

OFFICE OF THE WORKER ADVISER



ANNUAL REPORT
APRIL 1, 2010 – MARCH 31, 2011

HEAD OFFICE
1300 – 123 Edward Street
Toronto, Ontario
M5G 1E2

OFFICE OF THE WORKER ADVISER (OWA)
2010–2011 ANNUAL REPORT
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MESSAGE FROM THE DIRECTOR

It is a privilege for me, as Acting Director of the Office of the Worker Adviser, to present the Annual Report for the fiscal period covering April 1, 2010 to March 31, 2011.

The OWA's main focus and contribution to the system continues to be our day-to-day work advising and representing injured workers and their survivors in workplace safety and insurance matters. Highlights of our achievements for 2010 -11 are contained in the body of this report.

In addition to these achievements, there are a few events worth noting.

First, the OWA commemorated its twenty-fifth anniversary at an all staff learning conference in November 2010. We came together from across the province to reflect on and celebrate the successes of our past, learn about current and emerging issues, and to develop practical skills to better address our future challenges.

At the same time, we said farewell to our director, Jorma Halonen, who retired just after the conference. I would like to recognize and thank Jorma for his able leadership and many years of service with the OWA.

Second, the OWA responded to the Workplace Safety and Insurance Board's (the Board) introduction of its new Work Reintegration Program and supporting interim policies. The OWA analyzed the new policies and provided training sessions for all front line OWA staff and other representatives. Front line staff were able to quickly adapt to the changes and continue to provide assistance to injured workers under the new program. The OWA also wrote extensive submissions to the Board as part of its consultation on the interim policies. The introduction of work reintegration represented a significant shift in the Board's approach to return to work. This called for an equally significant response from the OWA in terms of providing input that would best serve the interests of injured workers.

Third, and most significantly for our future, the OWA was included in the December 2010 report of the Expert Advisory Panel on Occupational Health and Safety. In Recommendation 35 of its report, the Panel recognized the OWA as an independent, third party organization that could provide information and support to workers who had suffered reprisals for raising workplace health and safety concerns.

In March 2011, Bill 160, the *Occupational Health and Safety Statute Law Amendment Act, 2011*, was introduced in the Legislature to give effect to the recommendations of the Expert Advisory Panel's report. This legislation would create a new section of the *Occupational Health and Safety Act*, giving the government authority to prescribe new functions for the OWA relating to occupational health and safety reprisals. At fiscal year end, the legislation had not yet been passed into law.

All in all, it was an interesting and eventful year for the OWA. Ultimately, our achievements and the recognition we have received for them can be attributed to the hard work, dedication, and skill of OWA staff who work diligently day-to-day to serve injured workers and their survivors. I consider it an honour to work with so many talented people doing such meaningful work. I thank them all for their efforts.

Cindy Trower
Acting Director, OWA

INTRODUCTION

The Office of the Worker Adviser (“OWA”) was established in 1985 under the *Workers’ Compensation Act*, as a branch of the Ministry of Labour (the “Ministry”), to be an advocacy service for injured workers. The OWA (along with the Office of the Employer Adviser) became an agency of the Ministry in 1992.

The Director of the Office of the Worker Adviser is an Order-in-Council appointment by the Minister of Labour (the “Minister”). Mr. Jorma Halonen retired in November 2010. Ms. Cindy Trower, General Counsel and Manager, Central Client Services Unit, agreed to assume the position of Acting Director pending the recruitment of a new Director. The memorandum of understanding between the OWA and the Minister of Labour provides that the Director of the OWA will report to the Minister annually.

MANDATE AND SERVICES

The OWA’s mandate, established by s. 176(1) of the *Workplace Safety and Insurance Act, 1997* (the “Act”), is “to educate, advise and represent workers who are not members of a trade union and their survivors.”

The OWA’s vision is to:

- be a leader in advice, representation, and education in workplace safety and insurance matters on behalf of the most vulnerable injured workers and their survivors;
- provide a vital public service that contributes to the effective functioning of Ontario's workplace safety and insurance system, and support a healthy workforce as a foundation for a strong, vibrant provincial economy; and,
- contribute to improving workplace safety and insurance through community and system partnerships.

Over 89% of former OWA clients surveyed in 2010–2011 indicated that they were “very satisfied” with the service they had received from the OWA. Comments received from clients over the past year included:

“Thank you for helping me resolve these issues. My financial situation is restricted and your help has been greatly appreciated. Thank you.”

“I would like to thank the Office of the Worker Adviser ...The Worker Adviser was very courteous, knowledgeable and professional. He kept me informed throughout the process and provided quality representation.”

“A special thank you to my Worker Adviser....The past year has been an ordeal for my family and I. Without your help I would have been a lot worse. I cannot thank you enough.”

“I was totally overwhelmed by my situation and my Worker Adviser was my guiding light in a very dark place. Thank you all for all your wonderful help.”

“You represented me with professionalism, care and concern, and I felt truly heard”.

OWA Service Delivery

OWA has fifteen full service offices located throughout the province. In the greater Toronto area OWA offices are located in: downtown Toronto, Downsview, Scarborough, and Mississauga. In Southwestern Ontario OWA offices are located in Windsor, London, St. Catharines, Waterloo, and Hamilton, with a satellite office in Sarnia. The Ottawa office serves clients in Eastern Ontario. Northern Ontario is served by OWA offices in Sudbury, Timmins, Elliot Lake, Sault Ste. Marie, and Thunder Bay.

OWA staff regularly visit the communities of Brantford, Barrie, Belleville, Brampton, Kingston, Markham, North Bay, Oshawa, Pembroke, Peterborough, Stratford, St. Thomas, and Woodstock. This allows injured workers to meet with worker advisers in person close to their home communities, instead of having to travel to the office locations.

Central Client Services Unit (CCSU)

The Central Client Services Unit provides legal services relating to:

- internal legal advice and assistance to the OWA
- advice and representation in legally complex and/or precedent setting cases for OWA clients
- system improvement initiatives
- education materials and sessions for OWA staff and other representatives
- education materials for the public

Contributing to Improving the Workplace Safety and Insurance System

In addition to serving individual clients, the OWA seeks to work with system partners and community stakeholders to help ensure that the system is responsive to the needs of injured workers and survivors.

KEY ACHIEVEMENTS

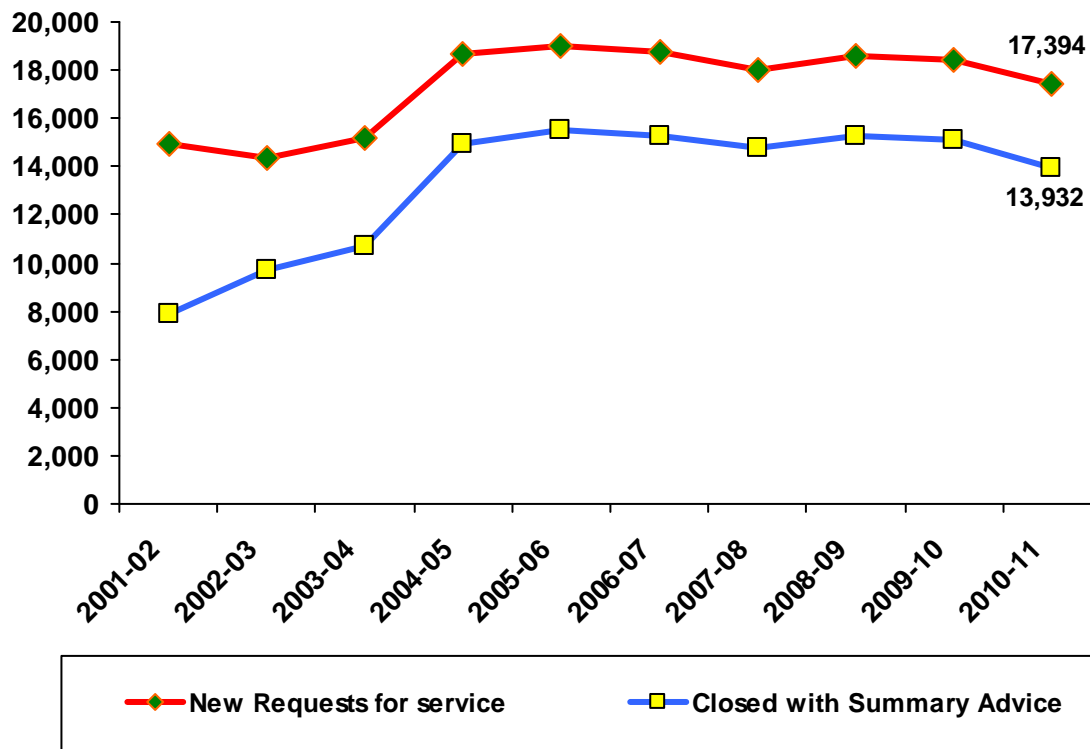
Advisory Services

While the focus of staff resources and representation services remains with the most vulnerable and for the more complex cases, all workers who contact the OWA for assistance are provided with valuable, high level information and advice, to enable them to navigate the system on their own for the duration of their workplace insurance issues. This information is provided over the telephone with supplementary resources located on the OWA website.

Approximately 80% of the injured workers who contacted OWA offices were provided

with information and advice, while 20% received representation services (See Chart 1).

Chart 1: Incoming Requests for Service and Advice in the Past Decade



The OWA's overall workload and effectiveness is illustrated by the number of different clients served. The OWA received 17,394 new requests for service, of which 13,932 encounters were closed after offering the clients summary advice. In 2010–2011, OWA assisted 14,377 different injured workers.

The OWA supplements its advisory services with publications written specifically for injured workers, their survivors, and the public. The primary publications are the OWA's self-help fact sheets, which are available in paper form (in French and English) and can also be downloaded from the OWA website at <http://www.owa.gov.on.ca/>. In addition to the fact sheets, the website provides several self-help kits, answers to frequently asked questions, a glossary of compensation terms, all of the forms needed for appeals, street maps to OWA offices, clinic times and locations, and a direct link to make an inquiry to the OWA by e-mail.

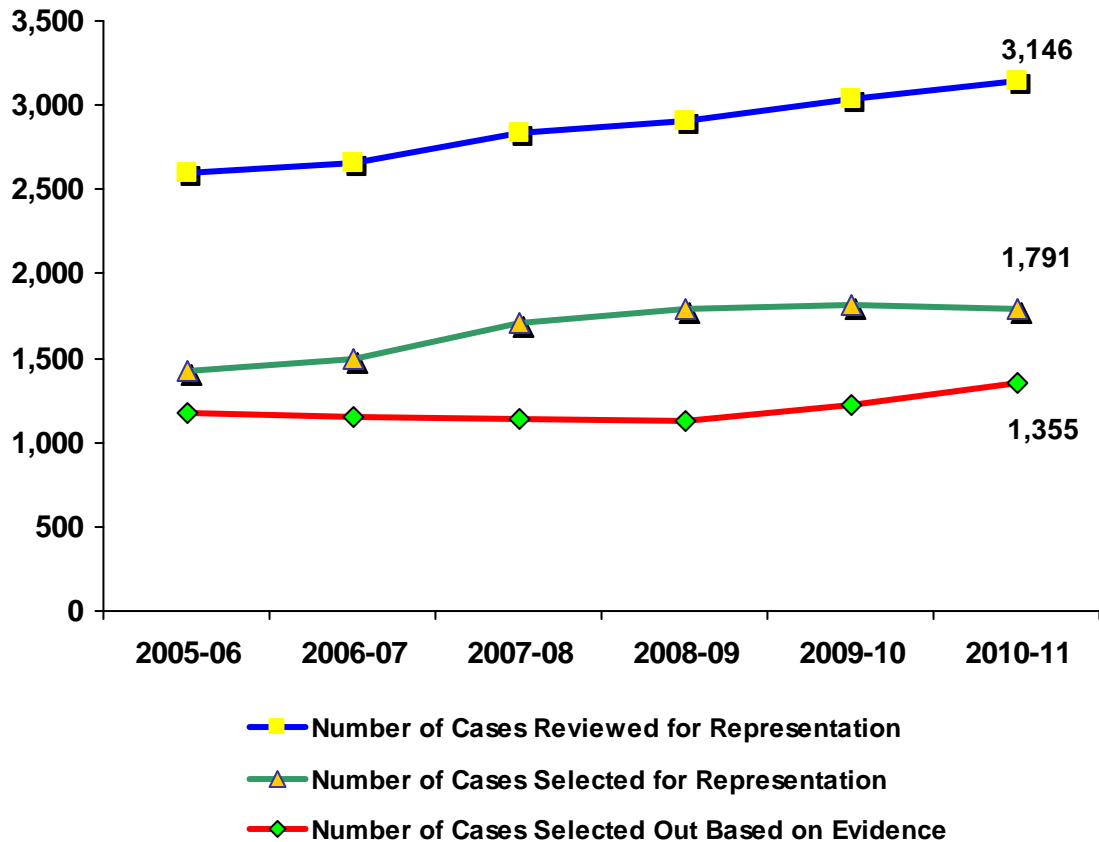
Representation Services

Case Review

In an effort to ensure that the OWA is using its resources to assist those workers who will most benefit, only those cases with a "reasonable" chance of success are offered representation services. In 2010–2011 the OWA reviewed 3,146 cases and selected 1,791

of these cases for representation based upon the evidence available. OWA provided representation services in 5,522 cases during the year.

Chart 2: Assisting Clients and Selecting Cases for Representation



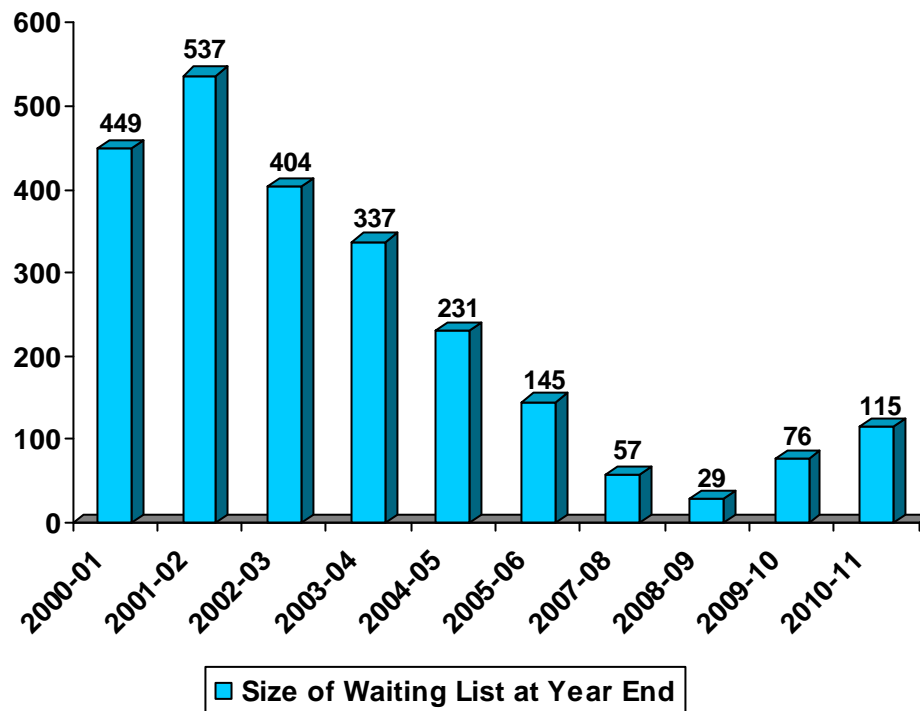
Waiting List for Appeal Level Representation Services

The OWA diligently monitors and analyses its wait list for representation cases on an on-going basis. Various strategies to manage its wait lists are employed as the need arises with the aim of providing consistent and timely service across the province. On March 31, 2009, the waiting list stood at a historic low of 29 cases. Despite a marginal increase in the number of files on the waiting list (76 cases by March 2010, with a further increase to 115 cases by March 31, 2011), 94% of all appeals were still commenced by OWA staff within 120 days of the initial case review. The average age of files on the waiting list was one month and, at the fiscal year end, there were no files on the waiting list for more than 60 days.

To maximize the effective use of resources, the OWA reviews requests for representation and selects cases based upon predetermined criteria. For instance, the OWA does not represent in cases that are valued at less than four weeks in wage loss benefits, nor in single issue cases involving non-economic loss (NEL) increases, commutations, or

employers' requests for Second Injury Enhancement Fund (SIEF) relief. In addition, the OWA does not represent workers in challenging WSIB security restriction letters.

Chart 3: Waiting List for Representation



Decisions

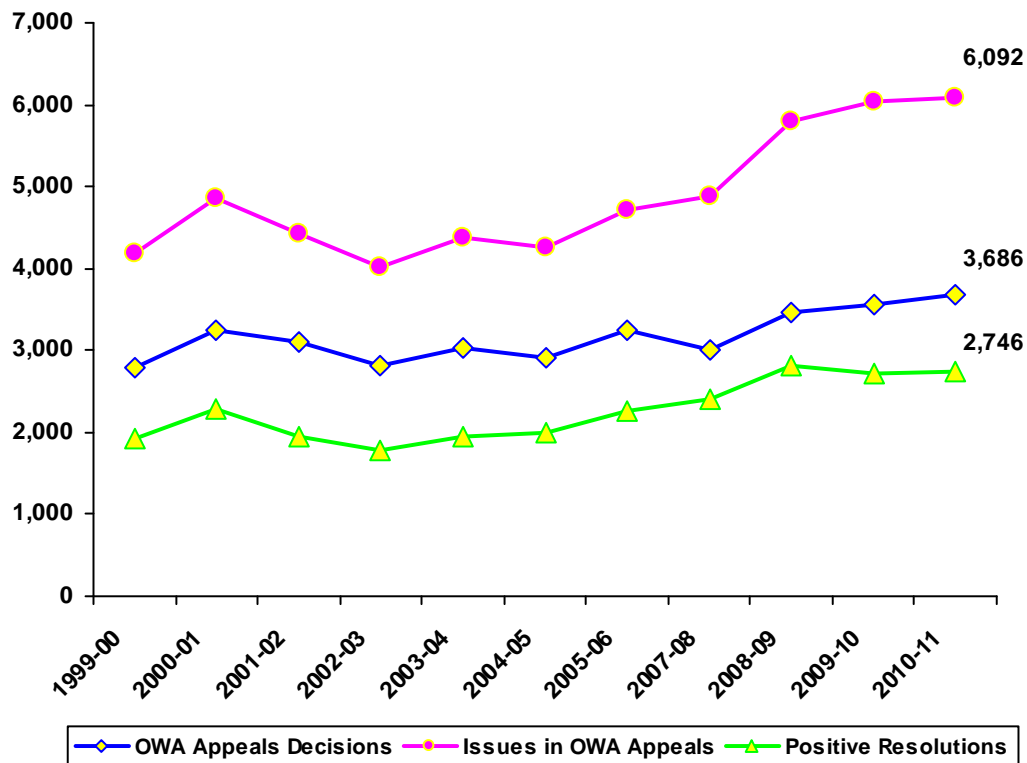
The OWA represents more injured workers than any other single organization in the province. By the end of March 2011, the OWA had 3,604 open representation cases.

In terms of overall numbers, OWA staff in 2010–2011 obtained a total of 3,686 decisions from the adjudication and appeals levels of the Board and from the Tribunal, an increase of 4% since 2009–2010. In the same period the number of issues in these decisions increased by 1% to 6,092, reflecting the continued growth in case complexity in OWA appeals. A case file may have more than one issue being adjudicated. (See Table 1 and Chart 4).

The number of positive resolutions increased slightly from 2,711 in 2009–2010 to 2,746 in 2010–2011. A positive resolution is an issue where the OWA represented an injured worker and was awarded either full or partial entitlement.

Table 1: Decisions by Level

Decisions by Level	2006-07	2007-08	2008-09	2009-10	2010-11
WSIB – Operating Level	1,619	1,614	1,915	2,059	2,174
WSIB – Appeal Level	962	876	968	1,055	1,093
WSIAT	419	494	582	439	488
TOTAL DECISIONS FROM ALL LEVELS	3,000	2,984	3,465	3,553	3,755
TOTAL ISSUES IN DECISIONS FROM ALL LEVELS	4,674	4,890	5,943	6,037	6,214

Chart 4: Results from OWA Representation*Case Closures*

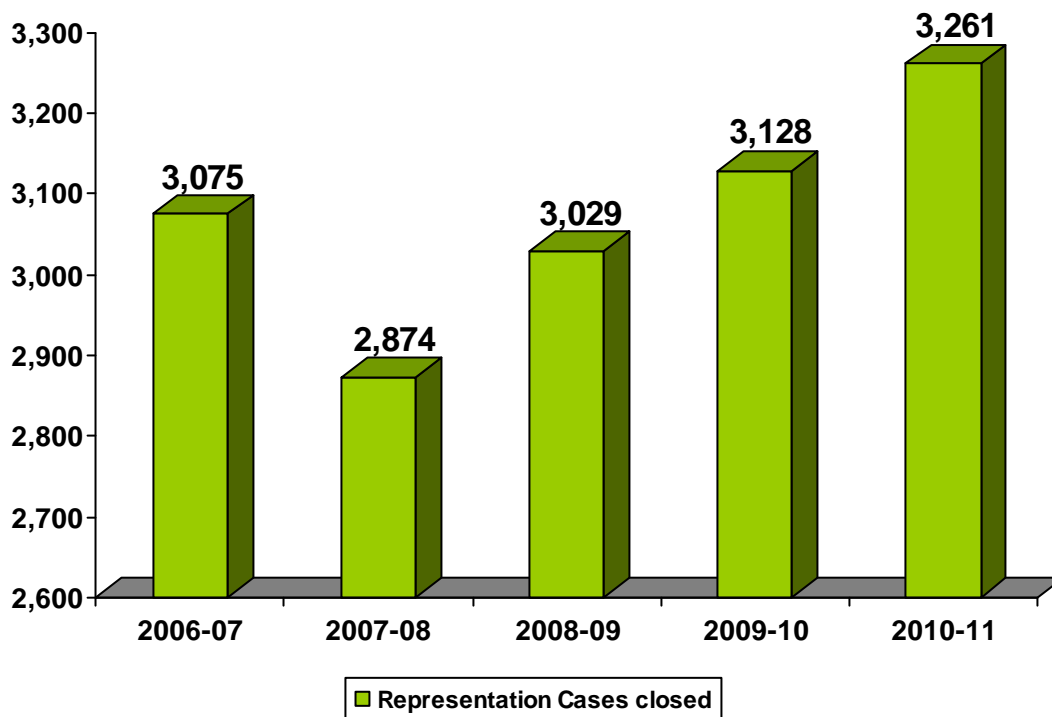
The case closure rate is a measure of the OWA's capacity to manage its workload. The faster cases are resolved, the more quickly injured workers are able to reclaim their lives.

Timely file closures allow the OWA to assist more workers, keeping both the number of clients and their length of time on the waiting list to manageable levels.

A number of variables affect the file closure rates, including the number of actual advisory staff available in any given year, the number and complexity of new incoming cases, and the proportion of files closed by case review.

In total, the OWA closed 3,261 cases in 2010–2011, an increase of 4 % from the previous year.

Chart 5: Representation Cases Closed



HIGHLIGHTS OF OWA CASEWORK

Significant Casework in Progress

Occupational Disease

The OWA continued its work at the Tribunal level on a lead case in a cluster of occupational disease cases arising from a workplace in Sarnia. The lead case will decide key issues relating to occupational exposures and causation that will be applied to the adjudication of the remaining cases. In this fiscal year there were several hearing dates at the Appeals Tribunal to obtain evidence from the experts involved in developing an exposure model for the workplace in question. Additional hearing dates are set for 2011–2012 where the OWA will present key witnesses for the workers' case. We expect this lead case will continue to take significant time and resources.

In addition to this lead case, the OWA continued to represent in a number of occupational disease clusters and individual cases in locations throughout the province. The claims arising from these clusters are at various stages of adjudication, from initial evidence gathering up to the Tribunal.

Mental Stress

In 2010–2011, the OWA continued to take on mental stress cases that may lead to challenges under the Charter of Rights and the Ontario Human Rights Code. The OWA currently represents a worker whose case is entering the Charter challenge stage of the hearing process. At the first stage of the hearing, the Tribunal found that the worker did not experience a sudden, unexpected, and traumatic event that caused his psychological disability. (See Decision No. 214/10I.) The hearing has not yet been scheduled, but the case is expected to be heard in 2011.

Age Discrimination

The OWA continued to pursue its challenge to s. 43(1)(c) of the Workplace Safety and Insurance Act, which restricts loss of earnings benefits for workers aged 63 or older to two years after the accident. The OWA is involved in two cases testing the argument that the limitation on benefits for older workers is discriminatory and violates the equality provisions of the Charter of Rights.

In one case that was already in progress at the Tribunal, the OWA became involved as co-counsel with a member of the private bar. This was after the hearing on the merits was concluded and the Panel had accepted that the worker, who was almost 64 at the date of the injury, would have continued working past age 65 but for the workplace injury. The hearing on the Charter arguments concluded early in the fiscal year and a decision is pending.

In the other case, a legal clinic is co-counselling with the OWA. The worker was seriously injured in a workplace accident at the age of 66, and subsequently had his leg amputated. Although work continued on the case in 2010–2011, the hearing on the merits had yet to be scheduled at fiscal year end.

Jurisdiction of Human Rights Tribunal Over WSIB

The OWA was granted intervener status before the Human Rights Tribunal of Ontario (HRTO) in an application against the Board. The injured worker, who was represented by the Human Rights Legal Support Centre, alleged that the Board discriminated against him by failing to accommodate his learning disability during the labour market re-entry process. Some HRTO decisions have found that it does not have jurisdiction to hear applications against the Board because its decisions are not covered by the Human Rights Code. The Board had argued that the HRTO should follow those decisions.

At the hearing, the OWA argued that injured workers need the full protection of the Code and that the HRTO should follow the line of decisions that find that the HRTO can apply the Code to applications against the Board. A decision had not yet been released by the end of the fiscal year.

Noteworthy Appeals Tribunal Decisions

The OWA obtained many significant decisions during the 2010–2011 fiscal year, including many that were identified as noteworthy by the Tribunal. A selection of these decisions is provided below. Other Tribunal decisions of interest may be found on the OWA website.

Decision No. 2574/07 Coverage (September 15, 2010) (CCSU/London office)

In this Decision, the OWA successfully defended an employer appeal that argued that all non-profit businesses are excluded from coverage by virtue of s. 5 of O. Reg. 175/98. The Tribunal held that the term “business activity” has evolved over the life of the workers’ compensation legislation, and is now defined in the Regulation and Board policy to include non-profit business activities.

Decision No. 2320/09 (April 1, 2010) (Downsview office)

The Tribunal held that treatment for substance abuse should be part of a worker’s labour market re-entry (LMR) plan if he or she would otherwise be entitled to the plan and the substance abuse is a barrier to completing it. A need for substance abuse treatment cannot, however, form the basis for entitlement to a plan.

Decision No. 1529/04 (June 30, 2010) (CCSU/Hamilton office)

The OWA represented the worker in a challenge to the Board’s use of the AMA Guides’ combined values chart under the Canadian Charter of Rights and Freedoms and the Human Rights Code. The Tribunal found that there was no infringement of the Charter or the Code.

Decision No. 747/10 (July 8, 2010) (Ottawa office)

The worker was injured in his part-time job as a volunteer firefighter. The Tribunal found that the worker’s earnings should be based on the earnings selected by his Schedule 2 employer.

Decision No. 772/09 (August 24, 2010) (London office)

The worker sought entitlement for ocular histoplasmosis related to occupational exposure to pigeon droppings. Although there was some risk of developing the disease as part of the general population, the Tribunal found that the worker’s employment increased the risk and entitlement was granted.

Decision No. 625/08 (September 1, 2010) (Ottawa office)

The worker was granted entitlement for chronic obstructive pulmonary disease arising from dust and chemical exposure at a tire factory. The fact that the worker was especially susceptible did not disentitle her and the thin skull doctrine applied.

Decision No. 1719/10 (September 29, 2010) (Scarborough office)

The worker was found to be a worker and not an independent operator. Although the parties had intended to create a paper trail consistent with an independent operator, there was no evidence that they intended for such a relationship to exist in practice. The actual relationship between the parties was that of full-time employment.

Decision No. 1936/10 (October 29, 2010) (St. Catharines office)

The worker was injured in his employment as an equipment operator but also worked part-time as a volunteer firefighter. The Tribunal found that the worker's earnings from firefighting should be included in his average earnings and that he was entitled to loss of earnings benefits for lost income from that job.

Decision No. 1570/10 (December 15, 2010) (Hamilton office)

The Tribunal found that the Board could not include earnings from a part-time, non-permanent job as a chauffeur in the earnings basis for a worker's final future economic loss award. The part-time job was unrelated to the worker's suitable employment or business (SEB) position as a security guard.

Decision No. 3/11 (January 11, 2011) (Downsview office)

The Tribunal agreed with existing case law that the central question when a worker is terminated is whether the compensable injury played a role in the termination. Although the worker was terminated for a number of reasons, they included his ongoing injury. The worker was therefore entitled to loss of earnings benefits.

Decision No. 1920/10 (February 2, 2011) (Downsview office)

The Tribunal found that the suitable employment or business (SEB) identified by the Board was not appropriate. Despite this, the worker was still obligated to participate in the labour market re-entry (LMR) program offered by the Board. A worker is not always obligated to co-operate in LMR aimed at achieving an inappropriate SEB, but the worker was obligated to do so in the circumstances because the LMR program would have assisted in achieving other SEBs that were appropriate.

Decision No. 1644/09 (February 14, 2011) (Toronto office)

The Tribunal found that a worker's permanent impairment did not need to be identifiable by objective evidence and that pain could be evidence of functional abnormality. The worker's inability to perform certain movements without groin pain was a functional abnormality for which the worker was entitled to a non economic loss award for permanent impairment.

Decision No. 2324/10 (February 16, 2011) (London office)

The worker had been injured as a student but had planned to become a chef. The Tribunal found that it was not appropriate for the Board to use the low end of the wage range for chefs when determining her earning basis as they did not fairly represent the wages of a

full-time regular worker with some education and experience. It was also not appropriate to use the top wage for chefs as it could not be shown that the worker was on a clear career path to become a first class chef. The worker's earnings basis was set at the average wage for chefs.

Decision No. 2531/08 (February 28, 2011) (Hamilton office)

The worker was diagnosed with non-Hodgkin's lymphoma at age 42. The Tribunal granted entitlement on the basis that his occupational exposure, particularly his 19 years as a volunteer firefighter but also his 20 years as a lumber worker, made a significant contribution to the disease.

Decision No. 2470/10 (March 3, 2011) (Scarborough office)

The Tribunal considered whether the worker's back injury was compensable. In deciding the issue, the Tribunal found that the employer was an interested witness because of a strong personal interest in the outcome, despite its relatively minor financial impact.

Decision No. 302/11 (March 9, 2011) (Hamilton office)

The worker was terminated and had received two weeks pay in lieu of notice as required by the Employment Standards Act. The Tribunal found that the pay in lieu should not be deducted from the worker's loss of earnings benefits.

Decision No. 1659/09 (March 11, 2011) (Sarnia office)

The worker was posthumously granted entitlement for bladder cancer arising from exposures in a manufacturing paint shop. Entitlement was allowed on the basis of scientific evidence regarding the connection between bladder cancer and occupational exposure as a painter.

Educational Services

Injured Workers and the General Public

The OWA provides educational services to injured workers and the general public through information sessions held in communities across the province. During 2010–2011, the OWA held 60 educational sessions, including information sessions and self-help clinics, for injured workers in communities across the province.

The OWA also provides general information through the OWA website. The website contains a comprehensive collection of fact sheets, kits, and frequently asked questions on workplace insurance topics.

Community and System Partners

The OWA also provides more advanced educational services to representatives who work in the field of workplace insurance. During the fiscal year 2010–2011, these services included the following sessions:

- In April 2010, Central Client Services Unit (CCSU) staff delivered a workshop on competitively unemployable workers to community legal aid clinics in Southwestern Ontario.
- In May 2010, CCSU staff presented an update on significant new Tribunal decisions at the Ontario Bar Association's annual conference on current issues in workplace safety and insurance laws.
- In July 2010, CCSU staff delivered a workshop on the competitively unemployable workers to law students from Advocates for Injured Workers, a student legal aid clinic.
- In October 2010, CCSU staff presented on precedent setting Tribunal decisions as part of a panel discussion at a conference on workplace safety and insurance held by Lancaster House and the University of Toronto Centre for Industrial Relations and Human Resources.
- In January 2011, CCSU staff presented on the Board's new work reintegration policies at a community forum held by the Research Action Alliance on the Consequences of Work Injury.

OWA Staff

As part of its commitment to continuing professional development, the OWA also delivers educational services to staff. During 2010–2011, educational services provided to staff included the following:

- In November 2010, the OWA planned and delivered a two-day conference for all OWA staff covering current issues and practical skills in workplace insurance law. Topics covered included important and emerging issues, human rights in workplace insurance, reconsiderations, income replacement programs, and understanding employer issues.
- In late 2010 and early 2011, CCSU prepared and delivered training on the Board's new work reintegration policies and program to OWA front line staff across the province.

OTHER KEY ACTIVITIES IN 2010–2011

Policy and Law Reform Submissions

The OWA participated in the following policy and law reform consultations during 2010–2011.

WSIB Work Reintegration Policy Consultation

In late 2010 and early 2011, the OWA participated in consultation meetings with the Board and provided extensive written submissions as part of the Board's consultation on its new work reintegration policies and program.

Value for Money Audit of WSIB Claims Administration and Adjudication

In January and February 2011, OWA staff attended a series of consultation meetings with injured worker and labour representatives held by the consulting firm KPMG as part of the firm's value for money audit of claims administration and adjudication at the Board.

System and Community Partnerships and Committee Work*WSIB Best Practices Steering Committee*

The OWA Director sits on this committee, which is comprised of a small number of key worker-side representatives and senior Board staff who determine which issues should be referred to the Best Practices Working Group. This committee reviews and comments on documents produced by the working group. It also discusses broader systemic workplace safety and insurance issues impacting workers and survivors with the objective of collaborative system improvements.

WSIB System Partnership Working Group

The OWA continued to bring service delivery and systemic issues identified by the OWA staff to the Board management for discussion and possible resolution. Meetings occur as required, and at least once per year.

Fatalities and Immediate Response (FAIR) Partnership

The OWA, the Board, Ministry of Labour Operations Division, and a peer support organization called Threads of Life continued a partnership to improve services and support to families of workers killed on the job. Meeting twice per year, the goal of the FAIR Partnership is to provide timely, seamless, and comprehensive assistance to the survivors following a traumatic workplace fatality. With ongoing communication, the partners continue to identify and address gaps in service, and increase opportunities for awareness among survivors of the services available to them.

Occupational Health Clinics for Ontario Workers (OHCOW)

OWA staff participated in a number of OHCOW initiatives designed to streamline access to their services and to ensure that OHCOW is meeting the needs of injured workers and their representatives.

Occupational Disease Advisory Group (ODAG)

The Occupational Disease Advisory Group (ODAG) is an internal OWA committee with a mandate to identify barriers to and recommend solutions for effective and timely representation in occupational disease claims. To ensure that staff have the training and resources necessary to handle the growing numbers of complex occupational disease claims, the ODAG made a number of recommendations during the 2010–2011 fiscal year, including the development of training in the area of complex medical and legal research, the implementation of an internal mentoring program, and measures for collecting and sharing resources in an electronic database.

Technology and Information Management in Support of Client Services

Case Management System (CMS)

The OWA's electronic case management system is our primary tool for recording and reporting on client-related activity and achievements. Ongoing refinements enhance staff's ability to respond to the needs of clients and the OWA's ability to track and report on our activity more effectively. In order to address ongoing health and safety concerns, the interface between voice recognition software and the CMS was significantly improved. In addition, further keyboard options and shortcuts were developed to minimize the need to use a mouse.

OWA Website: <http://www.owa.gov.on.ca>

The OWA website continues to be an important source of information and point of contact between the agency, its clients, and community partners. The site contains 40 fact sheets—with an introductory sheet in 21 languages—providing key information on all aspects of the workplace safety and insurance system. The website also holds workers' information kits, complimenting our advisory services and giving clients a step-by-step tool to manage their cases. News releases continue to keep visitors abreast of recent changes in the legislation, developments at the Board and the Tribunal, and significant events organized by the broader advocacy community.

Knowledge Management

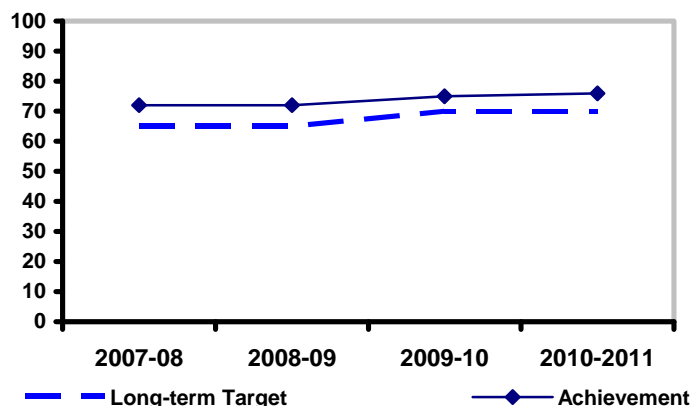
The OWA continued to use its SharePoint intranet site, providing staff with updates on important issues, links to research and information, and a forum for case consultations and staff discussions. SharePoint has become an important communication tool, allowing the organization to conduct frequent surveys with staff and establish sites where groups such as the Occupational Disease Advisory Group (ODAG) can collaborate on initiatives.

The OWA continues to use web conferencing software (WebEx), allowing staff province wide to conduct virtual meetings and attend training from the convenience of their offices. Along with the ability to make face-to-face contact by video, WebEx allows staff to present and collaborate on documents, as well as to demonstrate the use of software and online information resources. The software reduces travel costs and its ease of use has encouraged increased training and sharing of knowledge amongst staff.

APPENDIX A – OUTCOME PERFORMANCE MEASURE

Performance Measure #1: Early and Alternative Dispute Resolution

Percentage of Decisions Obtained by EDR or ADR



Agency Contribution

Whenever appropriate, the OWA seeks to provide support for early and safe return to work and for early resolution of disputes without recourse to formal hearings, both by diverting cases from the appeals system and by pursuing opportunities for alternative dispute resolution at the appeals level.

What does the graph show?

This graph shows the proportion of decision results for OWA appeals that were achieved without formal hearings. The long-term commitment reflects an anticipated increase in case complexity which, in turn, is expected to impact the OWA’s ability to resolve disputes without resorting to formal hearings.

2010-2011 Year End Performance Achievements

76% of all decisions were obtained by EDR or ADR. Although the OWA has been anticipating that this percentage will decrease as the service delivery continues to shift toward more complex representation, the appeal bodies are increasingly trying to conduct appeals without resorting to hearings. Therefore as of year-end 2010-2011 the long-term target continued to be 70%.

APPENDIX B – INTERNAL PROGRAM PERFORMANCE ACHIEVEMENTS

Measure	Standard/Long Term Target	2009–2010 Achievement	2010–2011 Commitments	2010–2011 Year End Achievements (as of March 31, 2011)	2011–2012 Commitments
Early and Alternative Dispute Resolution	65% of all decisions to be obtained by early (EDR) or alternative dispute resolution (ADR)	72% of all OWA decisions were obtained by early or alternative dispute resolution.	The OWA expected to achieve at least 70% of all issues to be resolved by EDR or ADR. Long-term Target: A realistic long-term target for EDR/ADR was actually 65% given increased complexity of appeals.	The OWA exceeded commitment by resolving 76% of all issues by EDR or ADR.	The OWA expects to achieve at least 70% of all issues to be resolved by EDR or ADR. Although OWA service delivery continues to shift toward more complex representation, the long term target has now been adjusted to 70%.
Effectiveness of advisory & representation services	A new long term target of 200 issues per FTE was adopted in 2008/09.	212 issues per FTE staff were achieved through advice and representation.	200 issues per FTE staff	206 issues per FTE staff were achieved through advice and representation.	The 2011–2012 target continues to be 200 as OWA work shifts increasingly from advice to representation and representation cases take much longer to resolve than advisory cases.
Timeliness of Appeals Representation Service	100% of all cases involving appeals representation service to commence within 120 days of commitment.	Work commenced on 93% of appeal cases within 120 days of commitment to represent.	To achieve a target of commencing 100% of representation cases within 120 days.	The OWA moved toward its long term target by opening 94% of all cases involving appeals representation service within 120 days.	The OWA's commitment is to maintain or improve 2009–2010 timeliness, given increased caseload numbers and complexity of issues.

APPENDIX C – FINANCIAL REPORT FOR THE FISCAL YEAR 2010-2011

All Figures in \$000.0 thousand

Account	Final Budget*	Total Actual Expenditures**	Variance	Explanation
Salary & Wages	7,314.2	7,334.6	(20.4)	Savings from unfilled vacant position for the remainder of the year offset by one time costs related to severance and vacation credit payments to retired employees.
Benefits	1,522.7	1,897.5	(374.8)	Pressures included severance payments, pension contributions for LTIP staff and maternity leaves.
ODOE				
Transportation & Communications	392.4	309.1	83.3	Savings generated from lower travel expenditures.
Services (incl. Office Leases)	1,722.3	1,337.3	385.0	Lower IT costs, constraints on non-discretionary expenditures
Supplies & Equipment	132.3	94.2	38.1	Constraints on non-discretionary expenditures such as supplies, equipments and publications
ODOE TOTAL	2,247.0	1,740.6	506.4	Overall reduction in all areas of ODOE expenditures.
OWA TOTAL	11,083.9	10,972.6	111.3	
Recoveries	(11,082.9)	(10,972.5)	(110.4)	
TOTAL	1.0	0.1	0.9	

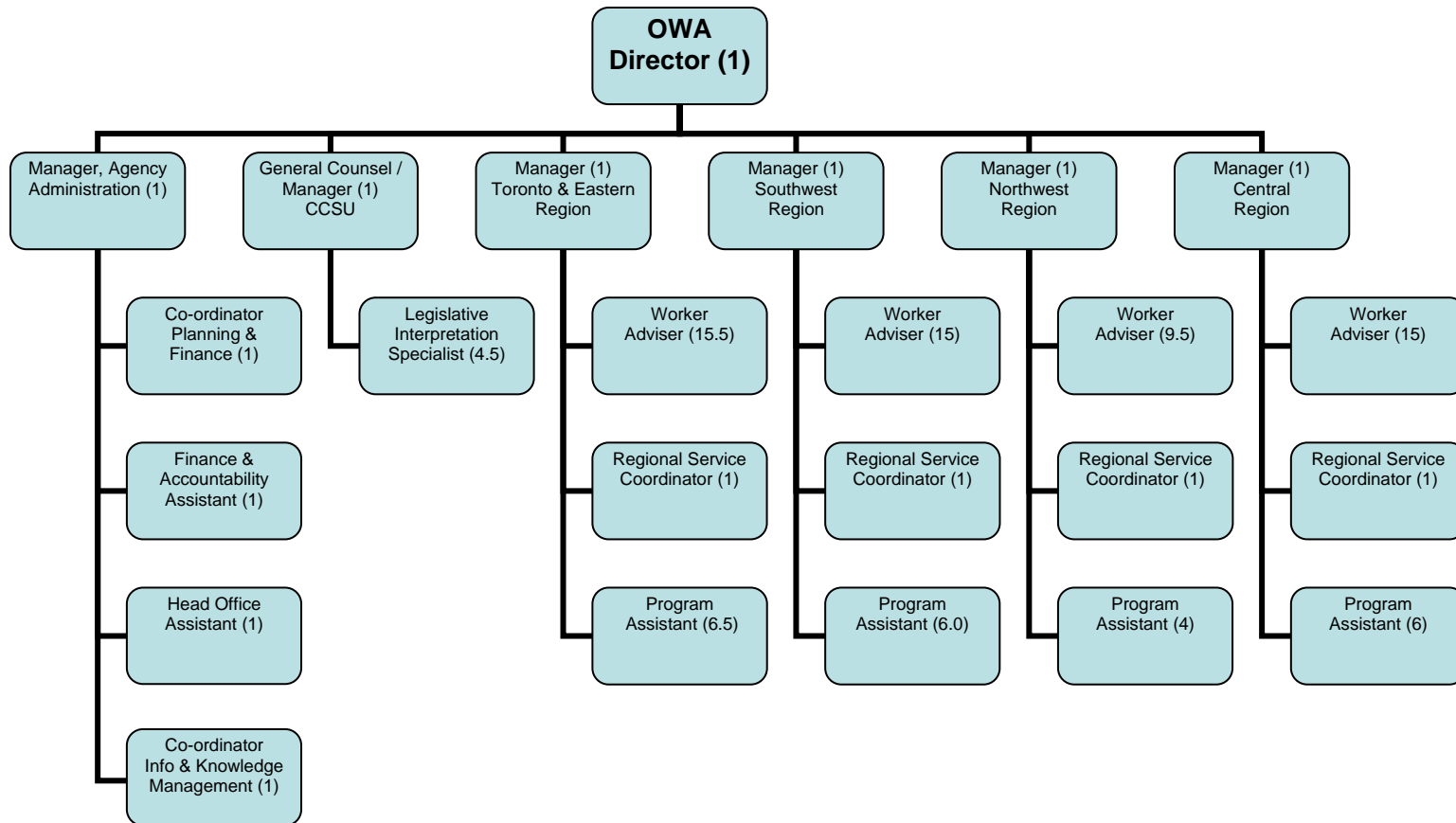
* Final Budget = Printed Estimates+/- Treasury Board Order (TBO), re-alignment of funds by standard account.

** Total Actual Expenditures including office lease costs

APPENDIX D – OWA OFFICE LOCATIONS

<u>TORONTO EASTERN REGION</u>	<u>SOUTHWEST REGION</u>	<u>NORTHWEST REGION</u>	<u>CENTRAL REGION</u>
HEAD OFFICE & TORONTO OFFICE	LONDON OFFICE	SAULT STE. MARIE OFFICE	SUDBURY OFFICE
Office of the Worker Adviser 123 Edward Street Suite 1300 Toronto, ON M5G 1E2	Office of the Worker Adviser 495 Richmond Street Suite 810 London, ON N6A 5A9	Office of the Worker Adviser 70 Foster Drive Suite 480 Sault Ste. Marie, ON P6A 6V4	Office of the Worker Adviser 159 Cedar Street Suite 304 Sudbury, ON P3E 6A5
SCARBOROUGH OFFICE	HAMILTON OFFICE	THUNDER BAY OFFICE	DOWNSVIEW OFFICE
Office of the Worker Adviser 305 Milner Avenue Suite 918 Scarborough, ON M1B 3V4	Office of the Worker Adviser 119 King Street West 13 th Floor Hamilton, ON L8P 4Y7	Office of the Worker Adviser 435 South James Street Suite 335, 3 rd Floor Thunder Bay, ON P7E 6S7	Office of the Worker Adviser 1201 Wilson Avenue Building C, Suite 125 Downsview, ON M3M 1J8
MISSISSAUGA OFFICE	WINDSOR OFFICE	TIMMINS OFFICE	WATERLOO OFFICE
Office of the Worker Adviser 10 Kingsbridge Garden Circle Suite #512 Mississauga, ON L5R 3K6	Office of the Worker Adviser 880 Ouellette Avenue Suite #601 Windsor, ON N9A 1C7	Office of the Worker Adviser 60 Wilson Avenue Suite 303, 3 rd Floor Timmins, ON P4N 2S7	Office of the Worker Adviser 155 Frobisher Drive Unit G (213) Waterloo, ON N2V 2E1
OTTAWA OFFICE	ST. CATHARINES OFFICE	ELLIOT LAKE OFFICE	
Office of the Worker Adviser 347 Preston Street, 3 rd Floor Ottawa, ON K1S 3H8	Office of the Worker Adviser 301 St. Paul St., 9 th Floor St. Catharines, ON L2R 7R4	Office of the Worker Adviser 50 Hillside Drive North Elliot Lake, ON P5A 1X4	

APPENDIX E – ORGANIZATION CHART



2010-2011 OWA STAFF ALLOCATION = 97 FULL TIME EQUIVALENTS (FTE)