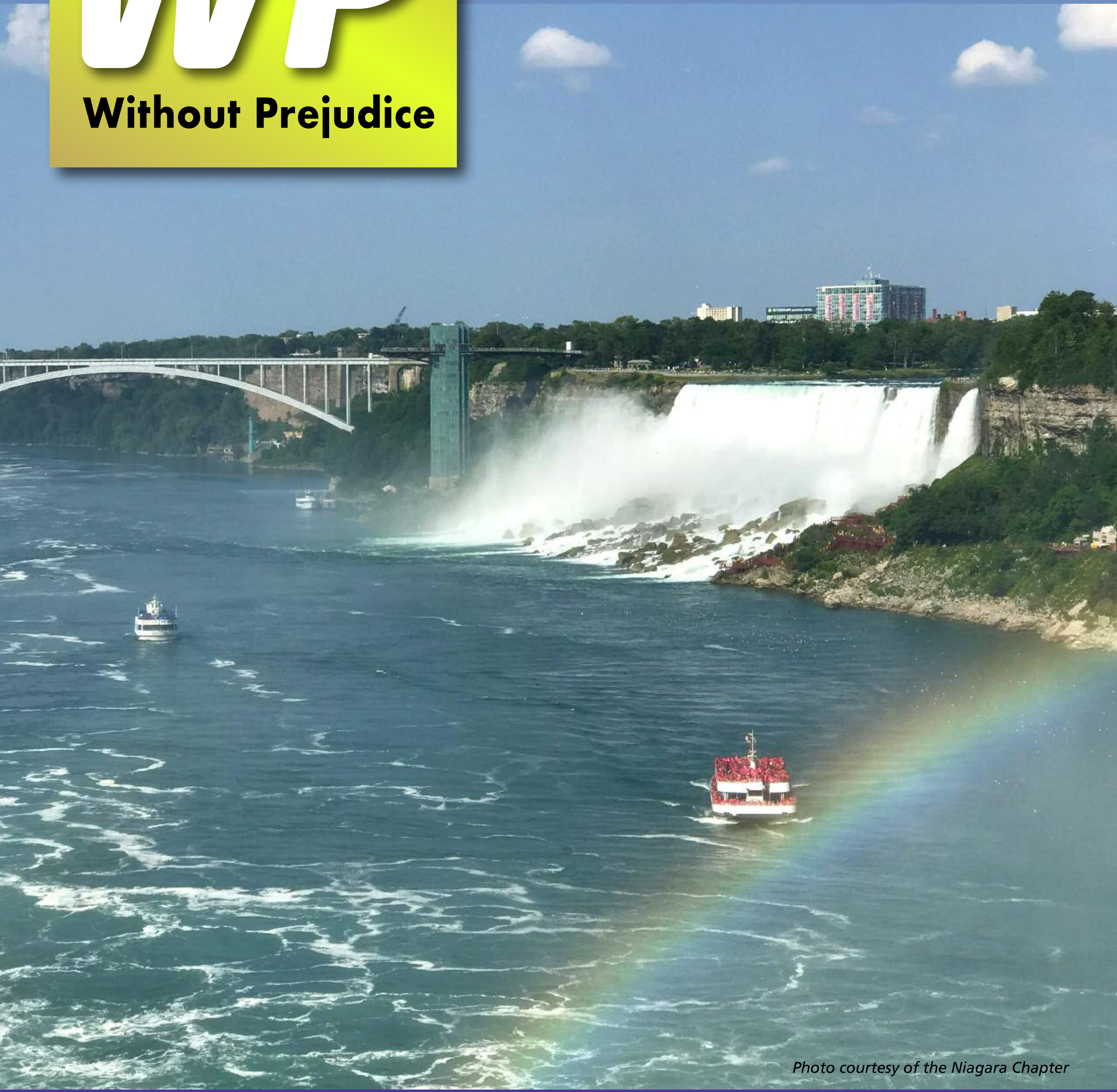

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Get to know the Niagara Chapter

THE WP RADIO

PODCAST NETWORK

The OIAA won't be left behind in 2020. If 2020 has shown us anything, it is the need to continue to launch new projects and ventures. We continue to improve and build on the WP Radio.

WP Radio has turned into a podcast network, which will host five shows, all with different topics, themes and engagements. The podcast continues to be a great opportunity for people in the industry to share stories and ideas.

The shows as part of the network are:

Out & About Presented by Genesis Rehab
The Case Law Show Co-Presented by Templeman LLP and Dye & Russell LLP
Audio Articles & Event Keynotes Presented by SCM Group of Companies
Chapter Check-in Presented by WINMAR Lanark
The OIAA Trivia Show Presented by Arcon Forensic Engineers

We are excited to be working with these great companies and can't thank them enough for their support.

The WP Radio Podcast Network will be filled with stories, engagement and interviews with people coming from all walks of life to give our listeners the best possible experience. That's why, as long as you've been listening, the OIAA Trivia Show will give you the opportunity to win tickets to your favourite sporting events, just for listening to all previous episodes. The more you know about each episode, the better chance you have of winning.

Thank you to all of our supporters and listeners of the WP Radio, and there is no better time to adjust then now.

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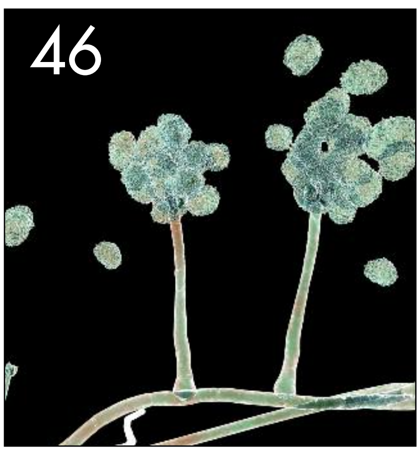

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Simone Cybulski
President, OIAA

President's Message

The past seven months have not been easy. So many changes that I am sure none of us thought we would ever have to endure – missing our family, friends, vacations – watching our children miss out on the second half of their school year; for some, loss or interruption in employment, the struggles and anxiety of sending our babies back to school in such uncertain times and/or making the switch to on-line learning – nothing seems to be normal right at this moment.

Typically October is the month we celebrate our history with Past Presidents' Night, however, this year we have been forced to do things a bit differently; we are postponing Past Presidents' Night until March 2021 in hopes this pandemic is more under control and it is safe for us to get together once again.

Some things however, a pandemic cannot change - October is a month to give thanks; the dedication and commitment of all of our Past Presidents' has enabled us to be part of this wonderful organization and family of the OIAA – so thank you to all the Past Presidents' for your leadership, guidance, commitment and dedication. Thank you to all of our members and social members; without you we would not have an organization to be part of.

October is a beautiful month of change, the cooler evenings, spectacular colours all compliments of Mother Nature. Thanksgiving, a time for family, friends, food and appreciating everything that you have.

As I am writing this, I reflect on just how lucky I am; I am blessed with beautiful, loving children, grandchildren and more grandbabies on the way – our family is growing once again; one on the way early November and another early April 2021 – Life truly is a miracle.

No matter what the future brings; there is always something to be grateful and thankful for – Happy Thanksgiving Everyone!

"The end of the summer is not the end of the world. Here's to October…"
– A.A. Milne

Simone Cybulski
President, Ontario Insurance Adjusters Association

OIAA

Monthly Webinar Series
October Edition

"Injury Update"

Presented by: Nathalie V. Rosenthall of ZTGH
Date: October 22nd – 10am
Member Cost: Free
Non-Member Cost: $50.00

Nathalie graduated from the University of Western Ontario with a B.A. (Hons.) in Sociology in 1999. She received her J.D. from New York Law School in 2002 and was called to the bar in New York in 2003. Nathalie practiced real estate litigation in New York City for several years until she returned to Ontario and was called to the bar in 2006. She articled with the firm and became a partner in 2011. Nathalie was selected by her peers for inclusion in the Best Lawyers in Canada list in 2020, in the area of insurance law.

Nathalie practices insurance defence litigation, with a focus on automobile insurance – tort, accident benefits, priority disputes and loss transfer. Nathalie's practice also includes commercial general liability/occupier's liability/municipal liability work for both for plaintiffs and institutional clients. She has appeared before the Financial Services Commission of Ontario, the Licence Appeal Tribunal, the Ontario Superior Court of Justice and Divisional Court for both tort and accident benefit matters. Nathalie has also appeared as counsel in priority/loss transfer private arbitration proceedings and Workplace Safety and Insurance Appeals Tribunal hearings.

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OIAA - Executive Council 2020 – 2021

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2021 Career Fair (TBD)	Rhu Sherrard	Kyle Case, Terry Doherty

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Holiday Party - OIAA Hands of Hope	Jennifer Brown	All Chapter Delegates, Senior Executive
Golf Tournament	Carrie Evans	Zohair Nassur, John Slattery
September Kick Off	Zohair Nassur	Carrie Evans, John Slattery Emily Feindel

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Dr. Jonathan Evan Siegel
Psychological Testing: How Confident Are We In Confidence Intervals? Part 2 (page 16)
Jonathan Evan Siegel earned his Bachelor's degree in physiological psychology from McGill University in 1978, both his Master's degree (1982) and Doctorate in counselling psychology (1986) from the University of Toronto. Dr. Siegel specializes in both providing psychological assessments for individuals involved in accidents as well as addictions.

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Psychological Testing: How Confident Are We In Confidence Intervals? Part 2 (page 16)
Chendur Gandhidoss earned his Bachelor's degree in Quantitative and Mathematical Economics and Statistics at Carleton University in 2013, his Master's degree in Probability and Statistics at Carleton University, in 2016, and is currently a Ph.D. candidate in statistics.

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A New Wave of Liability: Back to School in the Time of COVID-19 (page 38)
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"WP" is published monthly except July and August. Every reasonable effort is made to ensure accuracy of articles and advertisements but the Association expressly limits its liability to printing of retraction or correction. The opinions expressed in all articles unless otherwise specified represent the views of the authors and are not necessarily endorsed by the Association, the editorial staff or the Executive Council.

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Why Speeding – Just a Bit – Can Be Dangerous

As a teenager, my reason for not speeding was simple; I couldn't afford the cost of a ticket or endure my parents' lectures on the topic. Now with the experience of having investigated hundreds of auto collisions, my reasons for not speeding have evolved based on observations of driver behaviour, called human factors, and some simple mathematics.

By Jillian Leblanc, H.B.Sc., P.Phys.
Arcon Forensic Engineers

Unfortunately, not everyone believes that speeding can be dangerous.

As a collision reconstructionist, I have seen the outcome from drivers that believe that they have super ninja powers and travel at 160 km/hr on a rural road. It doesn't usually end well. Even travelling 10 km/hr over the speed limit can change the outcome of a collision and the severity of injuries; something I never would have guessed before becoming a reconstructionist. Here's how it all breaks down.

You travel during your perception-response time (PRT)

The faster you travel, the more ground you're going to cover during the time it takes you to perceive a hazard and start to react (brake or steer). If you're travelling at 75 km/h in a 60 km/h zone, you're travelling 4 metres per second faster than the speed limit. Even if you react really quickly, within one second (which is not often the case), you have already

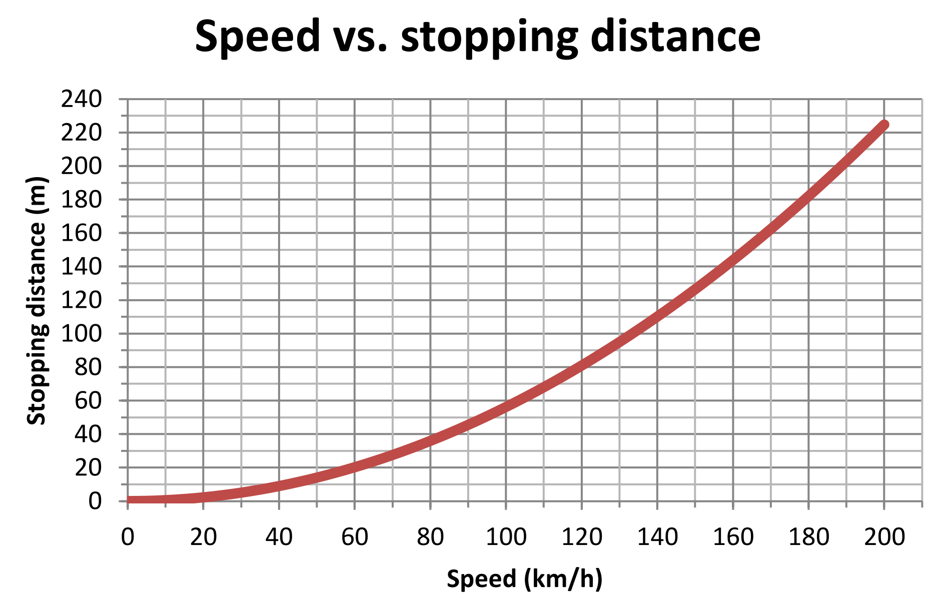
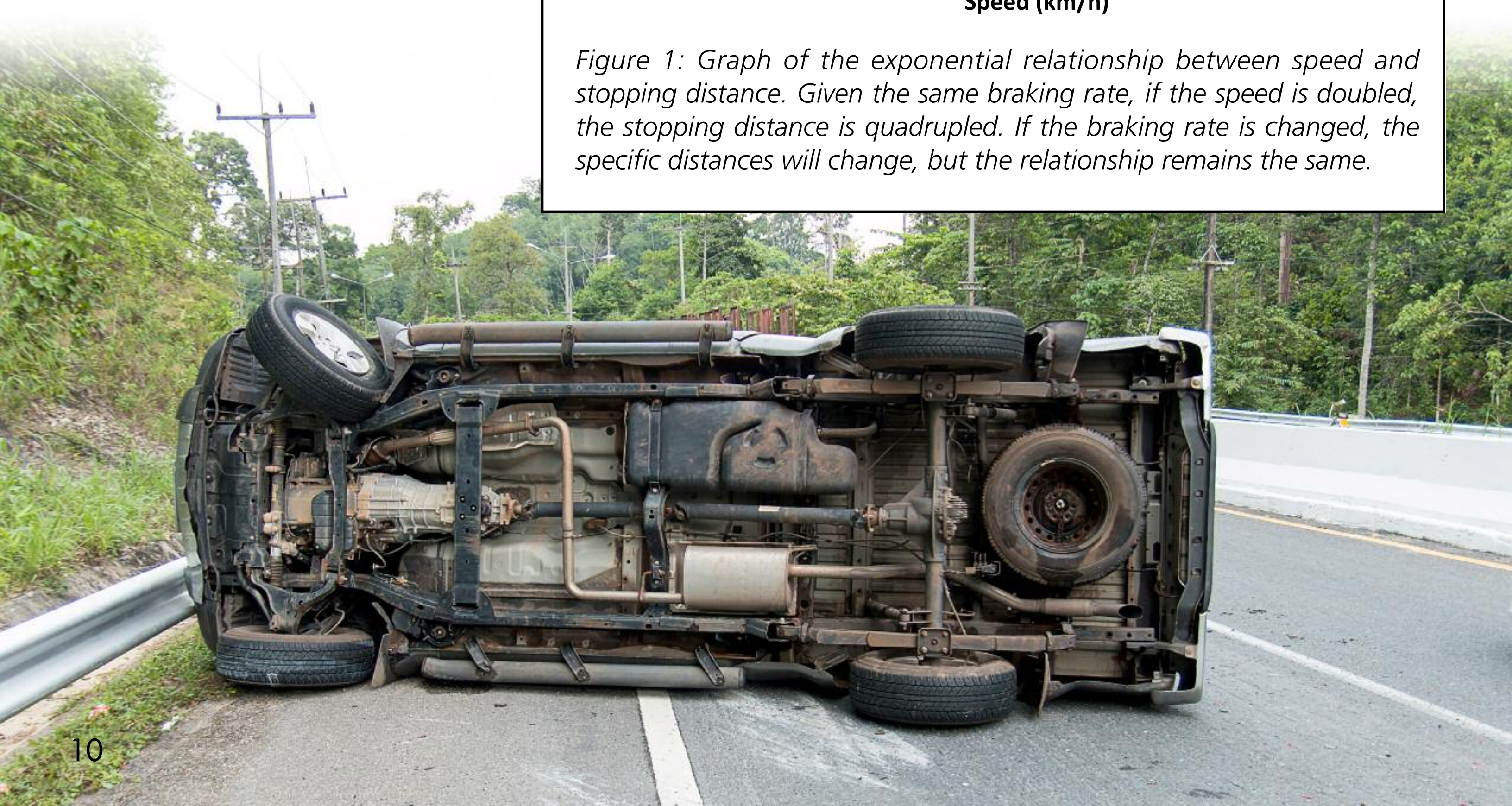


Figure 1: Graph of the exponential relationship between speed and stopping distance. Given the same braking rate, if the speed is doubled, the stopping distance is quadrupled. If the braking rate is changed, the specific distances will change, but the relationship remains the same.



lost out on a precious 4 metres of braking distance – about the length of a small car. So you are already at a disadvantage, and you haven't even started to brake yet. The key thing to remember about braking is…

Braking distance goes up exponentially with speed

The formula to calculate the distance required to brake to a stop is this:

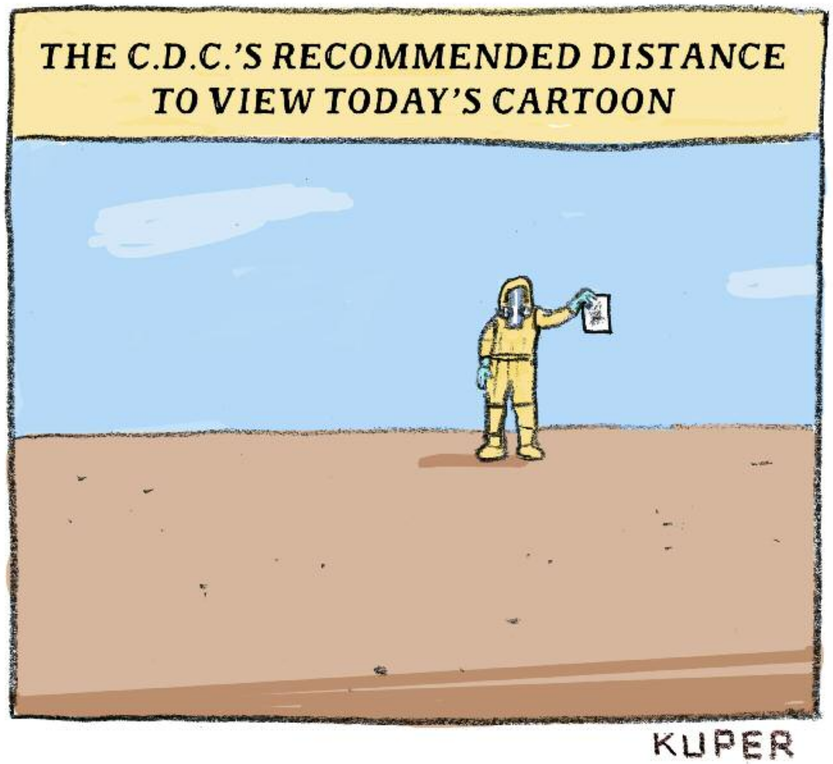
$$d = \frac{v^2}{2a}$$

Where "v" is your initial speed and "a" is your deceleration, or braking rate. Now don't let the math scare you. What matters here is that the distance is proportional to the square of speed. This means that if your speed doubles, your braking distance quadruples. Figure 1 gives a better visual of this relationship.

The braking rate used here was 0.7 g (units of gravity), which is on the low end for emergency braking on a dry road. As you can see from the graph, with the same braking rate, the distance to brake to a stop from 75 km/h is about 11 metres longer than from 60 km/h – about two car lengths. So, not only do you have less distance available to brake because you have travelled further during your perception-response time, but your higher speed also necessitates a longer braking distance. Two disadvantages. Which means….

You crash at a higher speed

Let's continue with this example. Let's say you're about 40 metres away when the car begins to turn left in front of you. At the speed limit of 60 km/h, you would cover at least 17 metres during a one second perception-response time before you began to react to the left-turning car, and you would need about 20



metres to brake to a stop to avoid it. All together, you would need 37 metres to perceive, respond and come to a stop. You had 40 metres available, so you can avoid this crash, with 3 metres to spare. At 75 km/h though, you travel 21 metres during your perception-response time, and you would need about 31 metres to brake to a stop. That's 52 metres altogether....and you just T-boned someone.

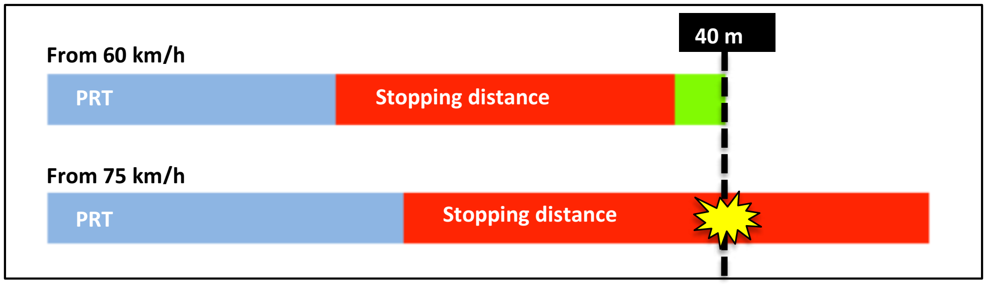


Figure 2: Illustration of the distance a vehicle would travel during a 1 second perception-response time, and the distance required to brake to a stop from 60 km/h and 75 km/h. If both vehicles are initially 40 metres away from a hazard (i.e. left-turning vehicle), the vehicle initially travelling at 60 km/h would brake to a stop 3 metres before reaching the hazard, while the vehicle initially travelling at 75 km/h vehicle would crash into it, with 12 additional metres required to stop.

Now let's look at this another way. Let's say you are only 30 metres away when the car turns left in front of you, so it is an unavoidable crash in either situation. At 60 km/h, you will have 13 metres left to brake after your one-second perception-response time, and your impact speed will be about 36 km/h. It's a bad day, but it's a relatively minor

crash. From 75 km/h however, you only have 9 metres left to brake, making your impact speed a much higher 63 km/h. Speeding just 25% over the limit has now caused your impact speed to be 75% higher.

	At 60 km/h	At 75 km/h
Distance from impact	--- 30 metres ---	
Distance travelled in 1s PRT	17 metres	21 metres
Distance left to brake	13 metres	9 metres
Impact Speed	36 km/h	63 km/h

Figure 3: Table comparing the outcome of a crash when the vehicles are initially only 30 metres away when the opposing vehicle begins to turn left.

In this type of situation, the left-turning driver probably made a bad judgement call in deciding to turn. However, if your speed is drastically higher, it can lead to further issues. This is called….

Violation of expectancy

Drivers have a certain expectation of how traffic is moving. Whether we are watching the flow of approaching traffic before making a left turn, or whether we are on the highway

checking our rear view mirror and blind spot before making a lane change, we use our experience to judge how quickly traffic will arrive. If your car is far off in the distance, and experience has shown that it will be some time before you arrive, a driver may judge that they have enough time to turn or change lanes. However, if you are speeding excessively, at twice the speed limit for example, you will reach them twice as quickly, violating their expectancy of your arrival time. In these types of situations, what was perceived to be a safe manoeuvre can turn into a violent crash. This type of situation has been a factor in many fatalities involving left turns, U-turns, and lane changes on the highway.

At the end of the day, nobody is a perfect driver. We are all guilty of speeding, myself included. But next time you set the cruise control on a wide-open highway, or start to speed in city streets because you're late for an appointment, please think twice. That little extra speed might make a big difference in someone's life, including your own.

Jillian Leblanc, specializes in collision reconstructions, including investigations of potential fraud relating to staged collisions, and has extensive experience with automobile Event Data Recorder downloads and analysis. Her credentials include an Honours Bachelor of Science degree and Professional Physicist designation, along with a multitude of courses in collision reconstruction. In addition to having managed hundreds of reconstructions, Jillian has participated in automobile crash testing and research projects. She shares her knowledge through articles in industry periodicals and presentations to insurers, lawyers and industry groups.

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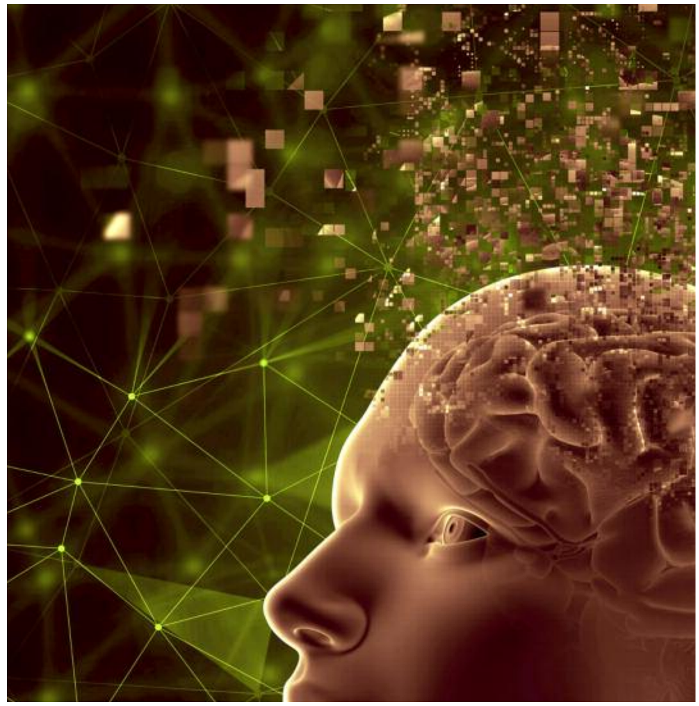
Now you're sure.

Psychological Testing: How Confident Are We In Confidence Intervals? (Part 2)



Insurance Adjusters expect that all evaluation reports are written with integrity, where the practitioner uses best practices in the assessment process and employs sound methodology and logic in answering the referral questions. Furthermore, there is an expectation that the practitioner will be reasonably confident in those conclusions.

By Dr. Jonathan Evan Siegel, Psychologist and Chendur Gandhidoss, Statistician

Psychological Testing: How Confident Are We In Confidence Intervals? (Part 2)

CENTRAL LIMIT THEOREM

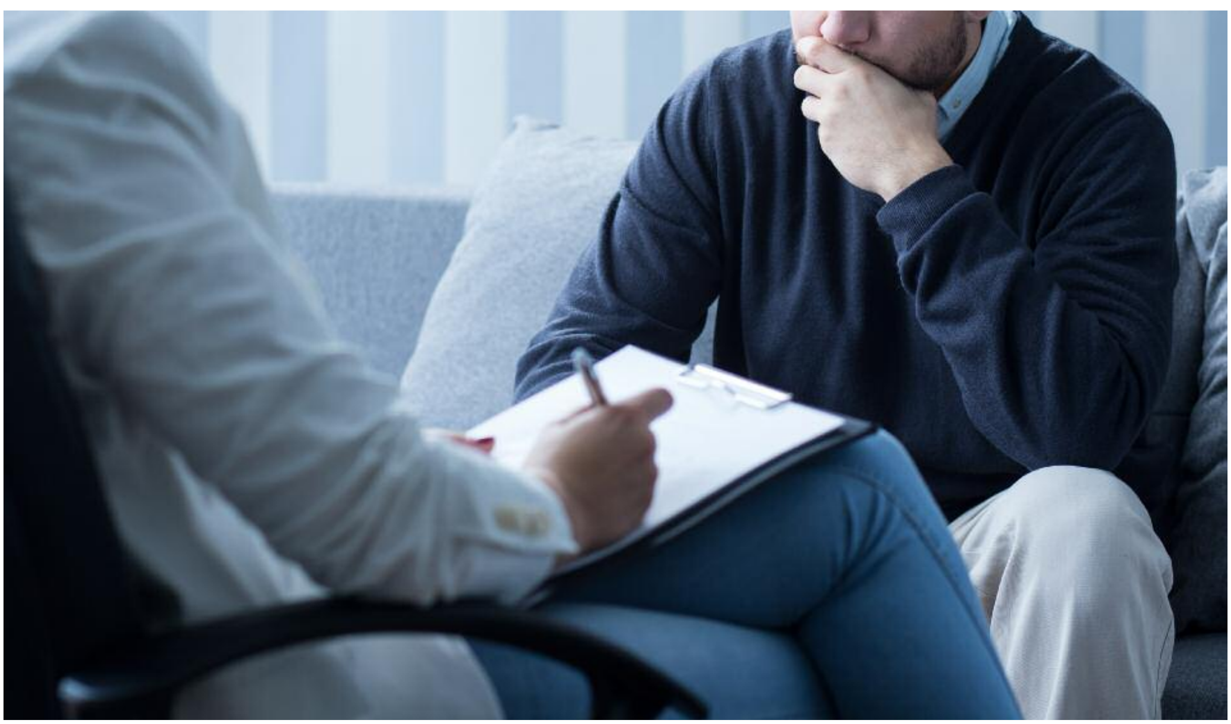
With the central limit theorem, we can show that the normal curve is fundamental to statistics. The central limit theorem says that for large enough sample sizes, (as the sample size goes to infinity), the distribution of the sample means is a normal distribution. Notably, however, for any sample which contains more than 30 observations, we can still use the normal curve for establishing confidence intervals. Of note, the tails (the ends of the normal curve) go on indefinitely to infinity. As a result, we can never find two points on the horizontal axis (x-axis) of the normal curve such that the area between those two points is 100%. In statistics, using hypothesis testing, and the fact that there will always be uncertainty, we arrive at results which can never be 100% accurate or 100% certain. Central to statistics is the underlying assumption and certainty that there is always random error, and paradoxically, always an element of uncertainty, however small.

ESTIMATING THE TRUE SCORE: HYPOTHETICAL EXAMPLE

A confidence interval is an interval or range of values, centered around a sample statistic, for example, the sample mean. The logic behind a confidence interval is that if we use a reasonably good sample estimate (such as the sample mean), we can obtain an interval or range of values within which the population parameter would be found.

For example, let us imagine that a hypothetical individual called Bob has been administered a psychological test such as the WAIS-IV (the same principle would apply for other psychological tests where the normal curve can be used).

Bob achieved an IQ score of 100



on the WAIS-IV, which is the average score of the test for his age group. It is important to note, and central to this article, that Bob's score of 100 is a single estimate on that particular day and at that particular time, from all the possible scores that he could have obtained by taking the WAIS-IV on multiple occasions. There can be a number of factors as well as random error that potentially can influence Bob's score.

For example, if Bob normally drinks coffee on a daily basis, would his IQ score possibly be different if he did not drink coffee before taking the test? What if Bob did not have a good night sleep the day before testing? What if Bob's motivation to complete a reasonably challenging test was not high on the day of testing? You can imagine that there can be a multiple of factors that might have an influence on Bob's score. To take this into account, we must treat Bob's score on that day as the best representative of his 'true' score. This in principle would be Bob's population mean score from a repeated sample of tests. This means that if Bob takes the WAIS-IV test (without practice effects) multiple times and his test scores are averaged, then we would obtain Bob's population mean score, which would be equivalent to his 'true' score.

Practically, of course, we cannot arrange for Bob to take the WAIS-IV on multiple occasions without practice effects. Therefore, under the current procedures used to create confidence intervals, we treat Bob's score on the WAIS-IV as a sample mean. Using the normal distribution, we create a confidence interval for this sample mean so that we give a range for Bob's 'true' score using only a single test score.

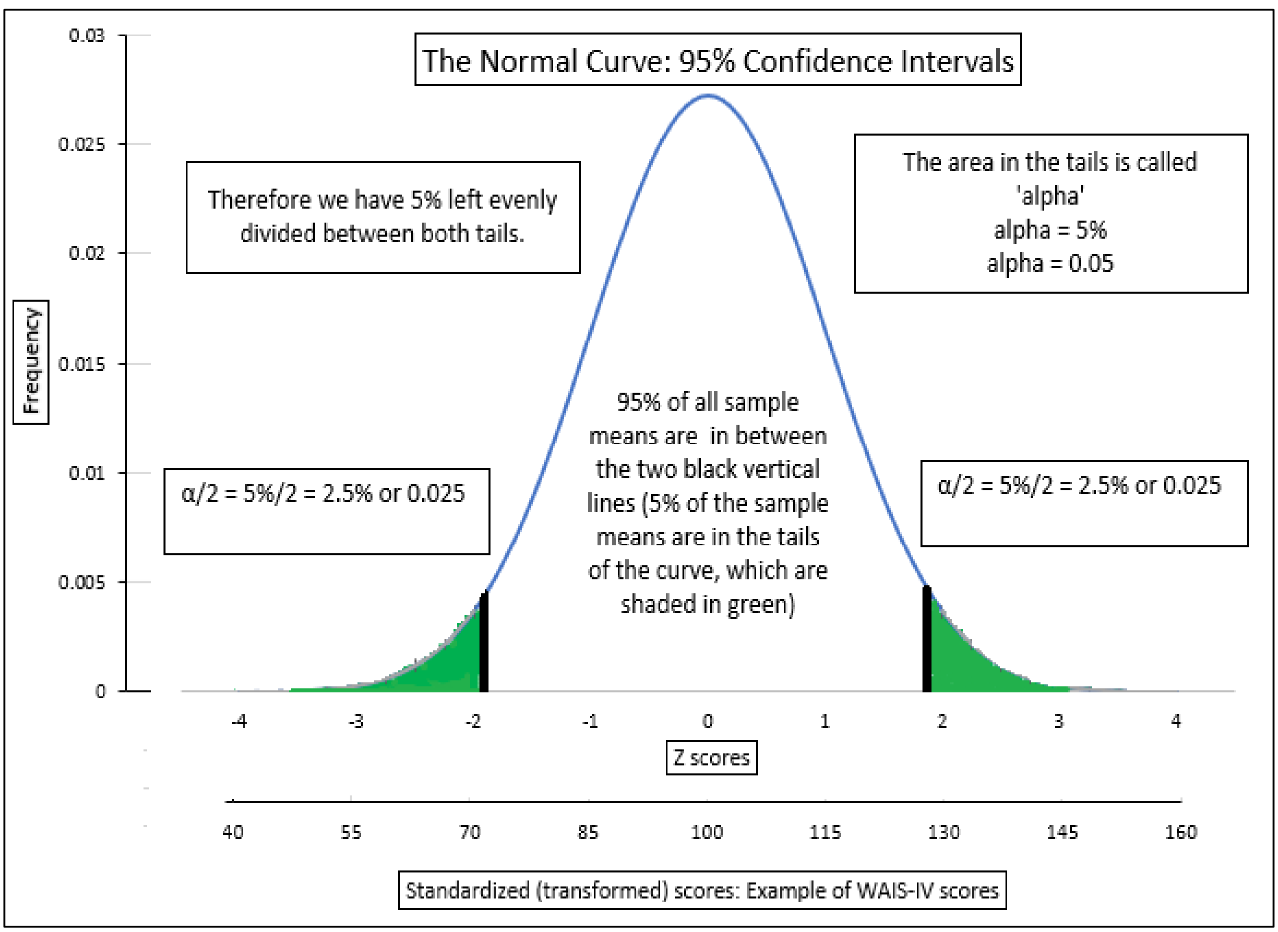
What if Bob's motivation to complete a reasonably challenging test was not high on the day of testing?

CONFIDENCE INTERVALS AS BEST ESTIMATES.

When one reviews the administration manuals from published tests, such as the WAIS-IV (and personality tests like the Minnesota Multiphasic Personality Inventory-2 as well as Millon Clinical Multiaxial Inventory), one sees that the way in which a confidence interval is calculated is by using the standard deviation of the standardization sample. However, the major concern with this approach is that the standard deviation of the standardization sample is not the same as the standard deviation of Bob's scores if we were able to administer the WAIS-IV to Bob on multiple occasions. This is critical to note because the value of the standard deviation that is required in the calculation for confidence intervals should come only from Bob's scores. This is important because we are trying to estimate Bob's true score using a confidence interval that provides an estimate of the range of values for his particular true score.

However, the standard deviation that is typically used (under the current standard procedures used by most test publishers) is the value from the standardization sample, which is NOT the standard deviation of the particular individual who is being tested. That is, the current procedures that researchers and test publishers report provide only an estimate of the true confidence intervals for that particular subject

Figure 3. The Normal curve: 95% Confidence Intervals



that we are interested in.

The current procedure for creating confidence interval equates

the variability of the standardization sample of individuals for the WAIS-IV, by age, (which is represented by the standard deviation of scores from the standardization sample) multiplied by the square root of one minus the reliability factor of the WAIS-IV. (The reliability factor in this case is called coefficient alpha)

with the

the variability of Bob's WAIS-IV scores if he took the test on multiple occasions

However, this is not optimal since the two measures of variability noted above are not equivalent.

The key takeaway here is that psychologists should be mindful that the confidence intervals that are being published for psychological tests are just estimates of the true confidence intervals. This is because the goal of psychological testing is to estimate the true score of each subject (e.g. Bob) using a confidence interval. A confidence interval (as per example from Figure 3) is a range of scores for the population mean (this is Bob's 'true' score).

However, in most cases, what is currently being done by researchers and test publishers is to use a confidence interval that is not indicative of a range of scores to estimate Bob's population mean score. The confidence interval that is currently being calculated by most researchers is to use the standard deviation of the standardization sample of individuals for calculating the standard error of measurement.

Of note, conceptually, the standard error of measurement is the average amount of variability in the test scores of a random sample of individuals, due to the nature of a particular test (say WAIS-IV) that is administered to them. This is due to the fact that each test has its own level of reliability factor (usually measured by coefficient alpha), which affects the standard error of measurement through the standard deviation of test scores. The coefficient alpha, which measures the reliability of a test, quantitatively captures the proportion of average covariance between pairs of items over the sum of the average variance of the total score plus average covariance between pairs of items.

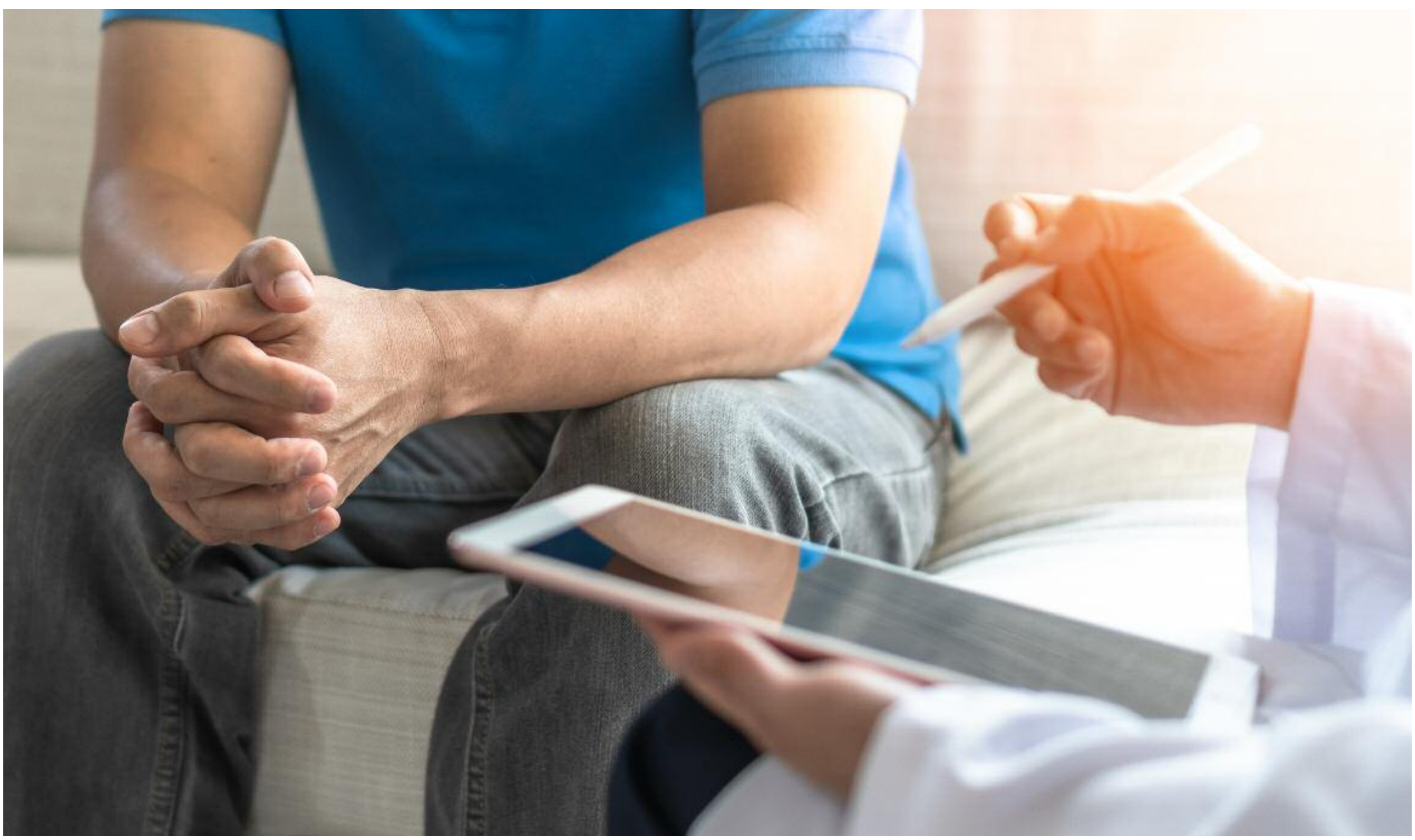
This confidence interval that is currently being utilized is a "best" estimate for the mean score of the population from which the standardization sample of the WAIS-IV was obtained. The problem is that this confidence interval is not a best estimate for Bob's true score.

IMPROVING ACCURACY IN CONFIDENCE INTERVALS

Of note, we are using the WAIS-IV as an illustrative example for discussing confidence intervals. However, the sample principle for creating confidence intervals applies to all psychological tests.

The procedure that is currently being utilized to create confidence intervals could be improved. One way to achieve this is to repeatedly administer the WAIS-IV test (without practice effects) to Bob. There are significant practical difficulties associated with this approach since the WAIS-IV is a static test because it has a fixed number of items. If we administer the WAIS-IV repeatedly, then this causes the subject's scores to be largely affected by the practice effects. So, in order to be able to effectively administer the WAIS-IV test repeatedly to Bob, we would need to change the format of the test by creating a test bank of questions, from which each trial of the WAIS-IV test chooses a certain number of questions. It is also important that the test bank is constantly updated and enlarged to include different types of IQ based questions.

If we repeatedly administer the WAIS-IV test to Bob, we can then use these multiple test scores for Bob to obtain the standard deviation of these scores. This standard deviation for Bob's scores can be utilized to obtain the standard error of measurement for the confidence interval, instead of using the standard deviation of scores of the individuals in the standardization sample. As a result, the confidence intervals would be more accurate, since they provide a range of scores for Bob using only Bob's repeated test scores. The increase in accuracy is also accompanied by an increase in the generalizability of the obtained



confidence interval of scores for Bob (where we treat Bob as the population).

If researchers and test publishers do adopt this procedure (notwithstanding the practical difficulties), this would result in the improvement in the calculation of confidence intervals. This is because this procedure adds value to the psychologist's ability and judgement to estimate Bob's intelligence (as measured by WAIS-IV test) more precisely.

EXAMPLE OF A CALCULATION OF A CONFIDENCE INTERVAL

In calculating the confidence interval for WAIS-IV full scale index quotient (FSIQ), it is important to note that the standard error of measurement (due to different standardization samples) differs based on the different age groups. This is due to the reliability factor (as measured by the coefficient alpha) being dependent on the age groups of the individuals in the standardization sample.

a) Under the current procedure

Under the procedure currently used by the majority of researchers and test publishers, the formula for a confidence interval is Bob's WAIS-IV FSIQ plus or minus the margin of error. The phrase 'margin of error' refers to the total error that has been incurred while estimating the true mean score of the population using the current sample and current test procedure. The lower limit (or bound) of the confidence interval is Bob's score minus the margin of error, while the upper limit (or bound) of the confidence interval is Bob's score plus the margin of error.

Confidence Interval (CI) lower limit: Bob's score minus margin of error

Confidence Interval (CI) upper limit: Bob's score plus margin of error

And the formula for margin of error is z-score *multiplied by* the standard error of measurement (SEM) of the test score.

Margin of error = z-score *multiplied by* standard error of measurement

The standard error of measurement is calculated as: standard deviation of the scores from individuals in the standardization sample *multiplied by* the square root of one minus the reliability factor (as measured by the coefficient alpha).

Standard error of measurement =

standard deviation from the standardization sample *multiplied by*

$$\sqrt{1 - coefficient\ alpha}$$

To use an illustrative, hypothetical example, if the standard deviation

from the standardization sample is 4.564 and coefficient alpha is 0.80, then the standard error of measurement is 2.041. For a 95% confidence interval the z-score is 1.96. Therefore, the margin of error is 2.041 multiplied by 1.96, which is 4. For Bob's score of 100, the 95% confidence interval is given by:

100 plus or minus 4 (100 ± 4)

Lower limit of the 95% confidence interval: 100 - 4 = 96

Upper limit of the 95% confidence interval: 100 + 4 = 104

The 95% confidence interval is between 96 and 104: (96, 104)

Based on the above 95% confidence interval, we can conclude that for any individual in the population from which the standardization sample was obtained (including Bob), in repeated sampling the true mean (population mean) WAIS-IV FSIQ score can be estimated to fall in between 96 and 104.

The repeated sampling process should be emphasized upon, since the '95%' is not the probability that the true mean score would likely fall between 96 and 104. In fact, the value of the true mean WAIS-IV FSIQ score is assumed to be an unknown constant, whose value is fixed for that specific population. Hence, the random components of the confidence interval are its lower limits and upper limits, which are numerical values for each sample that has been obtained. In the above example, the sample lower and upper limits for the 95% confidence interval are 96 and 104, respectively. However, for another random standardized sample or for another test score from Bob, the 95% confidence interval for the true mean score would be different.

As a result, the 95% confidence interval under the current procedures conceptually means the following: If we hypothetically make use of repeated sampling, and suppose we take one thousand random multiple standardization samples. We then construct one 95% confidence interval for each of those 1000 standardization samples by using the 1000 standard deviations from each of those 1000 standardization samples. We now have 1000, 95% confidence intervals.

Then, for approximately 95% of those intervals, that is for 950 of them, we will be able to find the true mean score for the population in the estimated range of scores from the confidence intervals. To review, the population would be all individuals in Bob's age group in the United States and Canada.

Even then, however, we do not know the value of the true mean score, nor do we know which of those 950 intervals contain the true mean score.

b) Under the new recommended procedure

Under the new procedure, since we hypothetically let Bob take the test on multiple occasions, we can obtain Bob's sample mean (in this case, the average of all of Bob's test scores). Hence, we hypothesize and expect the margin of error to be smaller due to the reduced variability in Bob's scores, which is measured by the standard deviation of Bob's scores over multiple trials. And the standard deviation of scores from Bob (tested over multiple trials) is expected to be smaller than the standard deviation of scores from the standardization sample. This is due to the fact the standard deviation from Bob's test scores over multiple trials is more representative of the variation (dispersion) of Bob's ability from his true score, than the standard deviation of the individuals from the standardization sample.

The formula for a confidence interval under the new procedure, then, is Bob's sample mean score in WAIS-IV FSIQ plus or minus the margin of error.

The lower limit (or bound) of the confidence interval is Bob's sample mean score minus the margin of error, while the upper limit (or bound) of the confidence interval is Bob's sample mean score plus the margin of error.

Confidence Interval lower limit: Bob's sample mean score minus margin of error

Confidence Interval upper limit: Bob's sample mean score plus margin of error

And the formula for margin of error is z-score *multiplied by* the standard error of measurement (SEM) of the test score.

Margin of error = z-score *multiplied by* the standard error of measurement

Under the new recommended procedure, the standard error of measurement is given by the standard deviation of Bob's test scores on the WAIS-IV FSIQ *multiplied by* the square root of one minus the reliability factor (as measured by the coefficient alpha).

Standard error of measurement =

standard deviation of Bob's scores *multiplied by*

$$\sqrt{1 - coefficient\ alpha}$$

Continuing with the earlier hypothetical, illustrative example, suppose we administer the WAIS-IV FSIQ test to Bob on 10 different occasions without any practice effects. For this sample size of 10 test scores, we calculate the sample mean (average) and the sample standard deviation of these test scores.

Suppose further that Bob's average score from these 10 test scores = 100 (so Bob has scored above and below the test score of 100 for the average to be 100) and the standard deviation of these scores is 1.58. Assume that the coefficient alpha is 0.80 as in the previous example (current procedures). Then the standard error of measurement of the test scores is given by:

SEM = standard deviation *multiplied by* $\sqrt{1 - coefficient\ alpha}$

SEM = (1.58) multiplied by $\sqrt{1 - 0.80}$

SEM = 0.7066

The margin of error is then given by:

Margin of error = z-score *multiplied by* the standard error of measurement

For a 95% confidence interval, the z-score is 1.96.

Margin of error = (1.96) *multiplied by* (0.7066)

Margin of error = 1.3849

Based on Bob's average score of 100, the 95% confidence intervals is given by:

100 plus or minus 1.3849 (100 ± 1.3849)

Lower limit of the 95% confidence interval: 100 - 1.3849 = 98.6151,

which approximately equals 99 (after rounding off to the nearest whole number)

Upper limit of the 95% confidence interval: 100 + 1.3849 = 101.3849, which approximately equals 101 (after rounding off to the nearest whole number)

The 95% confidence interval is between 99 and 101: (99, 101)

Based on the above 95% confidence interval, we can conclude that for Bob, in repeated sampling, the true mean (population mean) WAIS-IV FSIQ score for Bob can be estimated to fall in between 99 and 101. *****Note that the 95% confidence interval under the new procedure gives us a narrower range (scores are between 99 and 101) when compared to the current procedure (scores are between 96 and 104).**

Therefore, we can conclude that if we use this new recommended procedure, we can improve the estimation of Bob's true intelligence score (here we use WAIS-IV FSIQ) by providing a more accurate range of values over which Bob's true test score could reasonably be found.

SUMMARY AND CONCLUSION

In summary, psychological testing is based on statistical methods for calculating confidence intervals. Given that quantified psychological variables tend to follow a bell shaped distribution in many cases, we can use the normal curve to approximate the shapes of the distribution of these variables. The reason we use confidence intervals is that we can never be 100% certain that the score that an individual obtains on a test is their perfectly true score.

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Therefore, confidence intervals provide a more accurate reading for the person's condition (whether it be personality factors or intelligence measures). Of note, in both the 4th and the 6th edition of the American Medical Association Guidelines for the evaluation of permanent impairment (which are used when conducting catastrophic assessments), there is no discussion regarding confidence intervals using statistical methods. This points to a problem when percentage ratings are provided for psychological impairments. For example, if 55% whole body impairment is the threshold for a determination of catastrophic impairment, there are no confidence intervals available for this percentage rating on which entire judgments depend upon. This highlights the fundamental necessity to provide accurate confidence intervals for the percentage ratings.

The foundation of statistics lies in its recognition and treatment of the random error component, which is assumed to always exist regardless of the quality of the test procedure. Confidence intervals take into account a measure of that random error as well as sampling errors in providing a range of scores for estimating the unknown population parameters.

Statistical procedures inherently assume that we can never be 100% certain of our conclusions. Maybe, it is only that previous sentence … and Descartes' famous line ("I think, therefore I am")… that we can be 100% certain?

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OIAA Calendar of Events around the Province

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
OCTOBER			1 Georgian Bay Chapter, Webinar by Cause and Origin 10am to 11am	2
5	6	7	8	9
12	13	14	15	16
19	20	21	22 OIAA Webinar: "Injury Update" at 10am	23
26	27	28	29 Kitchener-Waterloo Chapter, Webinar 12pm- 1pm	30

OIAA Niagara Chapter

The start of a new year is always a good time to reflect back on the past year. While the 2019 – 2020 year came to a close with a bit of surprise, we would still like to look back on our educational events and social outings.

I, amongst many others, sincerely value and appreciate the OIAA organization with all it has to offer including education, networking and the formation of long-lasting relationships amongst industry peers.

Despite the challenges that we now face, I have no doubt that OIAA organization and it's individual chapters will go above and beyond to ensure we continue to have these opportunities for education and networking – though be it slightly different that what we are used to.

This year's Niagara Chapter Executive committee is comprised of 9 members - Bob McCord (President), Chaussie Lawson (Vice-President), Cody Hulley (Treasurer), Mike Ragona (Secretary), Chris Jolliffe (Chapter Delegate), Jeff Edge (Director), Craig Ozog (Director), Christine Andrews (Director) and Ashley Callon (Social Director).

We started the year off with our 39th Annual golf tournament held at Beechwood Golf & Country Club on September 20th, 2019. Thanks to our several sponsors, volunteers and participants, our Chapter was able to again this year to support a worthy local charity.

2019 included our staple events such as Past Presidents Night (November 2019), Christmas Party (December 2019) and in 2020 our Curling Bonspiel (January 2020). We also had some great educational seminars, and we tried our hand at our first ever Chili Cook off (February 2020)!

While we navigate our new world in a pandemic, our Chapter will be making every effort to bring some sense of normalcy with future events. Please stay tuned to our website, www.oiaaniagara.com which at the time of writing is currently undergoing a complete overhaul. We will be sharing more informaiton about future events once available.

For now, on behalf of the Niagara Chapter of the OIAA, stay safe, healthy and well!

Bob McCord, *FCIP, CRM, CFEI*
President
Niagara Chapter

See more photos from the Niagara Chapter on page 52.

The OIAA
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The OIAA is pleased and proud to announce that over $61,239 & 100+ lbs of food has been raised to benefit charities across the Province in the 2019-2020 year. With the energy, enthusiasm and fellowship that we bring to chapters around the Province we have once again brought these values to benefit those less fortunate in our communities.

Charities include:

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Clothes for Kids
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Crime Stoppers – New Liskeard
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Grace Inn Shelter
Hamilton Food Share
Hera Mission
Hiatus House
Holiday with a Hero – United Way
Hospice Simcoe-
London Claims Association
London Food Bank
McMaster Hospital (COVID-19)
Meals on Wheels – Sudbury
Mohawk College
North Shore Community Support Services
North Shore Community Support Services – Elliot Lake
Our Kids Count
Partners in Mission Food Bank Kingston
Precious Minds
Ross Memorial Hospital Foundation for COVID-19
Salvation Army Food Bank – New Liskeard
Sick Kids
Sudbury Food Bank
Underground Gym
United Way Harvest Algoma – SSM
Women's crisis services of Waterloo Region

The OIAA is a non-profit association that believes in giving back to our communities. We thank our members and industry partners for their assistance in these endeavours.

A New Wave of Liability: Back to

School in the Time of COVID-19

Back to school in September 2020 looks different than ever before. Government, school administrators, teachers, parents and students alike will have to navigate new challenges for the delivery of education due to the COVID-19 global pandemic.

By Danielle Malone and Christina El-Azzi, Black Sutherland LLP

Many Canadian universities and colleges are planning for fall 2020 semesters where classes will be conducted largely online, with students participating from their homes rather than lecture halls.

Public and private elementary and secondary schools have also adopted a variety of schooling options including everything from in person classes with social distancing efforts, to hybrid models involving some in class and some online lessons to fully virtual teaching.

There is no doubt that this transition presents a learning curve for all. As this school year kicks off with a global pandemic still in full swing, it creates changes and challenges from a risk management perspective with evolving liability and safety concerns that are relevant to all of the stakeholders.

Development of return to school plan should be focused on the health and safety of students, as well as teachers, staff and the communities in which the schools are located. This involves assessing the potential risks and implementing mitigation strategies.

In Class Learning and Managing the Risk

In the case of in class learning, changing risks involve everything from negligence claims relating to infection control and utilization of proper precautions, to claims under the *Occupier's Liability Act*, to issues surrounding coverage under potentially applicable insurance policies.

The Ontario government has developed some resources, including operational guidance for in-person return to school. This includes infor-

mation and recommendations where a staff or student has tested positive for COVID-19, record management and reporting requirement to Public Health. It will be important for school boards and administrators to familiarize themselves with these guidelines and requirements, and ensure they are implemented. Negligence claims may include allegations of infection or injury relating to a lack of implementation and enforcement of government-mandated safety guidelines and recommendations from health officials. These claims could include allegations relating to appropriate record-keeping, provision and supervision of safety equipment, or health and safety training.

The *Occupier's Liability Act* also creates potential for exposure to schools. It is well established that "occupiers" (including school boards) have a duty to take reasonable care for the safety of persons entering its premises. On top of the direct risks related to the need to meet rea-

In Canada, school authorities have a well-established duty of care towards the students under their supervision.

sonable standards to minimize and control disease, new practices related to the pandemic may be ushering in new, unforeseen hazards. School authorities should consider the new increased potential for injury or falls due to reduced use of handrails in stairways, ill fitting masks resulting in decreased peripheral vision, supervision and safety risks where there are concerns about contact, and the new restrictions on staff's ability to closely monitor and assist students.

In Canada, school authorities have a well-established duty of care towards the students under their supervision. Schools must take reasonable measures to protect students from reasonably foreseeable risks of injury within the school environment. Liability in negligence would rest on the school authority's knowledge of events taking place in the school environment and whether the response to said events was reasonable.

In order to help minimize any potential liability, school authorities should consider the following:

- Implementing and diligently enforcing COVID-related health and safety protocols;
- Developing reporting procedures and isolation protocols for staff and students that are infected (or suspected of being infected);
- Staying up to speed with COVID-related announcements and recommendations from all relevant government and health officials

and communicating any changes to protocols to staff, students and parents;
• Regularly encouraging staff and students to adopt preventative measures: Social distancing, the proper use of face coverings, regular hand washing, and staying home if experiencing any COVID-related symptoms;
• Preparedness for a return to virtual learning in case of a shut down;
• Ensuring that appropriate insurance in is place to cover potential litigation related to allegations of negligence and/or occupier's liability [1]; and
• Some organizations have contemplated the use of waivers of liability. Their enforceability would have to be assessed on a case-by-case basis as the risks related to the pandemic change with regularity, and the issue of enforceability of waivers for minors is largely unresolved by the Canadian Courts.

Virtual Learning and Managing the Risks

With many students spending their school days in the living room instead of a classroom, schools are nevertheless required to take active measures to protect the students under their care from harm. An emerging portion of school authorities' liability risk in this sphere circles around the potential harm associated with the necessary use of technology for distance learning:
• Technology introduces the risk of harm through student-to-student or

1 Educational institutions and teachers will typically have comprehensive liability insurance coverage through their insurers. However, as with any insurance claim, coverage issues may arise. The specific facts of any incident and a review of the relevant policy surrounding any individual claims are highly relevant.

staff-to-student harassment and communication of dangerous or sexually explicit content;

- The use of proxy websites by students to bypass banned websites;
- The potential for cyber bullying via platforms used for school-related purposes such as break out chat rooms; and
- Privacy concerns which include the collection and use of students' personal data.

Schools should be able to demonstrate that they had a reasonable awareness of the workings of their online learning environments and any associated foreseeable harm.

This means being able to point to the steps they took to reduce the likelihood or severity of said harm. To help minimize any potential liability, school authorities may consider the following:

- The exclusive use of online learning platform that allows for management of privacy and security of users. This may include software created specifically for remote education, and/or that offers password protected access to registered students and authorized instructors only.

• Establish clear expectations for the use of technology and online learning platforms for staff and students;
• Monitoring of student and staff activity on school platforms; and
• Use of sophisticated content filters and safety features which prohibit students from visiting violent, graphic, or distracting websites while using the virtual learning software.

Moving Towards A New Normal

Trying to provide high quality and impactful education during a pandemic is no easy feat. We have yet to see if the province will provide strategies to help limit legal liability exposure for schools in light of the significant and unique risks created by COVID-19. While there will no doubt be challenges going forward, utilizing common sense methods and some creativity should allow for continued meaningful and safe learning for students during these difficult times, whether it is delivered in person or online.

Danielle Malone is Partner at Black Sutherland LLP. Danielle is a member of the insurance defence group but has experience in a breadth of litigation matters including motor vehicle accidents, occupiers' liability, health law and property claims. She has developed expertise in first-party disputes, including catastrophic claims, priority and loss transfer matters. In addition, Danielle represents employers and employees in a variety of employment law services, with an emphasis on wrongful dismissal claims, workplace harassment disputes, and human rights complaints. She was called to the bar in 2009.

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This article is for informational purposes only and is not intended to provide legal advice or opinion. Readers are encouraged to seek legal advice for specific issues or concerns.

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Water Damage Claim -

- Evaluating BI Risk from Mold

The effect mold can have on human health has been studied for many years. Research studies have been performed around the world, resulting in numerous sources of published literature on the subject. Governmental organizations have also produced their own documents including Health Canada, Centers for Disease Control and Prevention, and the World Health Organization.

By Michael LeBlanc, P.Eng., RPIH,
Principal Engineer,
Distinctive Engineering Inc. (DEI)

Significant Issues

There are a few key conclusions which are most significant. They are:

1. There are no defined human exposure limits for mold. Therefore, results from tests for the presence of mold in air cannot be used to assess risks to the health of building occupants [1]. The common guidance is basically, if you find mold contamination in a building: a) remove it, and (b) implement preventative measures.
2. Different people can be affected by the same mold contamination in different ways. One building occupant may feel no effects, while another may require immediate medical attention. Predicting a person's response may not be possible. However, it is generally accepted that there is a higher risk that mold contamination may have an adverse effect on some persons who have a sensitivity to mold, have a pre-existing medical condition which is affected by mold (ex. asthma), have a compromised immune system, pregnant women, or the very young and elderly [2].
3. There are common misconceptions about what type of mold is more harmful than others. Many people may have heard the term "black mold" (Stachybotrys Chartarum), and consider this to be the mold with the highest potential health risk. It is true that, when compared to other genus like Aspergillus, this species of mold can have a higher toxic effect. But spores from the Stachybotrys genus are big and the majority are too large to penetrate the lungs [3]. Conversely, Aspergillus mold spores are predominantly within the human respirable range [3], therefore, their presence may result in a greater

inhalation risk to humans compared to Stachybotrys.

4. Molds can be found almost anywhere. Mold is a natural and important part of the environment. It is impossible to eliminate all mold and mold spores in the indoor environment [4].

In summary, the potential risk of adverse health effects, to a specific person, from exposure to mold cannot be predicted with accuracy.

What This Means For The Loss Adjuster

A. If a building occupant states that they had an adverse health effect from mold, there aren't many options available to try and confirm or deny the accuracy of their statement. A professional consultant can obtain samples of any active mold growth observed to determine what type of mold it is. The professional consultant can also obtain air samples from inside and outside the building to try and determine the origin of the airborne mold spores. However, current research does not make conclusive correlations between this data and human health effects.

B. If an assessment for mold spores is performed in any building related to a water damage claim, it is likely that the lab analysis will confirm the presence of mold spores. The positive result for mold spores does not mean that there is mold contamination which resulted from the claim. There may not even be any active mold growth anywhere in the building. The mold spores identified could simply be the result of outside ambient conditions. The potential complexity and ambiguity of any mold assessment results can cause confusion with stakeholders unless the process is managed effectively by the professional consultant and the adjuster.

Recommendations

1. Thoroughly evaluate the cause of any mold contamination that is

identified. The scope and objectives of any mold assessment should be discussed in detail with the professional consultant prior to the execution of work. If it is likely that the mold contamination did not result from an insured peril, then consideration should be given to deny compensation for the mold remediation.

2. The lack of guidance on acceptable exposure limits for mold, make it very challenging to determine whether a person is actually experiencing an adverse effect from the mold contamination. If a person states that the mold contamination is affecting them, it is recommended that they be evaluated by a medical doctor.
3. Professional opinions should only be accepted from a qualified expert. Confirmation should be obtained in advance that the professional has insurance coverage that will respond to mold, in the event that it is required.

Michael LeBlanc, P.Eng., RPIH is Principal Engineer and owner of Distinctive Engineering Inc. (DEI). He is a licenced professional engineer in Ontario and Alberta, and a registered professional industrial hygienist. He has been practicing engineering for over 25 years and specializes in the assessment and remediation of indoor and outdoor environmental contaminants. He has experience with residential, industrial, commercial and farm losses.

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OIAA Niagara Chapter

2019 Past Presidents Night

2019 Christmas Party

Chili Cook-off

Curling Bonspiel

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Final Report

Chris Jolliffe, B.Sc., CIP, CFEI, Niagara Delegate

For the better part of 2020, we have all been put into a new situation. These are new circumstances and uncharted waters that none of us have ever experienced before.

From essentially a global shut-down and economic crisis, to social/physical distancing, masks, and hands raw from handwashing. Grocery shopping used to be fun, but then it became nerve-wracking, with a fear of each step taken.

Some have taken the time to learn or take up new hobbies – such as golf or cooking. Others have completed their "Spring Cleaning" once, twice or seven times.

For many, working from home has become the new norm, which has required careful planning. It has involved strategically placing your laptop for your ZOOM call, while praying your 3 year old doesn't decide to photo-bomb your audience. Double checking that you are wearing your best sports coat and board shorts for the next webinar. Bribing the dog with as many treats as needed to keep him quiet during telephone call. It's a complex new lifestyle!

However, the global situation has also brought about an appreciation for the smaller things in life that often go unappreciated or even unnoticed. Family time has become even that more important and meaningful. FaceTime, Skype, HouseParty and ZOOM calls have become scheduled weekly, or daily, check-ins with loved ones.

For myself, there was mix of all the aforementioned. The house can't possibly get any cleaner. I learned how the washer and dryer work, unwillingly. I have read more books than I could ever have imagined. I helped my grandparents learn how to use FaceTime and how to use it to keep them safe during these times.

As with everyone else, I look forward to the quickest and safest way out of this pandemic. I miss seeing our family and friends in person and without worry. It's also a bit of a challenge to complete an Ironman Triathlon without getting within six feet of your 2500 closest friends.

It does beg the question – how will life look on the other side? Will social distancing and mask-wearing be the new norm? Will touch-screens require new anti-viral properties? Will ordering your groceries for delivery be second nature? Will we ever eat cake again, after the candles are blown out?!

Unfortunately, there are no crystal balls or time-machines – yet – but one thing is for sure: we shouldn't let the little things in life pass by unnoticed.

I wish you all safety and health as we continue to weather the storm together. We will all emerge stronger on the other side of this.

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