

Business Plan

2019-2020

to

2021-2022



Office of the Worker Adviser

February 15, 2019

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OWA BUSINESS PLAN 2019-20

Executive Summary

The Office of the Worker Adviser (OWA) is an independent agency reporting to the Minister of Labour. We provide free, confidential legal services to non-unionized workers in two key areas:

- Workplace Insurance (also known as workers' compensation)
- Occupational Health and Safety Reprisals.

In both programs, the scope of our services may include information, advice and outreach as well as legal representation.

The workplace insurance program serves injured workers and surviving family members, and is delivered by staff in 15 offices across Ontario.

To reduce the number of cases waiting for review to see if full representation can be offered, OWA is:

- ensuring internal resources are deployed to meet demand
- supporting staff with quality training; and,
- increasing the use of efficiencies such as video hearings at the Workplace Safety and Insurance Appeals Tribunal (WSIAT), and electronic access to files at the Workplace Safety and Insurance Board (WSIB).

The reprisals program is delivered from our Toronto office to Ontario workers who may have been penalized by their employers for complying with or exercising their rights under the *Occupational Health and Safety Act*.

Moving forward, the OWA expects to continue to meet demand in this area, and will look for opportunities to strengthen service delivery.

AGENCY MANDATE

The OWA is an independent, operational service agency reporting to the Minister of Labour (MOL). Our employees are public servants. We provide free, confidential legal services to workers and their families as described below, in two key areas:

Workplace Insurance (also known as workers' compensation)

The OWA educates, advises and represents non-unionized injured workers and their survivors in their workplace safety and insurance claims and appeals. See s. 176(1) of the *Workplace Safety and Insurance Act* (WSIA).

Occupational Health and Safety Reprisals

The OWA educates, advises and represents non-unionized workers who have reprisal complaints under Section 50 of the *Occupational Health and Safety Act* (OHSA). These services are provided pursuant to s. 50.1 of OHSA and O. Reg. 33/12.

Services are provided across Ontario in English and in French.

OVERVIEW OF PROGRAMS AND ACTIVITIES

Workplace Insurance Program

This program is delivered to non-unionized injured workers and surviving family members by 51 Worker Advisers and 19.5 Client Service Representatives. Workers may visit one of 15 offices across Ontario, or contact us by toll free telephone service and through our website.

OWA staff meet with clients and attend hearings and mediations as required, and provide presentations to groups upon request.

Four Legislative Interpretation Specialists and OWA's General Counsel provide legal advice to Worker Advisers on complex matters, support their education and training, and represent clients in some matters.

The Law Society of Ontario (LSO) requires lawyers and paralegals who are providing legal services to complete at least 12 continuing professional development hours each calendar year. As a result, the OWA's learning program develops, delivers, tracks and coordinates training tailored to the needs of our legal and client services staff.

Four regional managers oversee the delivery of this program, which includes the following services:

Advisory Services

- All injured workers who contact the OWA for assistance receive information and advice to help them navigate the system. This is provided by telephone, email, website enquiries, letters, community information clinics and in-person appointments.

Representation Services

- OWA reviews all cases before offering representation, and accepts those that have a reasonable chance of success. As needed, workers are referred to appropriate health and income support programs.
- Whenever appropriate, OWA seeks to resolve disputes before the appeal stage.
- OWA can provide representation at the WSIB, the WSIAT, and in other related proceedings such as return to work meetings with the WSIB and employers.
- Generally, cases are handled in the order in which they are received, but OWA can and does prioritize casework involving occupational cancers, severely disabled workers and workers in psychological or financial crisis. OWA works with our referral partners to ensure that high priority cases continue to be accepted in a timely fashion.

Educational Services

- Our website contains information on OWA services, WSIB benefits and services, frequently asked questions and links to WSIB and WSIAT forms.
- OWA supports its community partners who provide peer support, counselling and assistance to injured workers.
- Printed educational materials are available and educational sessions are provided upon request.

Activities Involving Partnering Groups

The OWA's partnerships help contribute to effective dispute resolution and include:

- **WSIAT** – Collaboration on caseload reduction and input on operational issues through WSIAT's Advisory Group and by direct agency to agency contact.
- **WSIB** – Input on operational issues through WSIB's Labour and Injured Worker Advisory Committee (LIWAC) and agency to agency discussions; participation in working groups on service delivery issues; operational collaboration on priority issues such as mental stress and occupational disease clusters.
- **Multi-partner collaborations** – Including Fatalities and Immediate Response (FAIR) Partnership (OWA, MOL, WSIB, Threads of Life) to provide timely, seamless, and comprehensive assistance to family members following a traumatic workplace fatality or a catastrophic injury; WSIB/ OWA/ WSIAT partnership for support and response to workers in psychological or financial crisis; OWA/ Ontario Disability Support Program (ODSP) partnership to improve referrals between the programs.
- **Community partners (injured worker groups, legal clinics, etc.)** – Referrals and collaboration to support particularly vulnerable worker populations as appropriate.

- **Members of Provincial Parliament** – Referrals to OWA from MPPs. During the fall of 2018, OWA reached out to all MPPs, at both their Queen’s Park and constituency offices, to inform them of OWA services and to offer a follow up presentation and/or meeting.

Strategic Directions

- As noted in our last annual report, OWA’s recent partnership with WSIAT resulted in significant reductions in the Tribunal’s appeals inventory.
- OWA remains committed to implementing efficiencies such as increasing the use of video hearings with WSIAT when available and appropriate. As of January 2019, OWA held 34 video conference hearings with WSIAT. The feedback obtained from staff and clients was positive. Although WSIAT determines which cases are eligible for video hearings, OWA is supportive of expanding this initiative where it is advantageous to our clients.
- During 2018-19, OWA was focused on reducing the number of cases awaiting review to see if full representation could be offered. We ensure internal resources are deployed to address current and future demand, and support existing and new staff with a comprehensive internal training program.
- In conjunction with other system partners, OWA will continue to work collaboratively with the WSIB in efficient case management processes. OWA is piloting a project which involves receiving WSIB files electronically. This project was launched in 2018-19 in order to streamline how files are received by representatives. This will reduce delays in service delivery as well as the costs associated with printing and forwarding paper files. This initiative can be expanded in future years.
- OWA is also piloting a more formal and consistent approach to the delivery of return to work services in one region, supported by OWA staff training and outreach to the local WSIB office.
- OWA will look to initiate discussions with partners on how to develop a more system-wide approach to service delivery and evaluation.
- Effective and timely dispute resolution in Ontario’s workplace insurance system contributes to the overall economic and social health of Ontario.

Occupational Health and Safety Reprisals Program (OHSRP)

OHSRP services are delivered by three worker representatives and 1.5 legal assistants under the direction of a manager. Requests for service have remained fairly stable, so current staffing levels are appropriate.

This program is delivered from OWA’s provincial office in Toronto. Workers can contact the program by a toll-free telephone number or through the website. OHSRP staff travel to hearings and mediations outside Toronto as required.

The OWA’s learning program develops, delivers, tracks and coordinates training tailored to the needs of our reprisal staff.

OWA provides the following services:

Advisory Services

- Advisory services are provided primarily by telephone. Initial assistance is provided by a legal assistant and includes information about legal rights and OWA services. Where workers fall within the OWA's mandate or a legal opinion is required to make that determination, they receive an intake interview with a Worker Representative. If there is sufficient evidence for a reprisal complaint, representation is offered. In other cases, workers are provided with detailed legal advice and a referral, if appropriate.

Representation Services

- If a worker accepts the OWA's offer of representation, the OWA prepares and files an application at the Ontario Labour Relations Board (OLRB) and will represent the worker at every stage of the reprisal complaint process: including during mediations, and at hearings. Where appropriate, the OWA will also engage with employers outside of the formal OLRB process in order to resolve complaints.

Educational Services

- Information about rights, processes and sources of assistance is provided directly to workers in response to telephone inquiries. General information about occupational health and safety reprisals and the services provided by the OWA are available on the website as well as in print and by email.

Activities Involving Partnering Groups

The OWA's Reprisal Program will continue to consult and/or collaborate with the following stakeholders and system partners:

- **Ministry of Labour Occupational Health and Safety Program** – facilitating referrals from health and safety inspectors.
- **Office of the Employer Adviser** – Cooperating on dispute resolution.
- **Office of the Chief Prevention Officer** – Supporting Ontario's prevention strategy, especially around support for vulnerable workers.
- **Ontario Labour Relations Board** – Cooperating on efficient and effective dispute resolution.
- **Workers' Health and Safety Legal Clinic** – Case strategy cooperation.

Strategic Directions

- The OHSA reprisals complaint process has tight timelines and moves quickly. The OWA has been successful in balancing resources with demand to ensure that workers are able to receive timely service.
- Moving forward, the OWA expects to continue to meet demand under its OHSA reprisals mandate and will look for opportunities to strengthen service delivery.

ENVIRONMENTAL SCAN

Internal

- OWA has more trained, professional advocates than anywhere else in the system
- Staff directly delivering service in both programs are supported by a vital learning program and other dedicated staff
- Over the last two years, OWA has dedicated significant resources in order to assist the WSIAT reduce its appeal inventory. This initiative was successful, but resulted in challenges for OWA to meet demand for representation at other levels of appeal
- OWA continues to have inadequate IT infrastructure to support quality customer service, provide data for planning and evaluation, and support staff to work more efficiently

External

- Managing Transformation: A Modernization Action Plan for Ontario (Line-by-line Review) calls on Ontario to “modernize services through better use of digital and shared service models”
- WSIB remains in a strong fiscal position and is continuing its investments in electronic service delivery, and return to work
- WSIAT is receptive to innovation and collaboration via modernization initiatives
- OWA labour and community partners may have a shrinking ability to deliver representation services especially in complex cases
- There is ongoing pressure to service current and emerging occupational disease cases
- Implications of ongoing agency review and government commitment to pursue efficiencies are unknown at this time

RISK IDENTIFICATION, ASSESSMENT AND MITIGATION STRATEGIES

Identified Risk	Agency Objective Impacted	Like-lihood	Risk Level	Mitigating Strategies	Lead	Target Date
Operational: Identifying relevant performance indicators.	Continuous improvement in service delivery.	High	Medium	Set Key Performance Indicators for OWA. With MOL and system partners, explore feasibility to set system indicators. Reduce the number of cases awaiting comprehensive case review (WCR). Build on MPP outreach and revitalize system and community partnerships.	Director and managers	2019/20
Operational: Responding to emerging workload from occupational disease clusters and chronic mental stress.	Meet service demand in this complex area while delivering on the rest of our mandate.	High	Medium	Continue to provide leadership representing on occupational disease cases. Analyze occupational disease and mental stress caseloads quarterly to identify trends and resource needs. Re-allocate resources as needed.	Director and managers	Quarterly
IT: OWA's legacy case management system (CMS) has reached the end of its lifespan. It cannot integrate with WSIB e-access or provide an access portal to our clients. SharePoint 2010, which supports case management for the Reprisal Program and	Maximize organizational capacity and effectiveness and improve service delivery to clients of both workplace insurance and reprisals programs.	High	High	Implement Windows Office 365; continue to move forward jointly with MOL with proposal for a new Case Management System; and continue to develop OWA internal knowledge management platform with the IT cluster. Work with IT Cluster on maintenance fixes for the current CMS and SharePoint systems while awaiting new CMS. Work with IT to migrate SharePoint 2010 to newer platform or implement alternatives.	Director and managers	Phased in between 2019 and 2021

Identified Risk	Agency Objective Impacted	Like-lihood	Risk Level	Mitigating Strategies	Lead	Target Date
Client Central Services Unit (CCSU) as well as a library of decisions, is also being phased out.						
Human Resources: Negative impact in dealing with clients in crisis	Increasing stress on OWA staff from dealing with clients in crisis.	High	Med	Track and de-brief from crisis situations and continue active engagement with peer support and Employee Assistance Program. Identify and deliver training on responding to clients in crisis and providing service to vulnerable people.	Director and managers	Ongoing. Training developed and delivered in Q1 if possible.
Human Resources Vacancies	About 20% of staff will be eligible to retire within the next three years, including some managers.	High	Med	Succession planning and recruitment: OWA will need to hire replacements in a timely manner, supported with a robust knowledge and information management plan.	Director and managers	On-going

HUMAN RESOURCES PLANNING

OWA regularly reviews its human resources complement and organizational structure to ensure the most effective delivery of programs possible. Recruitment of Worker Advisers and Worker Representatives who are licensed by the LSO means that new staff may require significant support to gain subject matter expertise in workers' compensation and reprisals matters. In response to this need, OWA has developed a comprehensive, in-house training program with the addition of a Learning Specialist position. New staff are also assigned mentors to assist them in coming up to speed quickly.

INFORMATION TECHNOLOGY PLANNING

OWA has identified a number of areas that warrant attention and resources involving enhanced technology:

1. A new case management system to support both mandates was identified as a Ministry priority and has been delayed for years. Modern technology, including a portal for clients, will improve efficiencies in service delivery, and support better access to WSIB and WSIAT processes. A project proposal with MOL is being prepared for submission in 2018-19 Q4, with vendor selection slated to occur by August 2019, and full implementation by March 31, 2021.
2. OWA is also taking steps to develop a knowledge and information management platform that will connect staff with current relevant best practices and information sharing across the province.

3. Expanding the use of E-Access files from WSIB should decrease case processing time. Issues that surface at the evaluation phase may need to be addressed before the pilot can be implemented across the OWA.
4. The 34 WSIAT video hearing conferences as of January 2019 have proved successful and WSIAT is considering expanding this initiative. However some OWA offices lack sufficient internet access and capacity to support this more broadly.

COMMUNICATIONS PLAN

Workplace Insurance Program

The focus of OWA's communications is to alert clients and stakeholders to changing policies and priorities in the workplace safety and insurance system. OWA provides injured workers and their families with free, confidential and expert services to assist them in their interactions with WSIB and WSIAT. In doing so, OWA supports the government and ministry priorities of assisting the most vulnerable workers with the most urgent cases, particularly occupational disease clusters.

The main target audience for the communications plan include referral partners, such as MPPs, legal clinics, community organizations, disability programs, and health care providers. These stakeholders are also the main sources of referrals to OWA and can best be reached through local contacts which are well established.

OWA's approach is low-key and targeted done primarily through direct contact by OWA's local partnership leads, by phone, e-distribution lists, individual e-mails and letters. These communications will link back to regular updates and notices on OWA's website.

Occupational Health and Safety Reprisals Program

The communications focus is on the MOL Operations Division, which is the main source of OHSRP referrals; and on the highest priority communities with vulnerable non-unionized workers who may experience health and safety reprisals. Communications will be low profile and targeted.

OFFICE OF THE WORKER ADVISER

Appendix A - Multi-Year Preliminary Planning Base

FY 2019-20 (\$000)											
Program/Region	FTE*	Salaries & Wages	Benefits	Transp. & Comm.	Services	Supplies & Equipmt.	Total ODOE	Transfer Payment	Sub-Total	Recoveries	TOTAL
OWA	93.6	7,783.1	1,790.1	300.0	602.2	100.0	1,002.2		10,575.4		10,575.4
PFESD											
CCSU											
Toronto & Eastern											
Southwest											
North											
Central											
InfoTech											
OWA Program Base Allocation	93.6	7,783.1	1,790.1	300.0	602.2	100.0	1,002.2	-	10,575.4	0.0	10,575.4
Lease					795.6		795.6		795.6	0.0	795.6
Total OWA Base Allocation	93.6	7,783.1	1,790.1	300.0	1,397.8	100.0	1,797.8	-	11,371.0	0.0	11,371.0
							-		-		-
							-		-		-
Grand Total	93.6	7,783.1	1,790.1	300.0	1,397.8	100.0	1,797.8	-	11,371.0	0.0	11,371.0

*OWA will continue to operate with 97.1 FTEs on a temporary basis, an additional 3.5 FTEs from its Printed Estimate approved FTE level of 93.6 FTEs for the fiscal year 2019-20.

FY 2020-21 (\$000)											
Program/Region	FTE	Salaries & Wages	Benefits	Transp. & Comm.	Services	Supplies & Equipmt.	Total ODOE	Transfer Payment	Sub-Total	Recoveries	TOTAL
OWA	93.6	7,783.1	1,790.1	300.0	600.0	100.0	1,000.0		10,573.2		10,573.2
PFESD											
CCSU											
Toronto & Eastern											
Southwest											
North											
Central											
InfoTech											
OWA Program Base Allocation	93.6	7,783.1	1,790.1	300.0	600.0	100.0	1,000.0	-	10,573.2	0.0	10,573.2
Lease					795.6		795.6		795.6	0.0	795.6
Total OWA Base Allocation	93.6	7,783.1	1,790.1	300.0	1,395.6	100.0	1,795.6	-	11,368.8	0.0	11,368.8
							-		-		-
							-		-		-
Grand Total	93.6	7,783.1	1,790.1	300.0	1,395.6	100.0	1,795.6	-	11,368.8	0.0	11,368.8

FY 2021-22 (\$000)											
Program/Region	FTE	Salaries & Wages	Benefits	Transp. & Comm.	Services	Supplies & Equipmt.	Total ODOE	Transfer Payment	Sub-Total	Recoveries	TOTAL
OWA	93.6	7,783.1	1,790.1	300.0	600.0	100.0	1,000.0		10,573.2	0.0	10,573.2
PFESD											
CCSU											
Toronto & Eastern											
Southwest											
North											
Central											
InfoTech											
OWA Program Base Allocation	93.6	7,783.1	1,790.1	300.0	600.0	100.0	1,000.0	-	10,573.2	0.0	10,573.2
Lease					795.6		795.6		795.6	0.0	795.6
Total OWA Base Allocation	93.6	7,783.1	1,790.1	300.0	1,395.6	100.0	1,795.6	-	11,368.8	0.0	11,368.8
							-		-		-
							-		-		-
Grand Total	93.6	7,783.1	1,790.1	300.0	1,395.6	100.0	1,795.6	-	11,368.8	0.0	11,368.8

APPENDIX B: Full Time Equivalent (FTE) Distribution

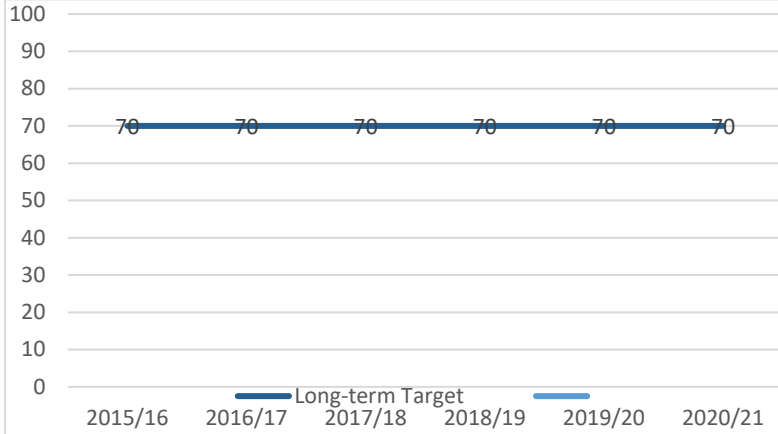
Job Title	Job Classification	2019-20* Regular FTE	2020-21 Regular FTE	2021-22 Regular FTE
SMG/ITX	W5187	1.0	1.0	1.0
Regional Manager	M1109B	5.0	4.0	4.0
Worker Adviser	10572	51.0	49.0	49.0
Client Service Representative	OAD 08	19.6	19.1	19.1
Regional Service Coordinator	OAD 10	4.0	4.0	4.0
Service Coordinator	OAD 09	2.0	2.0	2.0
Coordinator, ESD & DA	02285	1.0	1.0	1.0
AMAPCEO	Level 5	3.0	3.0	3.0
General Counsel, Manager CCSU	EL003	1.0	1.0	1.0
Legislative Interpretation Specialist	02293	4.0	4.0	4.0
Manager OHSRP	EL003	1.0	1.0	1.0
Worker Representative	03525	3.0	3.0	3.0
Legal Assistant	OAD 10	1.5	1.5	1.5
		97.1	93.6	93.6

*OWA will continue to operate with 97.1 FTEs on a temporary basis. This is an additional 3.5 FTEs from its Printed Estimate approved FTE level of 93.6 FTEs for the fiscal year 2019-20.

APPENDIX C: PERFORMANCE MEASURES – Workplace Insurance Program

Performance Measure #1: Early and Alternative Dispute Resolution (EDR/ADR)

Percentage of Decisions Obtained by EDR or ADR



Agency Contribution

OWA provides early resolution of disputes (at the operational level) and alternative dispute resolution (post-operational decisions obtained without a formal in-person hearing).

This helps streamline service delivery in both programs, provides faster resolution to clients, and promotes efficiency in the system.

What does the graph show?

This graph shows the proportion of decision results that OWA aims to achieve without the need for recourse to formal appeals.

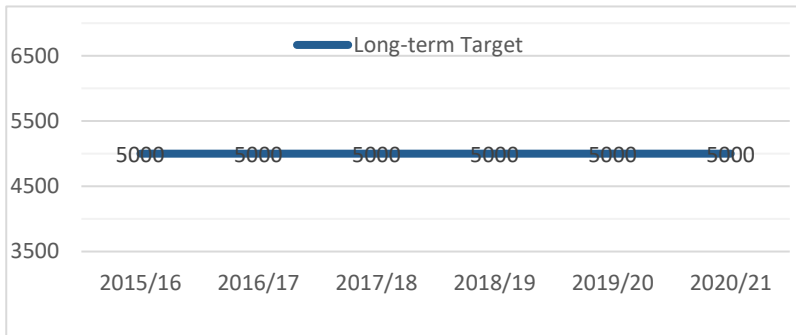
2019/2020 Commitment

The 2019/20 commitment is 70% of outcomes achieved through early or alternative dispute resolution.

The long-term target is 70%.

Performance Measure #2: Results Achieved by Representation Services

OWA Case Assessments and Representation



Agency Contribution

Contributes to the resolution of disputes within the workplace insurance system through advisory, representation and education services and system partnerships. This supports vulnerable workers and also contributes to the system by ensuring orderly and effective dispute resolution in contentious cases.

What does the graph show?

This measure tracks OWA’s strategic approach to client services which includes comprehensive case assessments and consultations with injured workers at the front end of the process and then representation where necessary.

The measure includes the number of comprehensive case assessments and the number of issues in decisions obtained on behalf of OWA clients.

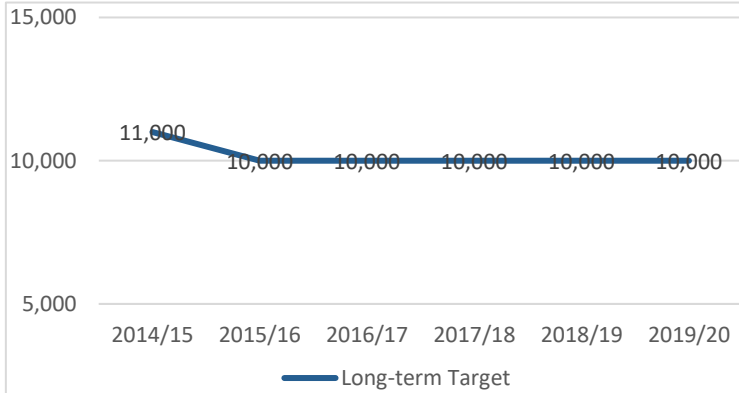
2019/2020 Commitment

The 2019/20 commitment is 5,000 case assessments and appeals decisions.

The long term target is 5,000.

Performance Measure #3: Supporting injured workers in crisis

Addressing Injured Worker’s WSIB and non-WSIB related needs through the provision of Summary Advice and Referrals



Agency Contribution

OWA supports injured workers in financial/psychological crisis situations; counsels and supports injured workers on alternatives when there is insufficient evidence to pursue their cases or where non-WSIB related issues are identified; and provides immediate advice on how to handle issues in their WSIB cases.

This role is in support of the Ministry’s focus on supporting vulnerable workers.

What does the graph show

The graph demonstrates the target for summary advice or referrals.

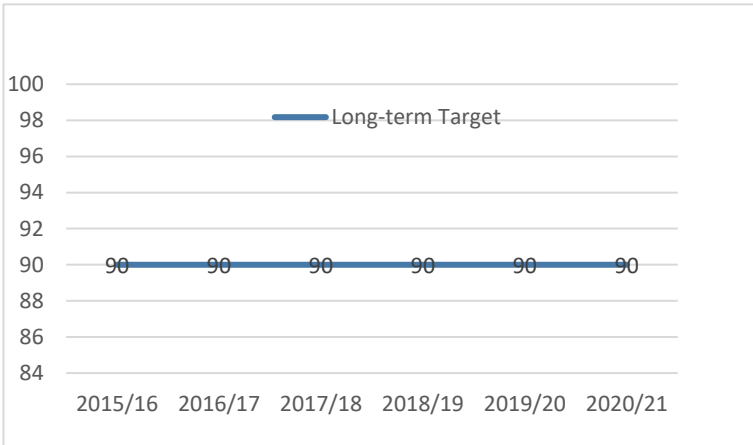
2019/2020 Commitment

The 2019/20 commitment is 10,000 instances of summary advice and referrals.

The long-term target is 10,000.

Performance Measure #4: Customer Satisfaction Rate

Customer Satisfaction Rate



Agency Contribution

Enhanced service to clients through the provision of comprehensive case assessments and client consultations to more broadly address their needs, including accessing other supports as needed during the dispute resolution and appeals process.

What does the graph show?

The OWA takes pride in the quality of service it provides to clients. In order to identify and address any deficiencies, clients are asked to complete satisfaction surveys at the conclusion of OWA's representation service to them.

This measure tracks OWA's the percentage of respondents who indicated that they were "very satisfied" "satisfied" with he the service that they received.

2019/2020 Commitment

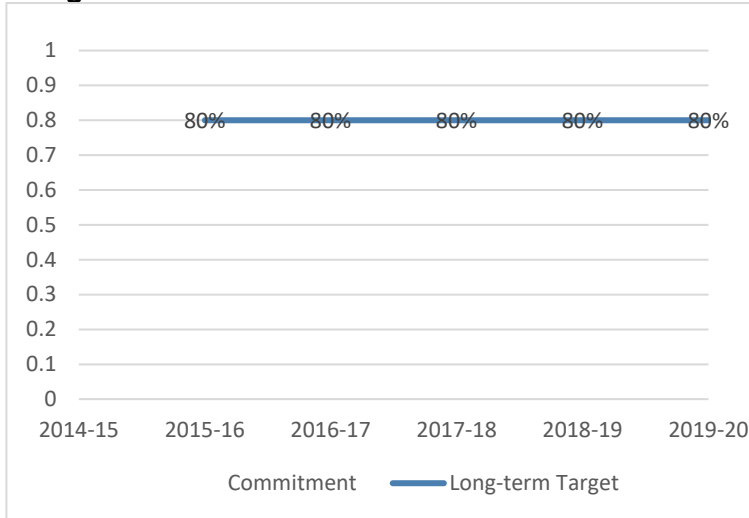
The 2019/20 commitment is 90% of respondents will indicate that they were "very satisfied" or "satisfied" with the service that they received.

The long term target is 90%. The trend over the last few years has been above 90%. The commitment for 2019-20 is 90%.

APPENDIX D: PERFORMANCE MEASURES –OHRSP

Performance Measure #5— Early and Alternative Dispute Resolution

Percentage of Representation Cases Resolved Through EDR and ADR OHSRP



Agency Contribution

Whenever appropriate, OWA seeks to resolve reprisal matters before the formal hearing stage. This is done through both formal mediation at the OLRB and informal negotiations directly with employers or their representatives. This supports vulnerable workers and employers by providing swifter settlement without the need for expensive litigation.

What does the graph show?

The graph shows the percentage of OWA OHSA reprisal cases resolved through settlements. The long term target is 80%. Although the program has thus far exceeded this target, some provision should be left for unforeseen system changes and to permit litigation strategies to address systemic issues and expand worker remedies.

2019/20 Commitment

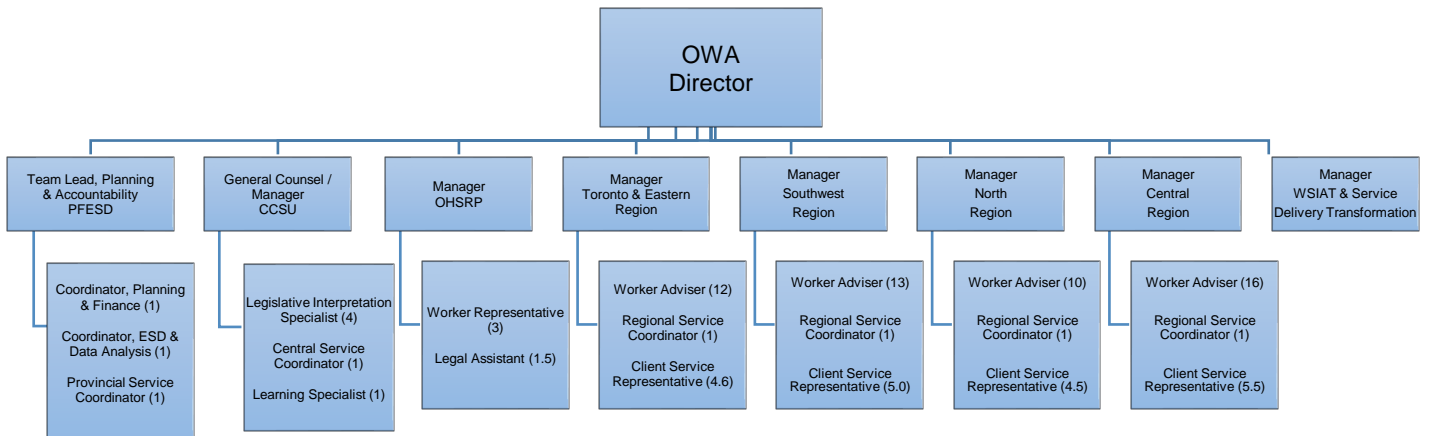
The 2019/20 commitment is 80%.

Long term commitment

It is anticipated that as this program matures, more cases may go to hearings. Thus the long-term commitment will stay at 80% through 2019/20. We will continue to work meeting the result project for 2019/20.

APPENDIX E: OWA ORGANIZATION CHART

2019-20 OWA ORGANIZATION WITH FTEs



This chart reflects the current FTEs at the time of printing. OWA staffing levels will fluctuate throughout the fiscal year.

The Director is responsible for all human resources matters and management of the agency operations in accordance with accepted business and financial practices and standards. The Director is prescribed as the Ethics Executive under the *Public Service of Ontario Act* for public servants.