



# Ontario

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**Office of the Worker Adviser**

**Business Plan**

**2014-15 to 2017-2018**

**October 22, 2013**

## **EXECUTIVE SUMMARY**

This business plan covers OWA's two mandates – workplace insurance and occupational health and safety reprisals.

### **Workplace insurance program**

The OWA's main focus and contribution to the system continues to be our day-to-day work advising and representing vulnerable, non-unionized injured workers and their survivors in workplace safety and insurance cases. The 2012/13 fiscal year saw an increase in the demand for representation services. This increased demand has moderated in the first half of 2013/14, but substantial workload pressures remain from the previous high demand period. Changes in the allowance rate of OWA appeals at the operating and appeal levels of WSIB mean that a higher proportion of OWA's caseload will proceed to the WSIAT level. This poses challenges for efficient case turnover, which OWA will address in 2014/15. This will include aligning staffing resources with demand for service across Ontario, pursuant to a workload analysis carried out in 2013/14.

In 2014/15, OWA and its system partners will strengthen our protocols to respond to workers in psychological and financial crisis, some of whom may pose a threat of harm to themselves or others. OWA will also strengthen referral and information sharing with other disability programs such as the Ontario Disability Support Program (ODSP).

Partnerships with WSIB and WSIAT will be vital for OWA's success in 2014/15 and beyond, especially in responding to pending changes in WSIB's benefits policies and in improving dispute resolution and case turnover.

OWA will continue to improve its website, which was renewed in 2013/14, to provide a valuable tool for education and support to its client community.

In response to growing case complexity and workload pressures, in 2014/15 OWA will complete an intensive process of staff engagement, focused on improving its service delivery model and identifying best practices in frontline service. The recommendations of this process will be implemented later in 2014/15.

### **Occupational Health and Safety Reprisals Program**

In addition to its WSIB mandate, the OWA, effective April 1, 2012, began to advise and represent non-unionized workers who may have suffered reprisals in the workplace for raising health and safety concerns. To fulfill the work required of this new mandate, MOL confirmed a multi-year increase to OWA's FTE and budget allocations to support the hiring of two worker representatives and one client service representative, pending a future review of its proposed service delivery model and resource needs. Even with no significant outreach activities, the new Health and Safety

Reprisal Complaint Program has experienced a steady increase in requests for advice and assistance. During the first six months of 2013/14, incoming workload increased dramatically over 2012/13, creating significant workload pressures for the program staff.

## **THE AGENCY AND ITS MANDATE**

The Office of the Worker Adviser (OWA) was established by amendments to the then Workers' Compensation Act (now Workplace Safety and Insurance Act – WSIA) in 1985. It has been an operational service agency of the Ministry of Labour (“the Ministry or MOL”) since 1992. It reports to the Minister of Labour and is indirectly funded by the Workplace Safety and Insurance Board (WSIB), through cost recovery. The OWA Director is appointed by an Order in Council and the Agency's employees are public servants.

### ***Workplace Insurance Mandate***

Section 176(1) of the WSIA defines the OWA's mandate to “educate, advise and represent workers who are not members of a trade union and their survivors”.

The OWA supports the government's priorities of creating a more prosperous and healthier Ontario by contributing to the poverty reduction initiative and supporting vulnerable workers through dispute resolution, thus enabling clients to succeed in accessing benefits and services set out by the WSIA. This reduces the pressure on social services programs and the government's revenue, by charging the health care and benefits costs associated with these clients to the industry where they were hurt. OWA's efforts supporting injured workers in return to work contribute to Ontario's prosperity by reducing longterm claims costs for their employers .

### ***Occupational Health and Safety Reprisal Mandate***

The passage of the *Occupational Health and Safety Statute Law Amendment Act, 2011* (Bill 160) entrusted the OWA with an additional mandate. Effective April 1, 2012, the OWA was mandated to educate, advise and represent non-unionized workers who have reprisal complaints under Section 50 of the *Occupational Health and Safety Act* (OHSA).

This new mandate allows the OWA to further support the government's priorities of creating a more prosperous and healthy Ontario and the Ministry's objective of protecting vulnerable workers by helping to ensure non-unionized workers in Ontario who raise health and safety concerns have ready recourse to free and confidential advice and representation should they be subjected to a reprisal in the workplace. This contributes to effective dispute resolution and helps workers and employers avoid costly litigation.

## **OWA Vision and Mission**

The OWA's vision is to:

- be a leader in advice, representation, and education in workplace safety and insurance and reprisals, on behalf of the most vulnerable non-unionized injured workers and their survivors;

The OWA's mission is to:

- provide a vital public service that contributes to the effective functioning of Ontario's workplace insurance and the occupational health and safety systems, thereby supporting a healthy workforce which is a foundation for a strong and vibrant economy;
- contribute to improving workplace safety and insurance through community and system partnerships; and
- provide expert and effective education, advice and representation to vulnerable, non-unionized workers who may have suffered reprisal for following the *Occupational Health and Safety Act*.

## **STRATEGIC DIRECTIONS**

The OWA faces a number of pressures in 2014/15 and beyond that are causing it to carefully consider how it delivers services to support its core mandates.

**Workplace insurance program:** Most important, OWA will respond to challenges resulting from the growing proportion of its caseload which is being dealt with by the Workplace Safety and Insurance Appeals Tribunal (WSIAT). To maximize efficient case turnover, OWA will strive in 2014/15 to resolve more cases at the operating and appeal levels of WSIB. This will include collaboration with WSIB on addressing common frontline adjudication issues, to increase early resolution of more cases, and with employer representatives on consensus based approaches to dispute resolution. OWA will also work with WSIAT and employer representatives on resolution of our cases at the WSIAT level. OWA will also work with its system and community partners to respond to workers in crisis and to help workers access other disability programs such as the Ontario Disability Support Program (ODSP) when necessary.

At the same time, OWA will be devoting increased resources in 2014/15 and beyond to support and engage its staff in dealing with changes at WSIB, in particular the new benefits policies to be implemented in 2014/15 and the new appeals processes, identifying best practices and ensuring the maintenance of high professional standards. These initiatives will be supported by planning for a new Case Management System and will be consistent with the likely elimination of OWA's exemption from paralegal regulation during the three year time period covered by this business plan.

In keeping with current OPS directives to work within existing resource allocations, the OWA is carefully considering the services it provides and the way in which these services are delivered. Using caseload statistics and workforce data, OWA will review its current service delivery model and introduce improvements to further increase effectiveness, improve client service and allocate

resources where most needed. This will include benchmarking a new performance measure to capture vital work evaluating workers' cases, and helping workers in crisis land in the appropriate disability program. This will also include ensuring necessary resources for OWA's reprisals mandate, where demand for service is increasing significantly.

In 2014/15, the third year of offering legal services to workers with health and safety reprisal complaints, OWA will continue collaboration with the MOL Health and Safety Program, which is the program's main referral source. Targeted outreach to priority vulnerable worker communities will be carried out.

## **ACTIVITIES INVOLVING STAKEHOLDER GROUPS**

### ***Workplace Insurance Partnerships***

The OWA contributes to service improvements in the workplace safety and insurance system through partnerships with WSIB, WSIAT, the Office of the Employer Adviser (OEA), the Ministry of Labour (MOL), worker and employer stakeholder groups and the Occupational Health Clinics for Ontario Workers (OHCOW). The OWA's most important role is to help improve dispute resolution and return to work within the system.

Given the fact that the OWA client group is non-unionized, they can be difficult to reach. The OWA continues to enhance its community profile and will continue its joint initiative with WSIB to make potential clients aware of OWA services at the earliest possible stages of their claims when disputes arise. This is particularly important in return to work cases.

### ***Partnership Activities with WSIB***

#### ***WSIB Labour and Injured Worker Advisory Committee (LIWAC)***

The OWA director plays an active role on this committee, which is convened by the chair of the WSIB and comprised of senior management of the WSIB and worker members from unions, injured worker groups and organizations representing non-unionized workers (community legal clinics and OWA).

#### ***OWA / WSIB Partnership Meetings***

OWA and WSIB senior management meet directly as needed to address systemic issues. In 2014/15, this will include implementation of WSIB's new benefits policies and review of its new appeals process.

#### ***Fatalities and Immediate Response (FAIR) Partnership***

The goal of the FAIR Partnership is to provide timely, seamless, and comprehensive assistance to surviving family members following a traumatic workplace fatality. In 2013/14, OWA, WSIB, MOL Operations Division and the other partner, a peer support organization called Threads of Life, reviewed and strengthened the partnership to improve services and support to families of workers killed on the job. 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. During 2014/15, the partners will be exploring the possibility of extending the FAIR partnership to support workers suffering life-altering injuries and illnesses and the surviving families of workers who die from occupational disease.

### ***WSIB/OWA/WSIAT partnership on workers in crisis and partnerships with other disability programs***

Some injured workers respond to developments in their cases by threatening harm to themselves or others; or experience other crisis situations, most commonly severe reductions in income and loss of housing. The workplace insurance system partners have developed a detailed protocol on responding to these situations with a view to maximizing support to the injured worker and facilitating dispute resolution and appeals, while ensuring protection of the safety and security of our staff. This protocol was reviewed and updated in 2013/14. Several very volatile situations were addressed successfully by the partners. With the support of the Deputy Minister of Labour, major steps were also taken to improve collaboration with other disability programs which injured workers may resort to (especially the Ontario Disability Support Program – ODSP – and Canada Pension - Disability – CPP-D). In 2014/15, OWA will work to further strengthen collaboration and related protocols, including communications, information sharing and helping injured workers navigate other disability programs.

### ***Partnership Activities with WSIAT:***

#### ***Workplace Safety and Insurance Appeals Tribunal (WSIAT) Advisory Group***

The WSIAT Advisory Group includes the WSIAT Chair and other senior officials, the director of the WSIB's Appeals Branch, and members representing both the worker and employer communities. The OWA Director and General Counsel sit on this Advisory Group.

#### ***OWA/WSIAT partnership meetings***

As with WSIB, the OWA Director and other staff meet directly with WSIAT on specific areas of collaboration. This will be particularly important in 2014/15, as both organizations deal with the impact of the appeals backlog at WSIAT.

### ***Other System Partnerships:***

#### ***Inter-agency forum***

An inter-agency forum, including representation from WSIB, WSIAT, OWA, OEA and chaired by MOL began to meet in 2012, on the request of the Deputy Minister of Labour, to share information and work together to ensure that the workplace insurance system is as efficient and effective as possible. In 2013/14, the partners shared data and strategies on backlog reduction; dispute resolution; dealing with workers in crisis; and electronic file access. The forum will be important in 2014/15 to support collaboration in addressing the system's challenges.

#### ***Occupational Health Clinics for Ontario Workers (OHCOW)***

OWA partners with OHCOW to obtain effective and timely ergonomic, hygiene and medical reports. The partnership with OHCOW is especially important around occupational disease clusters, sometimes involving hundreds of individual cases, such as in Sarnia and Peterborough.

### ***Other Partnerships***

It is beyond the OWA's mandate and resources to provide all the counselling, support, and advice that injured workers and their families require. The OWA relies on key community partners

(injured worker groups, MPP constituency offices, ethnic and francophone groups, health care providers, municipalities, legal clinics, and unions) and other community groups who have contact with injured workers (e.g. food banks, social agencies, Unemployment Help Centres, etc.) to provide a wide spectrum of assistance. Referrals to these service providers allow the OWA to focus on advisory and representation services to injured workers.

During 2014/15 and beyond, OWA will engage in very carefully targeted outreach to community partners who can help ensure that OWA services are known and accessible to particularly vulnerable worker populations – especially youth, new immigrants and First Nations. Some of this outreach will be in partnership with WSIB and other system partners such as MOL.

### ***Reprisals Program Partnerships***

Prior to the implementation of the reprisals mandate for OWA and OEA and during the first part of 2012/13, both agencies participated in the Section 50 working group, convened by the Ministry's Health & Safety Review Project Secretariat, along with the OLRB and internal Ministry stakeholders. While this group is no longer active, OWA, OEA and OLRB continue to collaborate on reprisals issues as needed. This will continue in 2014/15.

## **OVERVIEW OF CURRENT AND FUTURE PROGRAMS AND ACTIVITIES**

### **Workplace Safety and Insurance Program**

In representing non-unionized injured workers and their survivors, the OWA performs a public service by supporting its clients' financial well being through effective dispute resolution. OWA involvement in return to work cases also makes a contribution to Ontario's economic wellbeing through improved employment for disabled workers and the resulting avoidance of costly litigation for employers. OWA contributes to the resolution of disputes within the workplace insurance system through these three mandated services:

#### ***Advisory Services***

While the bulk of OWA staff resources is dedicated to representation services, all workers who contact the OWA for assistance are provided with valuable, high-level information and advice, to enable them to navigate the WSIB on their own when this is possible. Advisory services are provided by telephone, email, letter, community clinics, and in-person appointments at sixteen office locations (including one satellite office) throughout the province. Community clinics are advertised and held in communities where there is no local OWA office. Community partners, including MPP offices, are notified of clinic dates in their areas.

An extensive set of bilingual self-help information pages on most workplace insurance issues is available on the OWA website and in hard copy if necessary.

## ***Representation Services***

When advisory service is not sufficient for workers to resolve their problems on their own, OWA provides representation at the WSIB, the WSIAT and sometimes in other related proceedings. When possible, the OWA seeks early and alternative resolution of disputes. Representation is the most extensive and valuable service the OWA provides within the workplace insurance system, thus advancing fairness in the workplace, appropriate cost allocation between the employers and the taxpayer and poverty reduction in the broader community. OWA contributes to the sustainability of the workplace safety insurance system especially when its efforts contribute return to work.

To ensure that its resources are used most effectively, OWA reviews all cases before offering representation. The OWA only offers to represent on cases that have a reasonable chance of success. This case review process results in many cases being diverted from the appeals system and saves those claimants the stress involved in pursuing appeals that have little chance of success. In such cases, referrals are made to the appropriate social agency or disability program.

OWA receives significant numbers of referrals from Members of Provincial Parliament (MPPs), who are not permitted to represent their constituents before WSIB and WSIAT.

The OWA's Central Client Services Unit (CCSU) provides legal support/advice to OWA staff on legally complex or precedent setting cases and, where necessary, presents legal submissions in writing or at in-person hearings.

## ***Educational Services***

The OWA promotes self-help through printed educational materials and on its bi-lingual website. The website contains up-to-date information on WSIB benefits and services in the form of information pages, worker information kits, frequently asked questions, links to WSIB and WSIAT forms and other useful information and links to help with understanding workplace safety and insurance. These support materials allow the OWA to focus its resources on those injured workers who need more in-depth advice or representation.

In its current capacity, the OWA web site allow workers to request service via email; however this is a relatively limited access point. During 2014/15, OWA plans to include options for a client website portal in the planning for development of the new case management system.

The OWA also supports its community partners who provide peer support, counselling and assistance to injured workers. This support includes both consultations on individual cases and the provision of generic workplace safety and insurance appeals information produced by CCSU. CCSU staff also produce and deliver educational materials and briefs for special issues presentations.

## **Health and Safety Reprisal Program**

On April 1, 2012 , OWA launched its new mandate to educate, advise and represent non-union workers who may have suffered a reprisal for exercising their OHS rights. The OWA



Occupational Health and Safety Reprisal Program (OHSRP) is delivered from OWA's provincial office in Toronto, by two worker representatives and one client services representative under the direction and supervision of the OWA general counsel/CCSU manager. In 2012/13 and 2013/14, because the focus was on building capacity within the OWA to meet the demands for this new program, the OWA did not undertake any outreach activities. The majority of cases come by way of referral from the MOL. The services provided include:

### ***Advisory Services***

Advisory services for reprisal cases are provided primarily through telephone contact. In addition, the website self-help pages on health and safety reprisals are provided to workers seeking services from the program. Referrals to other government and community services for these workers is an important part of the health and safety reprisal service provided by OWA.

### ***Representation Services***

For health and safety reprisal cases, representation is before the Ontario Labour Relations Board (OLRB), with a focus on resolving disputes at the earliest opportunity.

### ***Educational Services***

Materials containing general information on OWA services for workers with health and safety reprisals complaints, including three self-help pages, have been developed for the OWA website. Additional self-help information will be developed in 2014/15.

## **ENVIRONMENTAL SCAN**

**Note:** this scan deals primarily with factors influencing the OWA's workplace insurance mandate. Where they are also relevant to the reprisals mandate, this will be identified.

### **External Factors**

#### **a) Ontario economic outlook and government fiscal strategy**

The Ontario economy continues to be challenged by the worldwide situation. Government fiscal strategy continues to focus on eliminating the provincial deficit. For OWA, this means a high priority in 2014/15 to focus resources on areas of greatest need for its services, particularly the growing workload for its reprisals program.

#### **b) Key developments at WSIB**

- From 2009/10 to 2012/13, OWA experienced a high level of demand from workers requesting OWA representation services. In spite of tighter case selection by OWA, the allowance rate at WSIB operating level and appeals level fell during the same period from 38% to 25% and 51% to 39% respectively. This resulted in more cases being appealed from the WSIB Operating Level to the Appeals Branch and from the Appeals Branch to the WSIAT – where OWA success rate remained around 60% throughout this period. The higher the level of

appeal a case goes to, the greater the average resources required from OWA and the longer the average time for case closure. In 2013/14, incoming workload moderated, but not sufficiently to counterbalance the impact of these and other environmental factors on overall representation caseload. There were some promising signs in 2013/14 in terms of improved success rate at the operating level, which rose to 31%, and appeals level, which rose to 44%, although both of these were still below 2009/10 levels. This highlights the need to focus in 2104/15 on improving OWA's dispute resolution at the operating and appeal levels of WSIB.

- **WSIB policy consultations and changes**

In Q3 of 2013/14, WSIB will release five foundational benefits policies for further consultation, with implementation anticipated in 2014/15. There will also be a review of the WSIB appeals process in late 2013/14 or early 2014/15. These ongoing changes at WSIB will require increased staff and partner training and education in 2014/15 and beyond.

- c) **Changes in Ontario labour force and work organization**

The demographics of Ontario's workforce have experienced significant change over the last decade including: a decrease in private sector unionization, meaning an increase in potential client base for OWA; a decrease in the manufacturing sector and growth in the knowledge and service sectors of the economy; an increase in part time and precariously employed workers; older workers staying in the workplace longer; and higher numbers of immigrant workers whose first language is neither English or French. Overall, these changes pose challenges around claims recognition and dispute resolution, return to work and reprisals. OWA needs to strengthen its capacity to adjust to these changes in the workforce and to respond to the needs of injured workers from a diverse range of cultures and workplace experience.

- d) **Increased vulnerability in OWA's client community**

It is anticipated that during 2014–2015 and beyond, OWA will continue to face other important changes in the nature of its client base as vulnerability increases:

- Significant numbers of workers in crisis. This includes financial insecurity often accompanied by mental health issues. During 2013/14, OWA staff and management dealt with a growing number of extremely troubled people, including several who threatened harm to themselves or others. OWA initiated improvements in response strategies with WSIB and WSIAT, which were brought into play on several occasions. During 2014/15, OWA staff will face growing challenges in responding to these situations both in terms of average time spent per case and stress.
- Negative reactions by clients to OWA determinations that there is insufficient evidence to support an appeal.
- A significant proportion of injured workers who need to resort to alternative disability income programs, especially Ontario Works/Ontario Disability Support Program, Employment Insurance Sick Benefits and Canada Pension Plan – Disability. Many of these workers experience significant discontinuities in referral and information sharing among programs, contributing to crisis situations. In 2013/14, OWA, with support from the Deputy Minister of Labour, initiated more formal collaboration of WSIB, OW/ODSP and CPP-D. It is

anticipated that this will develop further in 2014/15 and beyond and will reduce the incidence of crisis situations and improve employment outcomes.

### **e) Paralegal regulation**

- Currently, the Law Society of Upper Canada (LSUC) has exempted OWA staff who provide legal services in workplace insurance (which includes around 65 staff and management positions) from the requirement to be licensed paralegals or lawyers.
- In 2012/13, LSUC launched a review of this exemption with a strong indication that it would eventually be eliminated. This review continued in 2013/14, with a significant chance that in 2014/15 or 2015/16, LSUC will begin the process of eliminating the exemption.
- Ending the exemption from paralegal regulation for OWA would have significant cost and service delivery consequences.
- Preliminary discussions with LSUC have indicated that in the eventuality that the exemption is eliminated, there would be an opportunity to negotiate a transition strategy, which would provide a manageable framework for the process. Elements of the transition strategy are already in place, primarily around implementing the Law Society's rules of professional conduct. The remaining elements must await the LSUC decision on the exemption.

## **Internal Factors**

### **a) Staffing priorities, workload analysis and resource allocation**

OWA's approved staffing complement for 2013/14 and 2014/15 is 97.6 positions. Within this complement, resources must be strategically focused on the areas of greatest need for OWA services. In 2014/15, this will mean increased resources for the growing workload in the reprisals program.

In 2013/14, OWA carried out a detailed analysis of its workplace insurance workload, to determine where in the province resources were most needed. The workload analysis will be carried out at mid-year in 2014/15 and annually in future in support of staffing decisions.

### **b) Health and Safety Reprisal Mandate**

This new mandate was given to OWA as of April 1, 2012. The program has been delivered by three staff, two Worker Representatives and one Client Service Representative, supervised by OWA's General Counsel and given legal support by the Central Client Services Unit. In its first year, the program received around 500 service requests; and in the six months ending September 30, 2013, new incoming workload increased by 66% over 2012/13 levels, all without any outreach or advertising. It is projected that workload will continue in 2014/15 at this increased level and perhaps increase still further, as more workers find out about OWA's Reprisals mandate. In response to this, as of September 2013, a third Worker Representative was added to the unit, with plans to add a new position later in 2013/14 to provide service coordination and administrative support. It is anticipated that the increased staffing level will continue in 2014/15 and beyond.

Many of the cases, especially those involving terminations of employment, have been referred to the OWA by the MOL's health and safety call centre or inspectors. These referrals commenced in April 2012, on a pilot project basis and are now made by the MOL's full complement of inspectors. It was anticipated from the outset that there should be outreach to specific vulnerable worker communities, especially young workers and new immigrants, but due to work overload this has not been undertaken so far. Targeted outreach is planned for 2014/15.

**c) Human Resources Considerations**

With an aging workforce, OWA can expect to lose a significant proportion of its experienced staff due to retirements over the three years covered by this business plan. In 2013/14, it is anticipated that as many as 12 positions will be vacated by staff under the Transition Exit Initiative; with several more to follow in 2014/15 and 2015/16. While this will provide an unprecedented opportunity for workforce renewal in 2014/15, there will be significant transitional and recruitment challenges. This recruitment will allow outreach in support of diversity. Substantial resources will be needed in both OWA programs in 2014/15 and beyond for increased training and development for new and current staff, especially with respect to representation in complex and challenging cases.

**d) Staff Professional Development**

Keeping current on workplace insurance and reprisals issues requires a high level of commitment to staff development. Given the impending changes to WSIB's benefits policies, more resources will need to be devoted to this in 2014/15 and beyond. OWA will also participate in MOL's ambitious initiative to support and train administrative staff.

**e) Case Management System (CMS)**

OWA faces significant challenges around its Case Management System. The current system is 8 years old and was itself an upgrade of an earlier legacy system. In 2013/14, the Ministry recognized the seriousness of this situation and authorized development of a business case to review OWA's needs and develop options for a new system, which will be considered in 2014/15.

**f) Launch of new OWA website**

The OWA's new website was launched early in 2013/14. The ongoing challenge for the OWA will be to ensure it is kept current and responsive to both staff needs and the needs of the public.

**g) Communication and outreach with clients and general public**

Historically, OWA has had a communications strategy focused on its client community and key partners. The updated website will provide an improved communication vehicle in 2014/15 and beyond. It will continue to host a wide variety of informational pages and FAQs.

To maximize access to OWA services, community information clinics will continue for injured workers in locations not served by a local office.. In consultation with MOL, OWA will conduct very targeted outreach to health and safety inspectors and contact centre staff regarding the services OWA provides for workers with health and safety reprisal complaints to ensure that referrals are appropriate.

#### **h) Upgrading of Computers and related technology**

OWA will receive new computers in 2014/15 and 2015/16. A high priority will be ensuring that voice activated software functions with the new hardware.

#### **k) Increase use of web-ex technology for virtual meetings and webinars**

As a cost saving and client service initiative, OWA has been using web-ex for online meetings and educational webinars. This has been well received and will be increased in 2014/15 and beyond.

### **Impact of a Complex and Challenging Legal Environment**

#### **a) Increase in overall case complexity**

The OWA has experienced a continuing increase in case complexity over the past five years. In particular, the number of the most complex appeal issues (such as chronic pain, psychiatric disability, stress, occupational disease, Charter of Rights and disablement entitlement) continue to grow.

#### **b) Occupational disease clusters and cases**

There are a number of existing and emerging occupational disease (OD) clusters across Ontario. These clusters involve vulnerable and locally high profile populations of often terminally ill workers and their survivors. The OWA is currently involved in clusters in Sarnia (foundry, factory and petro-chemical exposures, especially asbestos), Elliot Lake (uranium miners and lung cancer), Peterborough (factory workers with asbestos and other exposures). Each cluster involves complex local and WSIB partnerships. Around 60 new Peterborough cases are expected to arrive at OWA later in 2013/14 and into 2014/15.

Other emerging clusters include the rubber workers in Kitchener/Waterloo, Arvin Meritor in Tilbury, the Trim Plant and GM Transmission Plant in Windsor, and Lanxess in Sarnia.

#### **c) Appeal Time Limits**

The WSIA establishes time limits for appeals from the operating level to the appeals branch and then from there to WSIAT. Sometimes there can be multiple time limits in a single case. It requires careful attention to case developments to ensure that all relevant time limits are met. Injured workers and inexperienced external representatives continue to miss time limits for appeals. These cases then may end up with OWA.

Particularly in response to the elimination in February 2013 of the former 6 month "grace period" beyond the statutory 6 months, OWA will review and strengthen its case management procedures in 2014/15 to ensure that time limits are met.

#### **d) Changes in WSIB policies, practices and procedures**

As noted earlier in this business plan, WSIB is in a period of wide-reaching change in its policies, practice and procedures. In late 2012/13, significant procedural changes were made at the WSIB Appeals Branch. Major changes are coming in 2014/15 in WSIB benefits policies, especially

around pre-existing conditions. These changes will require OWA staff to adapt and modify casework strategies and approaches. There are also significant staff training needs.

### RISK IDENTIFICATION, ASSESSMENT AND MITIGATION STRATEGIES

Identified Risk	Agency Objective Impacted	Likelihood	Risk Level	Mitigating Strategies	Lead	Target Date
1. Operational Risk: Ensuring that staffing resources respond to demand for services	Access and availability of OWA services to non-unionized injured workers and workers with health and safety reprisal complaints.	High	High	Within approved FTE level, OWA management will examine workload statistics, staffing models, vacancy management where feasible; and develop a resource allocation plan for the workplace insurance and reprisals programs	Director OWA management team	November 2013 – January 2014
2. Strategic and Workforce Risk: OWA's ability to respond to the depth and pace of changes at the WSIB, in particular the new benefits policies and the Appeals Modernization initiative.	Effective service delivery to client group; Motivated and effective staff	High	High	Ongoing dialogue with WSIB and stakeholders on alternative dispute resolution and development of best practices in adjudication. Collaboration with WSIB, OEA and WSIAT through inter-agency forum to improve dispute resolution and reduce backlogs. Staff training on emerging issues. Develop and update public information materials to assist injured workers. Improving OWA staff engagement through sharing best practices, improving case strategies and dialogue between managers and staff to ensure that resources are used strategically. Respond to policy, program and process consultations by participating in WSIB worker stakeholder meetings and/or with written submissions based on OWA's experience in advising and representing injured workers and their survivors.	Director General Counsel Regional Managers CCSU staff Assigned Worker Advisers	On going through 2014-15

<p>3. Strategic Risk: OWA must be able to respond to significant changes in Ontario's workforce in order to provide effective services to a demographically and culturally diverse client group including a growing proportion of workers in crisis.</p>	<p>Optimize OWA's Organizational Capacity and Effectiveness in serving vulnerable non-unionized workers</p>	<p>High</p>	<p>High</p>	<p>Improve strategy for outreach in order to identify and connect with populations of particularly vulnerable and marginalized injured workers. Support this through an increase in information materials in a variety of languages.</p> <p>Use of interpreters as required to provide quality service.</p> <p>Ensure materials on the website and information available through the telephone are accurate and accessible to assist those injured workers who wish to manage their own cases or where OWA is not able to represent.</p> <p>Maintain number of community clinics to assist injured workers in remote areas, and increase clinics if the number of office locations is reduced.</p> <p>Ensure effective renewal and recruitment strategy to support diverse staff from variety of cultures.</p> <p>On-going training of staff through regular staff meetings and seminars to respond to the changes in Ontario's workforce, including training on how to be sensitive to and provide appropriate service to workers with a range of challenges including language, literacy and cultural differences/barriers and those with a variety of moderate to</p>	<p>OWA Management Team</p>	<p>On going through 2014-15</p>
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				<p>severe physical and mental health issues.</p> <p>Continue to strengthen partnerships with WSIB and WSIAT to respond to workers in crisis. Play a leading role in developing referral and information sharing protocols with other disability programs such as Ontario Disability Support Program and Canada Pension Plan – Disability.</p>		
<p>4. Workforce and Strategic Risk: growing impact of Law Society of Upper Canada regulation of paralegals, including risk that LSUC will end OWA's paralegal licensing exemption.</p>	<p>Optimize OWA's organizational capacity and effectiveness</p>	<p>High</p>	<p>High</p>	<p>Continue to support Worker Advisers to take advantage of the time limited process offered by the Law Society of Upper Canada to become licensed (ends May 2014).</p> <p>If exemption ends, HR plan would be developed in consultation with MOL to ensure a smooth transition to licensed status and to support existing staff hired under current job requirements. Note: Preliminary discussions with LSUC have indicated that in the eventuality that the exemption is eliminated, there would be an opportunity to negotiate a transition strategy, which would provide a manageable framework for the process.</p> <p>As the main foundation for an eventual transition, strengthen OWA's capacity to ensure that all staff delivering legal services, whether licenced or not, are fully complying with LSUC standard for</p>	<p>Director, General Counsel</p>	<p>On going monitoring of situation throughout 2014/15</p>

				professional responsibilities.		
5. IT Risk: Aging legacy case management system which is inadequate to manage caseload, particularly for the Reprisals Program.	Optimize OWA's organizational capacity and effectiveness	High	High	Based on the recommendations of the IT Cluster for a new CMS, seek MOL approval to enter the development phase .	Director Manager, Agency Administration	2014-15

## **HUMAN RESOURCES**

The OWA Human Resources Plan will continue to address organizational renewal through succession planning and renewal, resource reallocation, staff recognition initiatives, the strategic learning plan, and partnership with MOL on talent management and Transitional Exit Initiatives.

### ***Staffing and Labour Relations***

The OWA is committed to ensure that staffing levels and engagement of the OWA workforce effectively support the Agency's mandate of service delivery. Key initiatives undertaken or planned by OWA include the following:

- To facilitate recruitment, the OWA will establish contact with educational institutions which provide effective training in paralegal/ and workplace safety and insurance and occupational health and safety fields; including exploring potential co-op placements
- Through internal staff development, outreach, targeted advertising and community partnerships, utilize opportunities to hire new staff with culturally diverse backgrounds.
- Ensure succession planning is reviewed annually and updated.
- Ensure staff who require disability accommodation are appropriately accommodated to fulfill their job functions.
- Ensure that designated bilingual positions are filled with accredited staff and support these staff in maintaining and improving their French language skills
- Promote an effective Employee Relations Committee with regular meetings and open dialogue about workplace issues and staff concerns.
- Engage staff in health and wellness activities, to improve morale and assist staff in managing their stress and work-life balance

## **RESOURCES NEEDED TO MEET GOALS AND OBJECTIVES**

In light of the commitment of the government to eliminate the deficit by 2017-18, OWA will continue to manage in 2014/15 and beyond within current resource allocations..

To ensure that OWA aligns resources with service needs, OWA undertook an extensive workload analysis in 2013/14. This analysis indicated the need to increase resources for the reprisals program, which was done on a temporary basis at the mid-year of 2013/14 and will be made permanent in 2014/15.

In order for the OWA to fulfill its planning, accountability, information technology/ESD and reporting responsibilities to the Ministry, a review of roles and job functions in the OWA's Planning, Finance & Electronic Service Delivery Unit was carried out in Q2 of 2013/14, including development of revised position descriptions. These will be fully implemented in 2014/15.

**Note:** Currently, OWA is not forecasting for possible elimination of its paralegal exemption in 2014/15, but this is a very significant likelihood in 2015/16 and beyond. If the OWA paralegal exemption ends, there will likely be significant lead time and the opportunity to develop a good transition plan, including any costs involved in training and licensing pertinent OWA staff.

## **IMPLEMENTATION PLAN**

In order to ensure that the OWA is able to fulfil its mandate within current resource allocations, we will continue to monitor expenditures and FTEs on a monthly basis and provide accurate forecasting on a quarterly basis in compliance with ministry financial expectations.

Throughout 2014/15, OWA will regularly review its operational plan, which is developed to implement the initiatives in this Business Plan.

## **COMMUNICATION PLAN**

The OWA communication plan will focus on vital communication to partners and vulnerable client communities, to ensure that non-unionized workers know about OWA services and can access them. Key referral partners are WSIB, WSIAT, legal clinics, social service agencies, MPP constituency offices and organizations working with the francophone and new immigrant communities. ,

## Appendix A - Multi-Year Preliminary Planning Base

FY 2014-15 (\$000)											
Program/Region	FTE	Salaries & Wages	Benefits	Transp. & Comm.	Services	Supplies & Equip.	Total ODOE	Transfer Payment	Sub-Total	Recoveries	TOTAL
<b>OWA</b>	<b>93.6</b>	<b>7,783.1</b>	<b>1,774.5</b>	<b>310.9</b>	<b>635.0</b>	<b>108.8</b>	<b>1,054.7</b>		<b>10,612.3</b>	<b>(10,611.3)</b>	<b>1.0</b>
PFESD	5.0	420.1	95.5	50.0	40.0	30.8	120.8		636.4		
CCSU	6.0	523.0	119.0	12.0	28.0	4.0	44.0		686.0		
OHSRP	3.0	230.0	53.0	6.0	15.0	4.0	25.0		308.0		
Toronto & Eastern	18.1	1,425.0	325.0	50.0	30.0	15.0	95.0		1,845.0		
Southwest	21.0	1,670.0	381.0	55.0	55.0	15.0	125.0		2,176.0		
North	19.5	1,515.0	345.0	90.0	70.0	15.0	175.0		2,035.0		
Central	25.0	2,000.0	456.0	44.9	75.0	15.0	134.9		2,590.9		
InfoTech	0.0	-		3.0	322.0	10.0	335.0		335.0		
<i>To be determined</i>	<i>(4.0)</i>	-									
<b>OWA Program Base Allocation</b>	<b>93.6</b>	<b>7,783.1</b>	<b>1,774.5</b>	<b>310.9</b>	<b>635.0</b>	<b>108.8</b>	<b>1,054.7</b>	<b>-</b>	<b>10,612.3</b>	<b>(10,611.3)</b>	<b>1.0</b>
Lease					795.6		795.6		795.6	(795.6)	-
<b>Total OWA Base Allocation</b>	<b>93.6</b>	<b>7,783.1</b>	<b>1,774.5</b>	<b>310.9</b>	<b>1,430.6</b>	<b>108.8</b>	<b>1,850.3</b>	<b>-</b>	<b>11,407.9</b>	<b>(11,406.9)</b>	<b>1.0</b>
<b>TOTAL</b>	<b>93.6</b>	<b>7,783.1</b>	<b>1,774.5</b>	<b>310.9</b>	<b>1,430.6</b>	<b>108.8</b>	<b>1,850.3</b>	<b>-</b>	<b>11,407.9</b>	<b>(11,406.9)</b>	<b>1.0</b>

FY 2015-16 (\$000)											
Program/Region	FTE	Salaries & Wages	Benefits	Transp. & Comm.	Services	Supplies & Equip.	Total ODOE	Transfer Payment	Sub-Total	Recoveries	TOTAL
<b>OWA</b>	<b>93.6</b>	<b>7,783.1</b>	<b>1,774.5</b>	<b>310.9</b>	<b>635.0</b>	<b>108.8</b>	<b>1,054.7</b>		<b>10,612.3</b>	<b>(10,611.3)</b>	<b>1.0</b>
PFESD	5.0	420.1	95.5	50.0	40.0	30.8	120.8		636.4		
CCSU	6.0	523.0	119.0	12.0	28.0	4.0	44.0		686.0		
OHSRP	3.0	230.0	53.0	6.0	15.0	4.0	25.0		308.0		
Toronto & Eastern	18.1	1,425.0	325.0	50.0	30.0	15.0	95.0		1,845.0		
Southwest	21.0	1,670.0	381.0	55.0	55.0	15.0	125.0		2,176.0		
North	19.5	1,515.0	345.0	90.0	70.0	15.0	175.0		2,035.0		
Central	25.0	2,000.0	456.0	44.9	75.0	15.0	134.9		2,590.9		
InfoTech	0.0	-		3.0	322.0	10.0	335.0		335.0		
<i>To be determined</i>	<i>(4.0)</i>	-									
<b>OWA Program Base Allocation</b>	<b>93.6</b>	<b>7,783.1</b>	<b>1,774.5</b>	<b>310.9</b>	<b>635.0</b>	<b>108.8</b>	<b>1,054.7</b>	<b>-</b>	<b>10,612.3</b>	<b>(10,611.3)</b>	<b>1.0</b>
Lease					795.6		795.6		795.6	(795.6)	-
<b>Total OWA Base Allocation</b>	<b>93.6</b>	<b>7,783.1</b>	<b>1,774.5</b>	<b>310.9</b>	<b>1,430.6</b>	<b>108.8</b>	<b>1,850.3</b>	<b>-</b>	<b>11,407.9</b>	<b>(11,406.9)</b>	<b>1.0</b>
<b>TOTAL</b>	<b>93.6</b>	<b>7,783.1</b>	<b>1,774.5</b>	<b>310.9</b>	<b>1,430.6</b>	<b>108.8</b>	<b>1,850.3</b>	<b>-</b>	<b>11,407.9</b>	<b>(11,406.9)</b>	<b>1.0</b>

FY 2016-17 (\$000)											
Program/Region	FTE	Salaries & Wages	Benefits	Transp. & Comm.	Services	Supplies & Equip.	Total ODOE	Transfer Payment	Sub-Total	Recoveries	TOTAL
<b>OWA</b>	<b>93.6</b>	<b>7,783.1</b>	<b>1,774.5</b>	<b>310.9</b>	<b>635.0</b>	<b>108.8</b>	<b>1,054.7</b>		<b>10,612.3</b>	<b>(10,611.3)</b>	<b>1.0</b>
PFESD	5.0	420.1	95.5	50.0	40.0	30.8	120.8		636.4		
CCSU	6.0	523.0	119.0	12.0	28.0	4.0	44.0		686.0		
OHSRP	3.0	230.0	53.0	6.0	15.0	4.0	25.0		308.0		
Toronto & Eastern	18.1	1,425.0	325.0	50.0	30.0	15.0	95.0		1,845.0		
Southwest	21.0	1,670.0	381.0	55.0	55.0	15.0	125.0		2,176.0		
North	19.5	1,515.0	345.0	90.0	70.0	15.0	175.0		2,035.0		
Central	25.0	2,000.0	456.0	44.9	75.0	15.0	134.9		2,590.9		
InfoTech	0.0	-		3.0	322.0	10.0	335.0		335.0		
<i>To be determined</i>	<i>(4.0)</i>	-									
<b>OWA Program Base Allocation</b>	<b>93.6</b>	<b>7,783.1</b>	<b>1,774.5</b>	<b>310.9</b>	<b>635.0</b>	<b>108.8</b>	<b>1,054.7</b>	<b>-</b>	<b>10,612.3</b>	<b>(10,611.3)</b>	<b>1.0</b>
Lease					795.6		795.6		795.6	(795.6)	-
<b>Total OWA Base Allocation</b>	<b>93.6</b>	<b>7,783.1</b>	<b>1,774.5</b>	<b>310.9</b>	<b>1,430.6</b>	<b>108.8</b>	<b>1,850.3</b>	<b>-</b>	<b>11,407.9</b>	<b>(11,406.9)</b>	<b>1.0</b>
<b>TOTAL</b>	<b>93.6</b>	<b>7,783.1</b>	<b>1,774.5</b>	<b>310.9</b>	<b>1,430.6</b>	<b>108.8</b>	<b>1,850.3</b>	<b>-</b>	<b>11,407.9</b>	<b>(11,406.9)</b>	<b>1.0</b>

**APPENDIX B – Performance Measures (see attached)**

**APPENDIX C - FTE CAP PLAN (see attached)**

**Performance Measures for Health and Safety Reprisal Program**

Performance measures have not been identified for the Health and Safety Reprisal Program, as it is entering only its second year of operation during 2013/14. First year data may not be accurate in predicting future workload. Time is needed to collect data for comparative purposes, prior to determining how to measure performance. Case data continues to be collected and proposed future performance measures will be developed in 2014-15 for implementation in 2015/16. Overview of statistics, as of **September 30, 2013:**

Service	Fiscal Year 2012-13				Fiscal Year 2013-14		Total
	Q1	Q2	Q3	Q4	Q1	Q2	
New Requests	143	114	162	83	201	226	929
Summary Advice	138	112	154	81	171	183	839
Intake	99	74	73	72	82	69	469
Offer to Represent	14	19	11	19	33	22	118

