

OFFICE OF THE WORKER ADVISER

**Annual Report
April 1, 2013 to March 31, 2014**



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A MESSAGE FROM THE DIRECTOR

I am pleased to report on the accomplishments of the Office of the Worker Adviser (OWA) for fiscal year 2013-2014. With staff in 16 offices across Ontario, OWA is an important resource for vulnerable non-unionized workers in dealing with their WSIB claims or about possible reprisals for exercising their health and safety rights. The bulk of our resources are devoted to serving those workers through our 16 local offices across Ontario. Below, I briefly highlight our workplace insurance services and then review our second year of services around reprisals.

OWA carries out its mandate as a partner in Ontario's workplace insurance system, along with the Workplace Safety and Insurance Board (WSIB), Workplace Safety and Insurance Appeals Tribunal (WSIAT) and Office of the Employer Adviser (OEA). We are committed to helping this system work for all the workers and employers that it serves.

Workplace insurance services

The OWA had 13,881 new requests for service during 2013-2014, a decline of about 19% from the previous fiscal year. The number of injured workers requesting representation also decreased - by 22%. This followed several years of high demand for service. The reduction gave OWA some breathing space and enabled us to increase the percentage of new cases accepted for representation from 52% in 2012-2013 to 59% in 2013-2014. Overall caseload stayed steady in 2013-2014 with an increase in the waiting list for representation services from 121 at the end of the 2012-2013 to 220. In the majority of cases the delay in providing representation services was short, but this is a matter of significant concern which we addressed through a review of our service delivery model.

During 2013-2014, OWA was involved in some of the most complex cases in the system, including clusters of occupational disease and Charter of Rights matters. This annual report highlights a number of WSIAT decisions obtained by worker advisers. We also dealt with a growing number of workers who were in financial or psychological crisis. We strengthened our protocols with WSIB and WSIAT in responding to these situations.

OWA was involved in proactive partnerships to deal with the workplace insurance system's challenges. We worked closely with WSIB to clear the remainder of the appeals backlog, as they implemented their new appeals process. We also partnered with employer representatives to develop joint proposals to WSIB on potential improvements to their appeals process and alternative dispute resolution.

Also during 2013-2014, OWA participated in WSIB's consultation on five benefits policies. I look forward to working with WSIB on the next phase of this crucial policy exercise. Throughout 2013-2014, OWA also played an important role in supporting constructive dialogue between WSIB and the worker community around various issues.

OWA's new website was launched at the start of the 2013-2014 fiscal year. Along with other enhancements, the site allows injured workers to contact OWA directly by e-mail for assistance.

Health and safety reprisal services

Starting on April 1, 2012, amendments to the Occupational Health and Safety Act (OHSA), gave OWA the mandate to serve non-unionized workers who may have suffered reprisal by their employers for exercising their OHSA rights. 2013-2014 was the second year for this new mandate.

Even with no outreach or publicity, we experienced a very significant increase in reprisals workload. These impressive results confirmed the importance of OWA's role helping these particularly vulnerable non-union workers. We learned a lot about their situations and needs.

Thank you!

I wish to thank all those who contributed to OWA's work in 2013-2014 – beginning with our workplace insurance program staff, who continued to show dedication to serving vulnerable workers; the staff of our Reprisals Program, who helped almost 900 workers in the second year of this service; and our legal, administrative and management team. I also want to acknowledge the support of the Ministry of Labour, which facilitated inter-agency partnerships; and our many friends and colleagues at WSIB, WSIAT, and OEA, with whom OWA worked on solving problems and serving the public. I want to thank our partners in the worker community, with whom we collaborated closely in dealing with another year of major change. And to the many employer representatives with whom we worked on resolving cases as well as on strategic issues. Finally, special thanks to the thousands of vulnerable workers and family members who entrusted their cases to us – we tried our best to serve every single worker with dedication and care; and we learned much from those workers as well.

THE MANDATE OF THE OFFICE OF THE WORKER ADVISER

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

In addition to its existing mandate under the WSIA, the OWA was entrusted with a new mandate with the passage of the Occupational Health and Safety Statute Law Amendment Act, 2011 (Bill 160). Effective April 1, 2012, the OWA was mandated to advise, educate and represent non-unionized workers who have complaints under the Occupational Health and Safety Act (OHSA) that their employer may have engaged in a reprisal against them for exercising their rights under the OHSA.

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 expert and effective advice, representation and education to vulnerable, non-unionized workers who have been threatened or punished for following the Occupational Health and Safety Act;
- provide a vital public service that contributes to the effective functioning of Ontario's workplace safety and insurance and health and safety systems, and support a healthy workforce as a foundation for a strong, vibrant provincial economy; and,
- contribute to improving workplace safety and insurance and health and safety through community and system partnerships.

The OWA is an operational agency of the Ministry of Labour (MOL). The director of the OWA is an Order-in-Council appointment. During this reporting period, the director was Alec Farquhar, who was appointed by Order-in-Council for a three year term beginning in June 2012.

OWA SERVICE DELIVERY

Workplace insurance related services are provided from 16 offices divided into four regions:



Toronto East Region: Downtown Toronto, Scarborough and Ottawa

Central Region: Downsview, Mississauga, Hamilton and St. Catharines

Southwest Region: London, Waterloo, Windsor and a satellite office in Sarnia

North Region: Sudbury, Elliot Lake, Sault Ste. Marie, Timmins and Thunder Bay

In addition to the offices noted above, scheduled clinics in a number of other communities across the province allow injured workers the opportunity to meet in person with worker advisers without having to travel long distances. These communities include: Barrie, Brantford, Kingston, North Bay, Oshawa, Peterborough and St. Thomas.

Occupational health and safety reprisal complaint services are provided by the OWA Occupational Health and Safety Reprisal Program (OHSRP) located at the OWA's downtown Toronto office location. Most OLRB mediations and hearings are held in Toronto. Some mediations are held in regional centres, however. During 2013-2014, OHSRP staff attended mediations on behalf of clients in Ottawa, Sault Ste-Marie, Sudbury, Thunder Bay and Windsor.

Central Client Services Unit (CCSU)

OWA's Central Client Services Unit provides services relating to:

- advice and representation services for OWA clients in legally complex and/or precedent setting cases

- internal legal advice and assistance to OWA managers and staff, including support around fulfilling professional responsibilities to OWA clients
- system improvement initiatives and policy submissions
- development of educational sessions and resources for OWA staff and other worker-side representatives
- development of educational materials for the public.

CCSU primarily provides the above services in relation to the OWA’s workplace insurance mandate. Similar services are also provided to support the new occupational health and safety reprisal mandate.

Overview of Services

In accordance with OWA’s workplace insurance mandate, the agency focuses on the following services to non-union injured workers and their survivors:

- information and advice
- representation in the appeal process and
- educational services.

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

This following section of the annual report relate to services provided under the OWA’s workplace insurance mandate. Services provided under the OWA’s occupational health and safety mandate are reported separately later in this report.

REPORT ON THE OWA’S WORKPLACE SAFETY AND INSURANCE MANDATE

Some workers contact the OWA with a question about workplace insurance or for information to help them understand their entitlements. In other instances, workers contact us because they have been denied benefits or services by WSIB and they want to appeal a decision. The OWA provides assistance in both situations: in the first, by providing information and “summary advice” (advisory services) and in the second by representing the worker in the dispute resolution and appeal process (representation services).

When a worker contacts the OWA for either advice or representation, we refer to this as a “new request” for service. Sometimes workers experience ongoing difficulties with their WSIB claims, and as a result call us on repeated occasions with questions. Each occasion is considered a new request. Because of this, the total number of new requests is always higher than the number of different workers who contact us.

KEY ACHIEVEMENTS

Advisory Services

The OWA had 13,881 new requests for service, from 10,976 different workers, during the 2013-2014 fiscal year. The number of new requests decreased from 17,105, or by about 19%, from the previous fiscal year, 2012-2013.

For 11,150, or approximately 80%, of the new requests in 2013-2014, the OWA was able to assist the worker by providing summary advice. The remaining 2,731 new requests involved workers requiring representation services.

Table 1 shows the number of new requests for service involving both summary advice and requests for representation services during the past five years.

Table 1: Disposition of New Requests for Service

	09-10	10-11	11-12	12-13	13-14	Change from 12-13 to 13-14
Number of New Requests for Service*	18,456	17,394	18,081	17,105	13,881	-19%
Number of New Requests Resolved with Summary Advice	15,123	13,932	14,599	13,771	11,150	-19%
Number of Cases Reviewed for Representation	3,037	3,146	3,048	3,179	2,473	-22%
Number of Cases Selected for Representation**	1,816	1,791	1,809	1,658	1,471	-11%
Number of Cases Selected Out	1,221	1,355	1,239	1,521	1,002	-34%
% of Cases Reviewed which are offered Representation	60%	57%	59%	52%	59%	+7%

*Note that the sum of "Number of New Requests Resolved with Summary Advice" and "Number of Cases Reviewed for Representation" does not total the "Number of New Requests for Service." This is because the "Number of Cases Reviewed for Representation" includes only those reviews completed during the fiscal year, and not reviews initiated, but still in progress, as of March 31.

** Note that the number of cases selected for representation does not match the number of representation files opened. This is because some files go on a waiting list prior to opening.

OWA Website

In addition to directly responding by phone or in person to questions workers may have about their workplace insurance claims, the OWA also promotes its website as a source of information to clients.

On April 2, 2013, the OWA launched its redesigned and updated web site. The new OWA website better reflects our expanded mandate, with separate sections covering workplace insurance and

health and safety reprisals in Ontario. In addition, the new design has a focus on user friendliness and accessibility, which gives our clients more efficient access to helpful information. Containing over 30 updated pages, including 16 pages with new content or major revisions, the site continues to be a key source of information for workers in both English and French.

Highlights of the new website include:

- forty-one web pages on varying workplace insurance related topics;
- a brand new appeals overview page features visuals and text outlining the key agencies in the system, the WSIB vs. the WSIAT, and describes their differences in terms of level of appeal, time limits, and decision makers;
- an updated page with the forms necessary to meet appeal time limits and to initiate an appeal; and
- three pages of “frequently asked questions” about the OWA, workplace insurance, and health and safety reprisals.

A featured Spotlight section also gives the OWA space to highlight important news and events, allowing the agency to give voice to the issues affecting workers and network with the community of groups assisting injured workers and promoting health and safety in the workplace.

The new site gives the OWA a platform to continue its work offering information and representation to workers in Ontario for years to come. In addition, the site provides functionality for injured workers to contact OWA directly by e-mail for assistance.

The new site can be accessed at <http://www.owa.gov.on.ca>

Representation Services

Case Review

When clients contact the OWA because they have received a WSIB decision that they want to appeal, the file is assigned to a worker adviser for review. The purpose of this review is to determine if there is sufficient evidence to support an appeal. We call this a “case review.”

Unfortunately, because resources are limited and the demand for representation services is high, the OWA is not able to represent every worker who asks for help. To ensure that we are available to assist the most vulnerable injured workers, we have to make difficult decisions about the cases in which we will represent.

To make these decisions, worker advisers carefully review each case, based on OWA’s criteria, before an offer of representation is made.

The OWA offers representation services in cases where

- the entitlement issue is valued at more than the equivalent of four weeks of wage loss benefits;

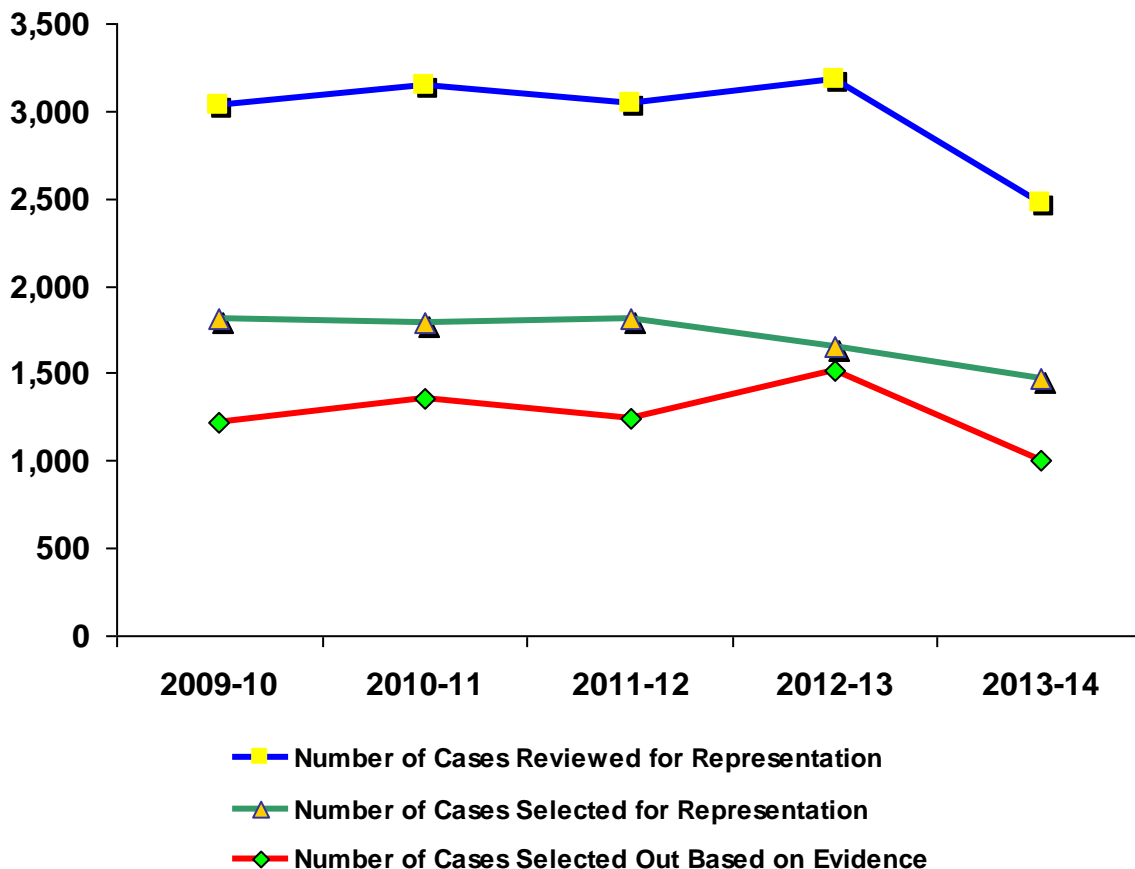
- the issue(s) are complex enough to require the assistance of a skilled and knowledgeable representative; and
- it is likely that sufficient evidence is available to support a reasonable chance of success in the appeal process. This does not mean that the case is guaranteed to succeed – but it does mean that a worker adviser must find enough evidence and/or legal grounds to justify an appeal.

The OWA does not represent in cases with straight forward, single issue appeals involving a non-economic loss (NEL) increase, commutation of a pension, or an employer’s request for Second Injury Enhancement Fund (SIEF) relief, although we do provide information and support to workers who wish to represent themselves. The OWA will also not represent if the sole issue involves a challenge of a WSIB security restriction decision.

In 2013-2014, the OWA completed 2,473 case reviews, compared to 3,179 in 2012-2013. This decline was consistent with the decline in new requests for service from 2012-2013 levels. Claims volumes at WSIB also fell, with a gradual impact on the numbers of injured workers pursuing appeals. As of the end of 2013-2014, it was unclear whether this downward trend would continue.

The decline in new requests for service in 2013-2014 did allow OWA to accept a higher proportion of cases for representation. This was important particularly because, in 2012-2013 and 2013-2014, OWA clients and stakeholders had responded strongly to the tightening of OWA case selection criteria. There was an increase in the percentage of cases accepted for representation from 52% in 2012-2013 to 59% in 2013-2014. Figure 1 documents this trend.

Figure 1: Selecting Cases for Representation



Representation Files

If the OWA, at the conclusion of the case review, determines that the case meets the criteria for service, an offer of representation is made. These files are called "representation files."

At the beginning of the 2013-2014 fiscal year, the OWA had 3,709 representation files open. As the work on files was completed during the course of the fiscal year, 1,532 of these files were closed. This, in turn, allowed the OWA to open an additional 1,448 representation files. In total, the OWA represented 5,157 injured workers and survivors during the 2013-2014 fiscal year.

The open caseload declined by a small amount in 2013-2014 from 2012-2013. This is because the OWA opened slightly fewer cases than it closed.

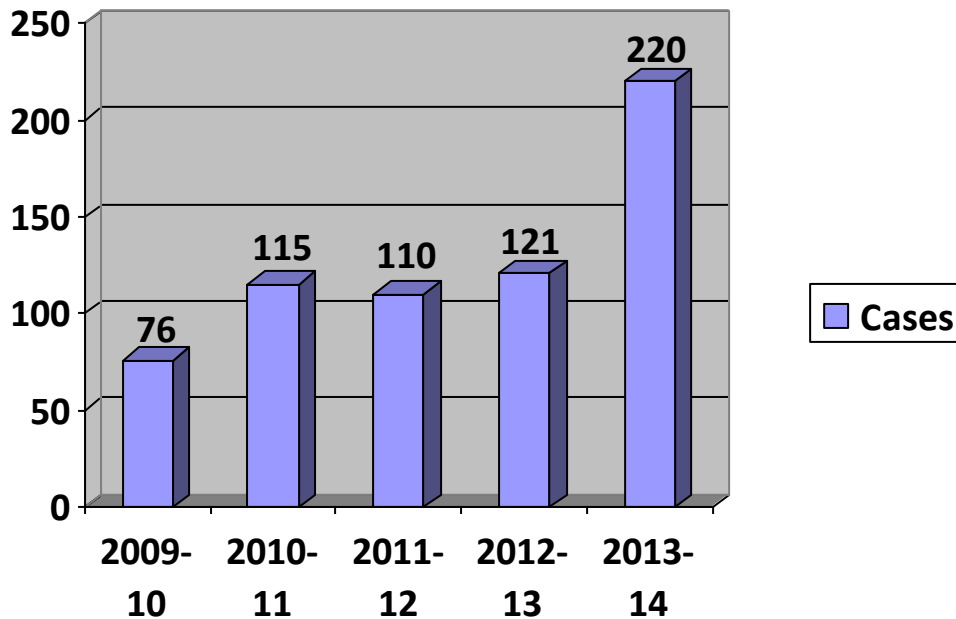
Waiting List for Appeal Level Representation Services

The OWA is committed to providing quality and timely service to all of our clients. Unfortunately, however, the demand for representation services is high and we sometimes do not have a worker adviser immediately available to open a file at the conclusion of the case review process. When this happens, the file is placed on a waiting list for service.

The OWA makes every effort to ensure that files are placed on the waiting list only when it is absolutely necessary to do so. Further, the waiting list is carefully monitored to ensure that wait times are kept as brief as possible.

At the end of the 2012-2013 fiscal year, the OWA had 121 files on the waiting list. This number increased to 220 files in 2013-2014. In the majority of cases the delay in providing representation services was short. Eighty-eight percent of the files placed on the waiting list during 2013-2014 were opened within 120 days. The average age of files on the waiting list at year end, however, increased from 2.67 months at the end of 2012-2013 to 3.48 months at the close of 2013-2014. This is documented in Figure 2 below. The key factor contributing to this development was overall delays resolving cases within the dispute resolution and appeals system. During 2013-2014, this included the intensive work to clear out cases from the backlogs of previous years. This was largely accomplished by year end. Delays grew at the WSIAT level, reaching over one year from appeal request to hearing by fiscal year end. OWA has implemented case prioritization procedures to ensure that urgent cases (for example terminal occupational diseases) can be taken immediately. There are also protocols with WSIB and WSIAT to expedite such appeals.

Figure 2: Waiting List at Year End



Total Inventory of Cases

The OWA’s total inventory of cases at any given time includes both representation files and waiting list files, as in both instances a commitment has been made to represent the worker in the appeals process. As illustrated in Table 2, the total inventory of cases increased in 2010-2011 and 2011-2012, with a very slight decrease of 1% from 2011-12 to 2012-2013. In 2013-2014, total inventory stabilized. Currently, it appears that OWA is operating at or very close to its maximum capacity for representation services.

Table 2: Total Inventory of Cases: Representation and Waiting List Files at the End of Each Fiscal Year

	09-10	10-11	11-12	12-13	13-14	% change 12-13 to 13-14
Open Files	3,546	3,613	3,769	3,709	3,625	-2%
Waiting List Files	76	115	110	121	220	+82%
Total Workload	3,622	3,728	3,879	3,830	3845	Negligible

Decisions

The OWA represents a substantial number of workers in the appeals system each year. During the 2013 calendar year, the OWA was the representative in approximately 12.5% of the new worker appeals received by the WSIB’s Appeals Branch and in 2.6% of employer appeals. During the same calendar year, the OWA represented at WSIAT in 14% of appeals initiated by workers and also represented workers in 8% of appeals initiated by employers.

In 2013-2014, the OWA obtained a total of 3,225 decisions from the adjudication and appeals levels of the WSIB and from WSIAT, a decrease of 9% from the previous year's total of 3,532 decisions (see Table 3). The numbers appear to reflect the impact of the combined WSIB and WSIAT appeals backlog – plus a reduction in operating level decisions. The reduction in operating level decisions, which continued a trend from 2012-2013, resulted mainly from Worker Advisers selecting a smaller number of cases for operating level review, focusing on the ones with a significant chance of success at that level. There was a reduction in WSIB appeal decisions from 2012-2013, but that year had been anomalous because of a surge of decisions issued by WSIB in a major backlog clearance in the second half of the fiscal year, after adding 20% to its complement of Appeals Resolution Officers. OWA's 2013-2014 number of WSIB appeal level decisions was still the second highest in the past five fiscal years. WSIAT decision numbers were at the same level as 2012-2013, and would have been higher but for the growing backlogs at WSIAT.

Table 3: Decisions by Level

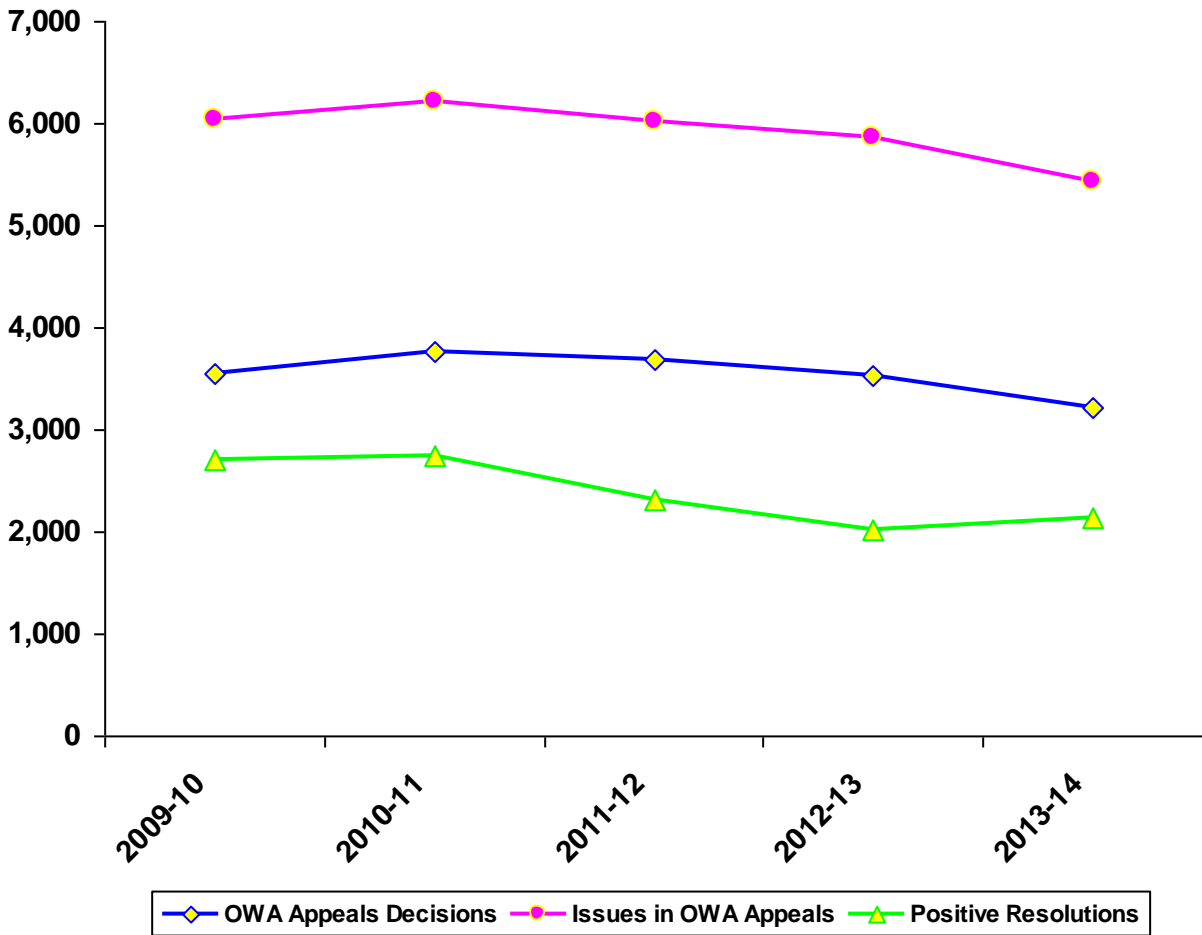
Decisions by Level	2009-10	2010-11	2011-12	2012-2013	2013-2014
WSIB – Operating Level	2,059	2,174	2,055	1,872	1,669
WSIB – Appeal Level	1,055	1,093	1,136	1,287	1,178
WSIAT	439	488	488	373	378
TOTAL DECISIONS FROM ALL LEVELS	3,553	3,755	3,679	3,532	3,225
TOTAL ISSUES IN DECISIONS FROM ALL LEVELS	6,037	6,214	6,020	5,854	5,425

The 3,225 decisions obtained in 2013-2014 involved a total of 5,425 issues, 2,136 of which were allowed either fully or in part during the reconsideration or appeals process. When compared with 2012-2013, this represents a 6% increase in the number of issues allowed at the Operating Level, a 5% increase at the Appeals Branch and a 2% increase at WSIAT (See Table 4). Therefore, OWA success rates improved at all levels of the system. It is likely that the more stringent approach to case review at OWA in 2012-2013 meant that, in general, stronger cases were brought forward to the appeal levels in 2013-2014. In addition, at the operating level, as noted earlier, worker advisers significantly reduced the number of cases taken back to that level for reconsideration, choosing only those where they determined that there was a significant chance of success. It is important to note that in spite of the increase in success rate in 2013-2014, the overall allowance rates at the WSIB operating level and appeals level remained below 2009-2010 and 2010-2011, which meant that a growing proportion of cases had to proceed to WSIAT for resolution. WSIAT is more formal and resource intensive and additionally where backlogs and delays grew significantly through 2013-2014. So overall, this development affected OWA's ability to achieve efficient case turnover and restricted capacity to accept new cases.

Table 4: Percentage of Issues Allowed

	09-10	10-11	11-12	12-13	13-14	Change 12-13 to 13-14
Operating Level	38%	34%	26%	25%	31%	+6%
Appeals Branch	51%	52%	47%	39%	44%	+5%
WSIAT	60%	64%	67%	58%	60%	+2%
Total of all Levels	45%	44%	39%	31%	39%	+8%

Figure 3: Results from OWA Representation



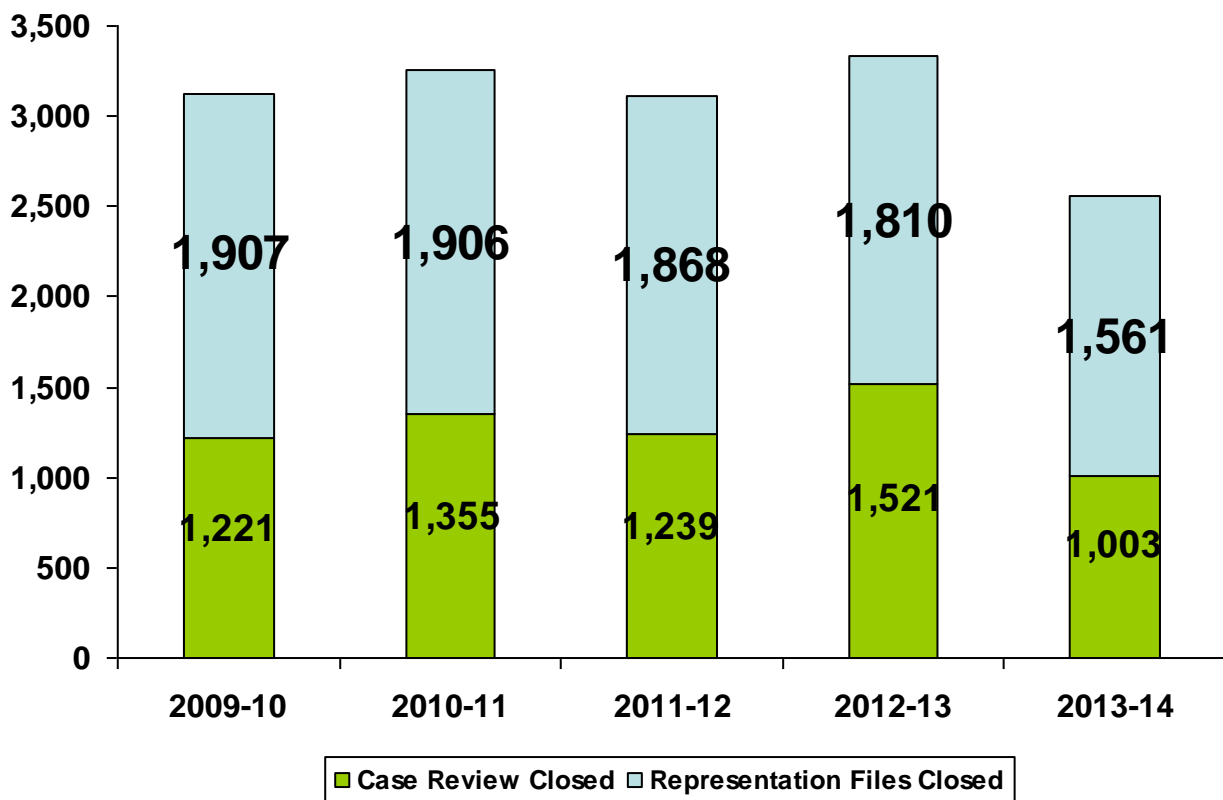
Case closures

The case closure count 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 return to economic and vocational wellbeing. In addition, timely file closures allow the OWA to assist more workers, keeping both the number of files and waiting time for service to manageable levels.

The closure count, depicted in Figure 4, includes both representation files and cases selected out and diverted from the appeal system as a result of case reviews. The OWA closed a total of 2,564 files in 2013-2014, consisting of 1,003 case reviews where the OWA did not believe there was sufficient evidence to support an appeal, and 1,561 representation files.

In total, this represented an overall 23% decrease in the number of file closures from 2012-2013. This reflected challenges in overall case turnover due to the historically lower success rate at the WSIB operating level, clearance of backlogs at the WSIB Appeals Branch, and growing backlogs at the WSIAT.

Figure 4: Representation Cases Closed



Analysis of OWA Workload and Productivity Statistics

Because OWA staff can handle only a finite number of cases, the capacity to open new files depends on how efficiently staff is able to meet their representation commitments on current files. If unable to

resolve issues and close files, the OWA is placed in the difficult position of having to defer representation in new cases until a worker adviser becomes available. In these situations, as detailed earlier in this report, the file is temporarily placed on a waiting list for service.

There are a number of factors that affect the OWA's ability to resolve issues and close files, including:

Actual staffing levels during the fiscal year

The OWA recognizes its responsibility to be a prudent steward of its staffing and financial resources. In exercising this responsibility, the OWA needed to temporarily leave vacant a number of positions during the course of the fiscal year. Staffing shortages, however, invariably result in delays in moving cases through the appeal system. In 2013-2014, OWA lost a number of experienced worker advisers due to retirement. This staff turnover affected the number of file closures and contributed to growth in the size and age of the waiting list.

Complexity of cases

The cases handled by the OWA tend to include a high proportion of complex files that can take considerable time and resources to resolve. The reasons for this are numerous:

- the OWA selects out some of the simple and straightforward issues in order to focus its resources on the more complex cases where we can be of most assistance;
- the OWA represents in a significant number of occupational disease, and other complex cases such as Charter, age discrimination, and stress cases, all of which involve difficult legal and/or evidentiary challenges;
- the OWA often inherits complex cases abandoned by other representatives, particularly fee-for-service representatives.

Complex cases generally take longer to prepare for hearings. This extends the life of the file, delaying file closure and, in turn, the OWA's ability to open additional files.

Additional complexities resulted from the growing proportion of injured workers who were in financial and/or psychological crisis, which often required OWA staff to devote substantial time to support the worker in trying to resolve or reduce the crisis.

Developments at the Workplace Safety and Insurance Board

In 2012-2013, because of the decrease in the number of successfully reconsidered issues at the operating and Appeals Branch levels, fewer files were closed at those stages of the appeal process. This made it necessary to appeal more decisions from the operating level to the Appeals Branch, and from the Appeals Branch to WSIAT. Once at the Appeals Branch, many of these files waited for up to six months in a growing backlog of cases awaiting assignment to an appeals resolution officer. Both of these factors delayed the OWA's ability to obtain decisions and close files and, in turn, impacted our capacity to open new files. WSIB cleared much of this backlog starting in the second half of 2012-2013 and introduced changes to its appeals process in February 2013. However, the backlog clearance efforts continued to require OWA resources especially in the first half of 2013-2014, unfortunately combined with a significant increase in delays at the WSIAT level.

As a result, during 2013-2014, OWA was involved in intensive collaboration with WSIB and stakeholders to deal with this overall situation.

Summary of OWA's achievements in 2013-2014

In summary, although the OWA faced a number of challenges during the 2013-2014 fiscal year, we were successful in assisting a very substantial number of workers with their workplace insurance questions and appeals:

- New requests for service declined by 19%;
- The number of workers requesting representation service decreased by 22%;
- However, at the completion of case reviews, the percentage of workers who received offers of representation increased by 7% -- from 52% in 2012-2013 to 59% in 2013-2014. This was well received by those seeking OWA services and within the worker community;
- The overall success rate in representation services increased by 8% from 2012-2013 levels (although still below 2009-2010 and 2010-2011);
- The number of representation files decreased by 2% at year end, while at the same time the waiting list increased by 82%, from 121 to 220 files. As a result there was no appreciable change in the overall inventory of cases – 3,842 at the end of 2012-2013 and 3,844 at the close of 2013-2014.

Client Satisfaction Levels

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. Of the 214 individuals who responded to the survey in 2013-2014, 94.4% were "very satisfied" or "satisfied" with the service they received.

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 2013-2014, the OWA held 6 information sessions for MPPs' staff, 23 information or educational sessions for the public, and 37 clinics for injured workers in communities across the province.

The OWA also provides general information through its website. The OWA's updated site contains a comprehensive collection of web pages and frequently asked questions on workplace insurance topics.

Community and System Partners

The OWA provides educational services at a more advanced level to community and system partners. OWA staff is also invited to appear at continuing legal education sessions on workplace insurance topics. In 2013-2014, these services included the following:

- The OWA organized and chaired the annual conference of the Canadian Association of Worker Advisors and Advocates (CAWAA), which took place in September 2013 in Toronto; the conference was attended by delegates from Worker Advisor programs in 11 provinces and territories.
- In November 2013, the OWA Director presented at a major conference marking the 100th anniversary of the ground-breaking report by then Chief Justice Meredith, which recommended the creation of a workers' compensation system for Ontario.
- The OWA Director and Office of the Employer Adviser Director co-chaired a webcast presentation on the WSIB's new appeals process, in January 2014, hosted by the Ontario Bar Association. This session was a major opportunity for dialogue and increase in mutual understanding by the employer and worker communities about challenging policy issues.
- The OWA Director chaired and presented at the February 2014 Ontario Bar Association Institute on practice and professional conduct issues before tribunals.

HIGHLIGHTS OF OWA CASEWORK

Significant Casework in Progress

Occupational Disease

During 2013-2014, the OWA also continued to represent in a number of occupational disease clusters and individual cases in various locations throughout the province. This included Peterborough factory workers; Sarnia foundry, petrochemical and factory workers and Kitchener-Waterloo rubber workers. The claims arising from these clusters were at various stages of adjudication, from initial evidence gathering up to the Appeals Tribunal. Taken as a whole, OWA involvement in occupational disease cases is one of its most vital roles, affecting hundreds of occupational disease victims and in many cases their survivors after the victims succumb to their diseases.

Mental Stress

In 2013–2014, the OWA continued to represent clients in mental stress cases that have led to challenges under the *Canadian Charter of Rights and Freedoms* and the Ontario *Human Rights Code* of subsections 13(4) and (5) of the *WSIA*, which exclude workers with chronic mental stress from the protection of workplace insurance. In addition, at the invitation of the WSIAT, the OWA participated as an intervenor in two appeals in which the WSIAT is currently considering a *Charter* and *Human Rights Code* challenge to the exclusion of chronic mental stress.

Age Discrimination

The OWA continued its involvement in challenges to s. 43(1)(c) of the *WSIA*, which restricts loss of earnings benefits for workers aged 63 or older to two years after the date of workplace injury or onset of occupational disease. The argument is that the limitation on benefits for older workers is discriminatory and violates the equality provisions of the *Charter*. In May 2013, the OWA represented our client in a hearing that addressed all of the issues arising from the *WSIA*, and obtained a positive decision that allowed us proceed with the constitutional challenge (*Decision No. 273/10I*). In February 2014, the OWA filed documentary evidence, including two expert witnesses' reports; hearing dates for the cross-examination of the experts were scheduled for December 2014.

OTHER KEY ACTIVITIES IN 2013-2014

System and Community Partnerships

OWA believes very strongly in the importance and power of partnerships, both within the workplace insurance system and in the community. Across the province, OWA works actively with many local partners, to ensure good service and referrals. This includes local WSIB offices, Members of Provincial Parliament, health care providers and social service agencies. OWA also works at the provincial level. Highlights of provincial partnerships are reported below.

Inter-agency partnership group

During 2012-2013, the Deputy Minister of Labour convened a senior level system partnership group including WSIB, WSIAT, OWA and OEA. The group met twice during 2013-2014. It focused on the challenges arising from the volume of appeal cases and especially the WSIB appeals backlog; and on how to support workers in crisis during these times. There were also important discussions on the WSIB's plans to provide electronic access to worker claim files. OWA also participated in the WSIAT Advisory Group.

WSIB Labour and Injured Worker Advisory Committee (LIWAC)

The OWA director and General Counsel sit on this committee, which is convened by the chair of the WSIB and is comprised of senior staff of the WSIB and worker members from unions, injured worker groups and organizations representing non-unionized workers (community legal clinics and OWA). Through this committee, worker members provide feedback and input on high level initiatives of the WSIB, including policy and system change consultations.

Fatalities and Immediate Response (FAIR) Partnership

OWA continued its partnership with WSIB, MOL, and Threads of Life (an organization of families who have lost a loved one to a workplace fatality) to ensure effective, timely and comprehensive service and support to families following traumatic workplace fatalities. Together the partners have identified possible gaps in service and worked to find solutions. On November 2, 2013, an information session was delivered by OWA at the Threads of Life Family Forum.

Workers in Crisis and Critical Need

In 2013-2014, OWA continued its system partnership with WSIB and WSIAT to ensure that cases of workers in crisis and critical need are considered for prioritization in the appeal system. These cases are defined as: demonstrating significant financial hardship, or homeless, or in imminent likelihood of death, including posing a suicide threat, or having a severe mental health issue. During the reporting period, OWA worked with its system partners to respond to a number of crisis situations.

Support to Clients with Asbestos Cancers

OWA over the years has represented hundreds of workers and surviving family members in asbestos disease cases, including mesothelioma, lung cancer and asbestosis. Ontario is now at the crest of a wave of asbestos cancers stemming from exposures in and previous to the 1980s, with around 160 new mesothelioma cases and 340 new lung cancers annually. There is an urgent need for early detection and treatment, as well as prevention of any new exposures. Following its successful asbestos disease symposium in September 2012, OWA began to partner actively with the Canadian Mesothelioma Foundation in 2013-2014, especially around support to OWA clients with mesothelioma and a mesothelioma health care network.

Partnerships around appeals and dispute resolution

2013-2014 was another year of tremendous challenge in the appeals system, given the extensive backlogs at WSIB in previous years and the growing delays at WSIAT. OWA continued to place a high priority on the need to work collaboratively on improving dispute resolution. The OWA continued to work with a joint employer/worker dispute resolution advisory group through the Ontario Bar Association, which the OWA Director co-chaired with a prominent employer lawyer. The group developed a joint submission to the WSIB Appeals Modernization consultation. The focus was on potential improvements to the WSIB's new appeals process and broader collaboration between the employer and worker representatives to improve dispute resolution. At the end of the review period, a meeting between the joint group and WSIB was scheduled for April 2014.

Policy and Law Reform Consultations

2013-2014 was a very active year for strategic policy consultations by WSIB. Given the importance of the issues addressed, OWA devoted significant resources to participation in the consultations.

WSIB Appeals Modernization

WSIB had launched its new appeals process in February 2013, so 2013-2014 was the first full year of operation. OWA contributed to the development of a worker community response, which was discussed with the WSIB in November 2013. WSIB also opened the door for further discussions in the context of the new Operations Advisory Group, where the OWA was a major participant. At the year-end, it was anticipated that WSIB would announce changes to its process in 2014-2015.

WSIB Benefits Policy Review

In May 2013, the final report of Jim Thomas, the independent chair retained by the WSIB to consult with stakeholders and carry out a review of benefit policies, was released. In the Fall of 2013, WSIB issued draft policies for consultation. OWA staff worked with worker and employer stakeholder groups to analyze the draft policies in order to understand their legal and practical effects. The consultation was scheduled to close April 30, 2014. The OWA planned to make a detailed submission by that deadline. It was anticipated that WSIB would review all the submissions and make decisions on its final policies in 2014-2015.

Law Society of Upper Canada Review of OWA Exemption from Paralegal Regulation

Since July 1, 2007, the Law Society of Upper Canada's (LSUC) by-laws have exempted the staff at the OWA from paralegal regulation. In March 2013, OWA and OEA made submissions to the LSUC in support of continuing the exemption. As of fiscal year-end, the Exemptions Working Group of the LSUC's Paralegal Standing Committee had not yet made a decision regarding the OWA's exemption.

As well, during 2013-2014, OPSEU went to the Grievance Settlement Board to challenge the jurisdiction of the LSUC to regulate paralegals employed by the Ontario Government. In response, the LSUC applied to the Divisional Court to confirm its jurisdiction. The Divisional Court heard the application in December 2013 and as of fiscal year end a decision was anticipated in early 2014-2015.

Service Excellence, staff learning initiatives and wellness

During 2013-2014, OWA moved forward with several initiatives to ensure service excellence and support staff wellbeing.

Learning programs for OWA Staff

As part of its commitment to continuing professional development, the OWA delivers extensive educational programs to its own staff. During fiscal 2013–2014, this included the following delivered by CCSU:

- comprehensive training on changes to the OWA's internal time limits procedures and retainer documents.
- training on writing effective submissions, in response to changes in the WSIB's appeals system.

- with an external consultant, additional intensive training on written advocacy to a group of worker advisers, called “Write This Way.”

Developing best practices to address key service issues

The OWA Strategies Committee was established to address a need identified by Worker Advisers to develop tools, strategies and best practices on key issues related to the changing adjudicative and appeals environment. This included

- pre-existing conditions, degeneration and psychological issues
- “suitable and available” work and employability
- dealing with the operating level of WSIB
- advocating at the Appeals level of the WSIB and WSIAT
- understanding the employer’s perspective
- case management

Two important webinar learning sessions were delivered: “Dealing with Clients with Psychiatric Issues” and “Back disability: the challenges of determining work relatedness and the role of “pre-existing” or “degenerative” conditions”. These will be delivered to the Canadian Association of Worker Advisers and Advocates (CAWAA) and to a large group of worker representatives in 2014-2015.

As reported earlier, OWA has also been dealing with a large number of occupational disease cases, both individually and in local clusters. OWA needed to strengthen OWA staff skills and knowledge in this complex area. A staff working group was established in 2011-2012, consisting of Worker Advisers, CCSU and management staff, to do this.

In 2013-2014, the group continued its work and offered a Webinar on the extent of occupational disease in Canada, by Dr Paul Demers of the Occupational Disease Research Centre and Carex Canada.

Service Delivery Model Improvements

The environment in which the OWA works has evolved over time, especially around appeal time limits and professional responsibilities. In response, the OWA undertook a review of its service delivery model in 2013-2014 to ensure that we remain as operationally effective and efficient as possible, while continuing to meet our professional responsibilities to clients. We engaged our frontline staff through the Service Delivery Committee. During 2013-2014, this committee surveyed OWA staff for their input and contacted worker representatives across Canada to identify best practices. The committee will continue to work in the 2014-2015 fiscal year.

Workplace Violence Prevention and Peer Support

OWA Staff deal with vulnerable workers who sometimes experience crisis situations – often from a combination of financial, health and psychological factors. In extreme cases, workers may pose a threat of harm to themselves and/or others. OWA has long recognized the importance of supporting these workers but also when appropriate, protecting them, OWA staff and other system partners from potential harm. The Workplace Violence Prevention Committee (WVPC) continued to provide leadership and support around this in 2013-2014. In 2013-2014, WVPC reviewed incident reports

and made recommendations to management on improvements to response. The WVPC also surveyed OWA staff in May and November 2013 to benchmark and track worker behaviours.

During 2013-2014, OWA also participated actively in the MOL's Peer Support Program, an initiative to provide peer to peer emotional support and resources in times of personal crisis.

Health & Safety Reprisal Complaint Mandate

Overview of Services

The OWA's occupational health and safety reprisal complaint mandate is to provide the following services to non-union workers who have been threatened or punished for following or trying to enforce health and safety laws:

- information and advice
- representation
- educational services

In addition to serving individual workers, the Occupational Health and Safety Reprisal Program (OHSRP) works with the Ministry of Labour and community partners to ensure that the system is responsive to the needs of non-union workers.

Staffing of OHSRP

In fiscal year 2013-2014, the official staff complement remained the same as for 2012-2013: one client service representative (CSR) and two worker representatives (WR) reporting to the general counsel/CCSU manager. OHSRP staff, except for the CSR, are licensed by the Law Society of Upper Canada to provide legal services because the OWA's exemption from paralegal regulation applies only to its workplace insurance mandate.

By the second quarter of 2013-2014, incoming workload had increased so significantly that it was necessary to increase the OHSRP staffing. By the end of 2013-2014, the OHSRP was operating with an additional CSR and WR.

Description of OHSRP Service Model and Services

The OHSRP provides services to workers across Ontario from the OWA's Toronto office.

The OHSRP provides different levels of service depending on the situation and needs of the worker. In the first year of the program, service delivery was divided into four levels: summary advice, intake interviews, case reviews and representation. In 2013-2014, the model was streamlined by incorporating the case review stage into the intake stage. This resulted in more efficient and timely client service.

Advisory Services

New Request and Summary Advice

Every worker who contacts the OHSRP for service is counted as a new request (NR) and receives some level of summary advice (SA). New requests are handled by the CSR. Generally, service is completed at this stage if the worker's situation does not fall within the mandate of the program. (i.e.

their situations do not involve the elements of a health and safety reprisal or complaint or because they are unionized). In such cases, basic information and, if appropriate, referral information are provided.

If a worker's situation falls within the mandate of the program, they are asked to provide additional details regarding what happened to them as well as any relevant documentary evidence they have. The requirement to provide details and documents in advance of the intake interview was added in 2013-2014 and allows for more focused and efficient interviews. Once this information is received, an intake interview is scheduled and a worker's inquiry moves to the intake stage. In urgent cases, workers can be referred immediately to a WR.

Intake

At the intake stage, a worker receives a telephone consultation (intake interview) with a WR. During the interview, the WR and the worker discuss the facts, the law and the strengths and weaknesses of a potential reprisal complaint. The WR assesses whether there is sufficient evidence to pursue a health and safety reprisal claim. The WR's assessment is communicated to the worker at the conclusion of the interview or, if additional research or evidence-gathering is required, in a follow-up call.

If there is sufficient evidence and the worker chooses to pursue a reprisal case, an offer to represent is made and a retainer is prepared for the worker's signature. If there is an insufficient basis for a reprisal complaint, the worker is provided with legal advice and appropriate referral information.

Analysis of Advisory Statistics

New Requests

The OHSRP received 894 new requests for service during the 2013-2014 fiscal year compared to 502 in 2012-2013, an increase of 78% between the first and second years of the program. Of these 894 new requests, 826 were provided summary advice by the end of fiscal year.

Because new requests are handled by the CSR, the program required a temporary additional CSR position to meet the significant increase in demand.

An increase in demand for service at the front end also results in increased workload for the worker representatives and, to a lesser extent, the manager, who are regularly called upon to assist the CSRs in helping to determine whether a worker falls within the mandate of the program. An increase in new requests also translated in to greater demand for intake and representation services.

Summary Advice

Summary advice also increased significantly from 2012-2013 to 2013-2014. The number of instances of summary advice in 2013-2014 was 826 compared to 485 for 2012-2013, an increase of 70%. This number likely does not reflect the full impact of the increase in new requests. Because new requests can remain open for several weeks prior to being referred to intake, some of the new requests received in 2013-2014 will not be reported as SAs until 2014-2015.

Intake and Offer to Represent

In contrast to the other services provided by the reprisal program, there was a decrease in the number of intake interviews provided in 2013-2014 compared to 2012-2013. There were 318 intake

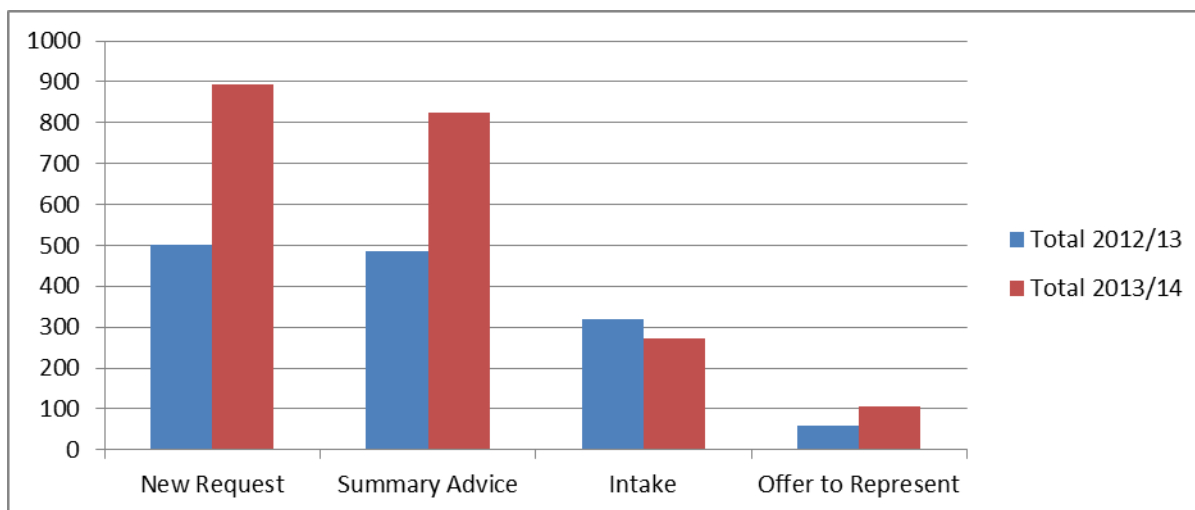
interviews in 2012-2013 versus 272 for 2013-2014, a 14% reduction. This is a positive development caused by improved screening of incoming new requests. Put another way, the program did a better job at identifying workers who were likely to benefit from an intake interview.

As OHSRP Table 3 shows, a smaller proportion of new requests were provided with intake interviews in 2013-14 (30%) than in 2012-13 (63%). However, a much higher proportion of intake interviews resulted in an offer to represent in 2013-14 (39%) than in 2012-13 (19%). Despite this, the percentage of new requests (i.e., workers contacting the program for assistance) who were offered representation remained constant at 12%, year to year. This indicates that screening at the front end (i.e., where it is determined whether a worker falls within the OHSRP mandate) improved significantly in 2013-2014 compared with 2012-2013. This improved screening allowed for more efficient use of worker representatives' time.

OHSRP Table 1: Overview of Advisory Statistics 2013-2014 and 2012-2013

Service	Q1		Q2		Q3		Q4		Total		Variance	
	12/13	13/14	12/13	13/14	12/13	13/14	12/13	13/14	12/13	13/14	#	%
New Requests	143	201	114	226	162	178	83	289	502	894	392	78%
Summary Advice	138	175	112	181	154	166	81	304	485	826	341	70%
Intake	99	75	74	72	73	67	72	58	318	272	-46	-14%
Offer to Represent	15	32	2	24	9	24	6	25	59	105	73	228%

OHSRP Table 2: Overview of Advisory Statistics 2013-2014 v 2012-2013



OHSRP Table 3: Overview of Advisory Statistics 2013-2014 v 2012-2013 Including Percentage of NR to Intake and NR to Offer to Represent

Service	Total		Variance		2012-2013		2013-2014	
	2012-2013	2013-2014	# wkrs	%	% of NR	% of Intake	% of NR	% of Intake
New Request	502	894	392	78%				
Summary Advice	485	826	341	70%				
Intake	318	272	-46	-14%	63%		30%	
Offer to Represent	59	105	46	78%	12%	19%	12%	39%

Representation Services - Activities

Worker representatives can represent workers at every stage of the reprisal complaint process from filing an application that initiates the complaint process through mediation, and/or hearing at the Ontario Labour Relations Board (OLRB). In exceptional circumstances, worker representatives may continue to represent workers on a directly related legal issue after their reprisal complaint has been resolved (e.g., an employment insurance issue arising out of a settlement).

Applications or Statutory Referrals Start the Reprisal Complaint Process

Preparing and filing an application with the OLRB is the first level of representation service provided by the OHSRP. In some cases however, workers come to OWA after filing their own application or after a health and safety inspector has filed a statutory referral (OHSA s. 50(2.1)) to the OLRB on behalf of the worker. In these situations, it is not necessary for the OWA to prepare an application for the worker. Such cases are usually dealt with on an expedited basis as hearing and sometimes a mediation dates may already be scheduled when the worker requests assistance.

In 2013-2014, 67 applications were filed. This is compared to 30 in 2012-2013, an increase of 123%. It is worth noting that 20 applications were filed in the fourth quarter of 2013-2014, the highest number of applications in any quarter since the program began (see OHSRP Table 4). As these represent future work, 2014-2015 will commence with a much higher workload than did 2013-2014.

Early Dispute Resolution

Settlements are usually achieved during formal mediation at the OLRB, but can occur at any time in the process. If a settlement is reached before mediation, it is recorded as early dispute resolution (EDR). In 2013-2014, 21 cases were settled at this stage compared to 12 in 2012-2013, a 75% increase. Settlements at this stage save OLRB resources and result in an earlier resolution for the worker. Negotiations at this stage are, however, often more time consuming for worker representatives than in the formal mediation process.

Mediation/ Pre-hearing Conference

Prior to a hearing the OLRB holds a pre-hearing conference at which a labour relations officer will attempt to facilitate a settlement between the parties. This is the formal mediation stage of the process. In some cases, settlement negotiations continue after the pre-hearing conference and can continue up until the date of the hearing. The OLRB will also generally encourage further settlement discussions on the day of hearing.

Representation at mediation was by far the most common representation activity for the OHSRP. Representation at mediation increased 33% from 2012-13 to 2013-14, from 40 mediations to 53. This increase is less than that seen in other representation activities but is offset by the increase in early dispute resolution.

Hearing

If mediation is unsuccessful, the matter proceeds to a hearing. In 2013-2014 more cases got to the hearing stage than in 2012-2013 (16 compared to 5). As occurred in 2012-2013, however, most of these cases settled before the hearing process was complete. As the work to prepare for these hearings had been done and some part of the hearing process had occurred (e.g. procedural issues argued, opening statements etc.), these cases are counted as hearings in the representation activity statistics.

OHSRP Table 4: Quarterly Representation Activities 2013-2014 v 2012-2013

Service	Q1		Q2		Q3		Q4		Total		Variance	
	12/13	13/14	12/13	13/14	12/13	13/14	12/13	13/14	12/13	13/14	#	%
Application	7	15	10	17	7	15	6	20	30	67	37	123%
EDR	1	4	5	6	1	6	5	5	12	21	9	75%
Mediation	5	10	9	15	11	13	15	15	40	53	13	33%
Hearing/ Consultation	1	4	2	6	1	3	1	3	5	16	11	220%
Total	14	33	26	44	20	37	27	43	87	157	70	80%

Representation Services – Outcomes

The OHSRP tracks representation outcomes separately from representation activities. While the activities statistics help keep track of workload, outcome statistics report on the value of the program for the workers it serves.

Settlements

By far the most significant representation outcome is settlements. Settlements almost always involve financial compensation, but can also involve non-monetary terms such as corrections to a worker’s record of employment, letters of reference or apologies. In 2013-2014, the OHSRP achieved 67 settlements. This is an increase over the 46 settlements achieved in the previous year.

Interim Decisions

Interim decisions are issued by the OLRB prior to a final decision in the case. They often concern procedural matters and resulted from written submissions. In some cases an interim decision may lead to a settlement. Because of the high rate of settlement, the number of decisions generated from the OHSRP representation work is relatively small. In 2013-2014, there were 9 interim decisions resulting from OHSRP representation work.

Final Decisions

As noted above, 16 OLRB hearings were attended in 2013-14, but none of these resulted in a final decision. The one final decision obtained in 2013-2014 resulted from an exceptional situation in

which the program represented a worker at the Canada Social Security Tribunal on an employment insurance matter arising from the settlement of a reprisal complaint.

Withdrawals

In 2013-14, one application was withdrawn. Service was withdrawn from two other workers after significant evidence affecting the workers' chances of success came to light.

OHSRP Table 5: Quarterly Representation Outcomes 2013-2014 v 2012-2013

Service	Q1		Q2		Q3		Q4		Total		Variance	
	12/13	13/14	12/13	13/14	12/13	13/14	12/13	13/14	12/13	13/14	#	%
Settlement	4	9	12	18	9	20	21	20	46	67	23	46%
Interim Decision	0	1	0	4	0	4	1	0	1	9	8	800%
Final Decision	0	0	0	0	0	0	0	1	0	1	1	N/A
Withdraw Application	1	0	1	1	0	0	0	0	2	1	-1	-50%
Withdraw Service	0	0	0	0	0	2	4	0	4	2	-2	-50%
Total	5	10	13	23	9	26	26	21	53	80	31	51%

Summary of OWA's OHSRP achievements in 2013-2014

In summary, the Occupational Health and Safety Reprisal Program experienced a significant increase in demand for service in its second year. It was a challenge to meet this demand and continue to provide high quality service. This challenge was met by adding modest staff resources and by developing a more efficient process at the summary advice stage of the program.

- New requests: 78% increase over last fiscal year (894 compared to 502)
- Summary Advice: 70% increase (826 compared to 485)
- Intake interviews: 14% decrease (272 compared to 318)
- Offers to represent: 228% (105 compared to 59)
- Settlements: 50% increase (69 compared to 46)

Educational Services

In addition to answering workers' questions about health and safety reprisal complaints by phone, the OWA also promotes its website as a source of information. The OWA website contains a section on reprisals which contains information on:

- What health and safety reprisals are
- How workers can enforce their rights
- How the OWA can provide assistance
- Other organizations that can provide assistance

OTHER KEY ACTIVITIES IN 2013-2014

System and Community Partnerships and Committee Work

During 2013-2014, there was some partnership work of a modest nature. Highlights of these activities include:

- A presentation by a worker representative at a staff meeting of inspectors and other staff from the Industrial Program, Western Region to increase understanding among frontline MOL staff of the OWA's role in assisting vulnerable workers and the process and remedies at the OLRB.
- Consultations with the Labour OHCOW Academic Research Collaboration (LOARC), who are preparing a comprehensive guide for workers on the topic of health and safety representation.

APPENDIX A –PERFORMANCE ACHIEVEMENTS - WSIA MANDATE

Measure	Standard/Long Term Target	2012-2013 Achievement	2013-2014 Commitments	2013-2014 Year-End Achievements (as of March 31, 2014)	2014-2015 Commitments
Early and Alternative Dispute Resolution	70% of all decisions to be obtained by early (EDR) or alternative dispute resolution (ADR)	82% of all OWA decisions were obtained by early or alternative dispute resolution.	OWA expects to achieve at least 70% of all issues resolved by EDR or ADR.	OWA exceeded commitment by resolving 78% of all issues by EDR or ADR.	OWA expects to achieve at least 70% of all issues resolved by EDR or ADR.
Effectiveness of advisory & representation services	200 issues per full time staff.	207 issues per full time staff* were achieved through advice and representation.	200 issues per full time staff.	Not met. 175 issues per full time staff* were achieved through advice and representation. For reasons detailed in this annual report, it was exceedingly challenging to move cases through the appeals system in 2013-2014 and this reduced OWA capacity to generate decisions. OWA is also devoting increasing time and resources to the case review process, dealing with workers in crisis and helping them navigate other disability programs.	The 2014-2015 target continues to be 200 . However, during 2014-2015, OWA will benchmark a new performance measure recognizing the work on case reviews, responding to workers in crisis and helping vulnerable workers navigate other disability programs. It is likely that the target for issues in decisions for 2015-2016 will be adjusted when this new performance measure has been benchmarked

Measure	Standard/Long Term Target	2012-2013 Achievement	2013-2014 Commitments	2013-2014 Year-End Achievements (as of March 31, 2014)	2014-2015 Commitments
Timeliness of Appeals Representation Service	100% of all cases involving appeals representation service to commence within 120 days of commitment.	OWA opened 90% of all cases placed on the waiting list for representation services within 120 days.	To achieve a target of commencing 100% of representation cases within 120 days.	OWA opened 88% of all cases placed on the waiting list for representation services within 120 days. The main factor contributing to this was the significant appeals backlogs within the system and the difficulty in maintaining efficient case turnover. Given the many challenges of 2013-2014, this was still a reasonably good result.	OWA's commitment is to maintain or improve 2013-2014 timeliness. However, there are significant risks: including the growing delays at the WSIAT level and the significant impact of around a dozen experienced Worker Advisers leaving OWA during 2013-2014 and 2014-2015.

**STAFF INCLUDES ALL OWA STAFF WITH THE EXCEPTION OF THE THREE POSITIONS DEDICATED TO THE NEW REPRISAL COMPLAINT MANDATE*

APPENDIX B – FINANCIAL REPORT FOR THE FISCAL YEAR 2013-2014

Account	Final Budget*	Total Actual Expenditures**	Variance	Variance %
Salary & Wages	8,087.5	8,027.8	59.7	0.7%
Benefits	2,564.0	2,556.8	7.2	0.3%
Other Direct Operating Expenses (ODOE)				
<i>Transportation & Communications</i>	360.9	331.5	29.4	8.1%
<i>Services (incl. Office Leases)</i>	1,505.8	1,529.5	(23.7)	-1.6%
<i>Supplies & Equipment</i>	108.8	99.3	9.5	8.8%
ODOE TOTAL	1,975.5	1,960.2	15.3	0.8%
OWA TOTAL	12,627.0	12,544.8	82.2	0.7%
Recoveries	(12,626.0)	(12,544.7)	(81.3)	-0.6%
TOTAL	1.0	0.1	0.9	

* Final Budget = Printed Estimates+/- TBO, re-alignment of funds by standard account.

** Total Actual Expenditures including office lease cost

APPENDIX C - Noteworthy Workplace Safety and Insurance Appeals Tribunal (WSIAT) Decisions by Office of the Worker Adviser Staff

The WSIAT summarizes its significant decisions and identifies those that are especially important as noteworthy. A selection of noteworthy decisions resulting from OWA representation is summarized below.

Decision 2137/13

The Panel found the worker was entitled to Loss of Earnings (LOE) benefits following a retirement agreement because there was no additional suitable modified work available. The retirement agreement did not qualify as an agreement for the employer to pay wages instead of the worker claiming Workplace Safety and Insurance Board (WSIB) benefits.

Decision 644/13

The Vice Chair allowed LOE benefits and Labour Market Re-Entry (LMR) services following an early retirement package because the worker's compensable impairment was a significant contributing factor to her decision to retire. The severance package is not post-accident earnings.

Decision 214/14

The Panel found that the worker's injury and resulting medication were causal factors in his death from drug induced asphyxia. The use of alcohol did not break the chain of causation between the workplace injury and the worker's death, since it was used, in part, to address the same symptoms as the prescription medication.

Decision 47/12

The Panel determined that worker's Methicillin Resistant Staphylococcus Aureus (MRSA) infection developed as a result of the workplace exposure, as the worker did not have other risk factors.

Decision 688/12

In a case where the worker has multiple claims, the Vice Chair considered how to attribute the worker's wage loss following a deterioration. The Vice Chair found that the WSIB Case Manager does not have open-ended discretion on how to assign costs between the claims.

Decision 1164/13

The Vice Chair found that the applicable WSIB policy for an appeal is the policy in place at the time of the WSIB's Operating Level decision. The Vice Chair allowed LOE benefits for the worker because he undertook a diligent self-directed job search.

Decision 2382/12

The Panel upheld entitlement for a firefighter's heart attack that occurred within 24 hours after responding to a fire. The employer did not rebut the legislative presumption that the heart attack was caused by the work duties.

Decision 1454/13 I

The Panel did not allow the employer's video surveillance into evidence because the surveillance was not from the time period at appeal, and thus would have minimum probative value but significant prejudicial value.

Decision 1318/13

The Panel accepted the worker's claim for occupational asthma. The standard of proof does not require the worker to be exposed to dangerous conditions in order to confirm the diagnosis.

Decision 2097/12

The Panel accepted the worker's dental problems as a secondary condition arising from the effect of medications prescribed for her compensable conditions.

Decision 201/14

The Vice Chair allowed a recalculation of the worker's earnings basis to exclude the non-earning days that occurred while the worker was caring for his terminally ill father.

Decision 2086/13

The Panel found that the worker's LOE benefits should be recalculated to reflect the fact that he can only work part time. The Panel concluded that when workers opt for the Work Transition Plan for Workers Age 55 and Above, the "no review" requirement only applies to choosing that option, not to the level of LOE benefits.

APPENDIX D - Client Testimonials – Workplace Insurance program

From my first phone call right through to my end result I could not have expected more professional and informative assistance.

Service was above and beyond. Keep up the good work. My Worker Adviser was the nicest person I have ever met. Thank you. Once again I would not have won my case without all of her hard work. I am so grateful for all her hard work and help.

I felt bullied by WSIB and I am so glad to have received help. I feel sorry for others who had no choice but to give up and give in to WSIB.

If you were change anything at this point I think you would find yourself doing the backstroke. Everything is as it should be - IN ORDER!! I will share this: if I had a question it was answered properly. And I had no problem getting a hold of someone to clarify any issues that arose!! Awesome Job. Glad you were there to help me in what I thought was a lost cause.

Amazing people, doing amazing work for the little peons like myself - going against the giant WSIB. Kudos to your organization. Keep up the amazing work you do for the injured.

Excellent service, don't know what I would have done without this representation

Awesome, made a stressful situation very understanding and the support was great right from the beginning till the end. Very happy and grateful someone took the time to listen and understand my complaint. Thank you.

Keep the good work up. I would not have gotten anywhere without OWA. Thank you very much.

My Worker Adviser reviewed my files carefully and timely after he took care of my case. He communicated with me very kindly and clearly and made me understand. I am very satisfied with his service attitude, professional knowledge and fruitful result. I am also very appreciated with OWA team and would like to thank team for help on my appeal.

Your patience and understanding is commendable. Calls were always returned no matter what. Win or lose I am very satisfied with the work that *** did on this file.

There is nothing the OWA can do better. It's up to compensation to improve its system. The OWA has been fantastic. *** has been outstanding. She should be an example for every case worker. She has always answered my questions honestly, no matter how trivial. She has been a lifeline to me in the darkest financial times of my life. I thank her.

I am extremely satisfied with Ms F's efficient and professional service. Her outstanding efforts to resolve my case have been exceptional and should be rewarded.

Client testimonials – Occupational Health and Safety Reprisals Program

[The worker representative] and all of the staff I had communications with were fantastic!

[Both worker representatives] provided exceptional service and representations. I'm very pleased with the experience & the outcome!

I received outstanding representation and service. Without your advice, guidance and representation I could not have done it without you.

[The worker representative] did a fantastic job, she really had my best interests in mind. I think this is a wonderful program and I hope it continues to expand in the future.

Couldn't have asked for more, outstanding in every regard and completely exceeded any expectations I had!

APPENDIX E – OWA OFFICE LOCATIONS

TORONTO & EASTERN REGION

HEAD OFFICE & TORONTO OFFICE

123 Edward Street
Suite 1300
Toronto, ON M5G 1E2

SCARBOROUGH OFFICE

305 Milner Avenue
Suite 918
Scarborough, ON M1B 3V4

OTTAWA OFFICE

347 Preston Street
3rd Floor
Ottawa, ON K1S 3H8

SOUTHWEST REGION

LONDON OFFICE & SARNIA SATELLITE

495 Richmond Street
Suite 810
London, ON N6A 5A9

WATERLOO OFFICE

155 Frobisher Drive
Unit G (213)
Waterloo, ON N2V 2E1

WINDSOR OFFICE

100 Ouellette Avenue
10th Floor
Windsor, ON N9A 6T3

NORTH REGION

SAULT STE. MARIE OFFICE

70 Foster Drive
Suite 480
Sault Ste. Marie, ON P6A 6V4

THUNDER BAY OFFICE

435 South James Street
Suite 335
Thunder Bay, ON P7E 6S7

SUDBURY OFFICE

159 Cedar Street
Suite 304
Sudbury, ON P3E 6A5

TIMMINS OFFICE

60 Wilson Avenue, Suite 303
Timmins, ON P4N 2S7

ELLIOT LAKE OFFICE

50 Hillside Drive North
Elliot Lake, ON P5A 1X4

CENTRAL REGION

DOWNSVIEW OFFICE

1201 Wilson Avenue
Building C, Suite 125
Downsview, ON M3M 1J8

HAMILTON OFFICE

119 King Street West
13th Floor
Hamilton, ON L8P 4Y7

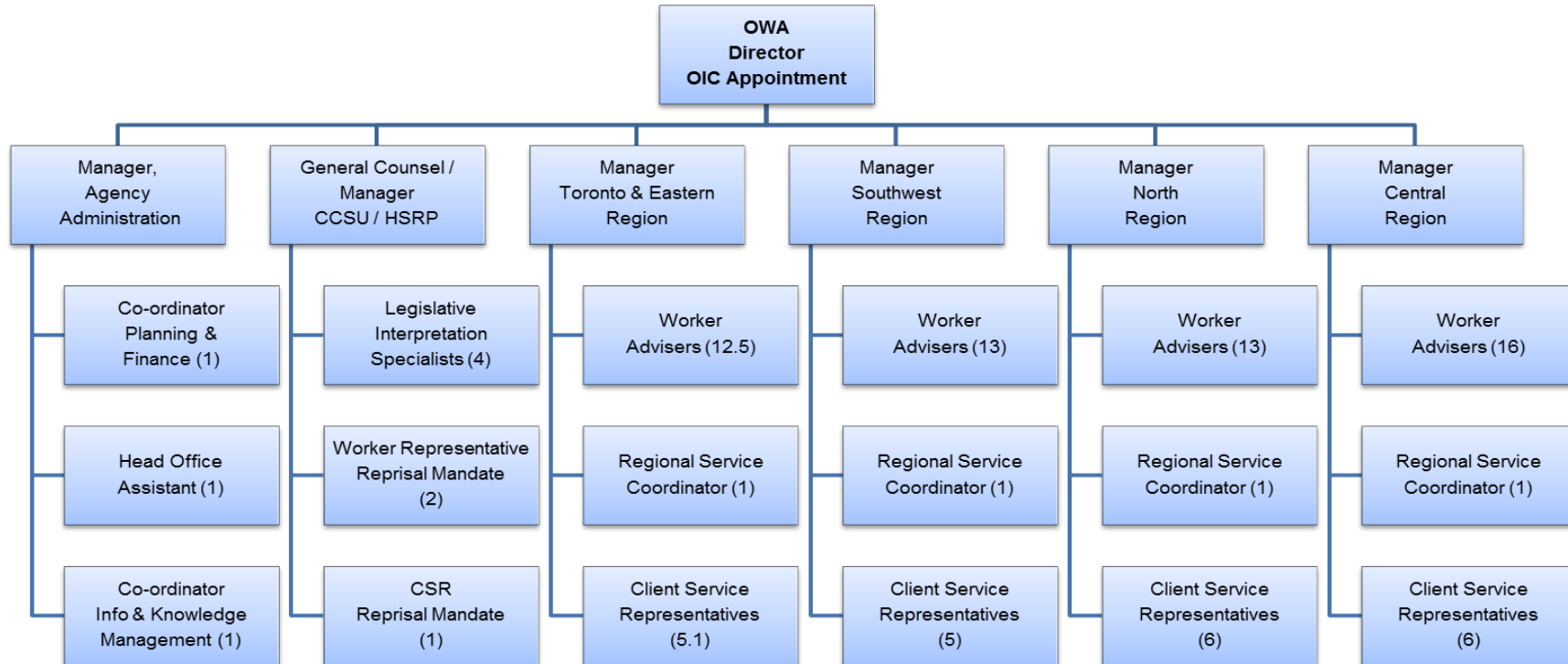
ST. CATHARINES OFFICE

301 St. Paul St.
9th Floor
St. Catharines, ON L2R 7R4

MISSISSAUGA OFFICE

10 Kingsbridge Garden Circle,
Suite #512
Mississauga, ON L5R 3K6

APPENDIX F – ORGANIZATION CHART



2013-2014 OWA STAFF ALLOCATION = 97.6 FULL TIME EQUIVALENTS (FTE)