



Office of the Worker Adviser

Business Plan

2015-16 to 2017-18

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EXECUTIVE SUMMARY

This executive summary deals with the Office of the Worker Adviser's (OWA) two programs: workplace insurance and occupational health and safety reprisals (OHSRP).

Workplace Insurance Program

The OWA's main focus is advising and representing vulnerable, non-unionized injured workers and their survivors in their workplace safety and insurance claims and appeals. The 2013-14 fiscal year and first half of 2014-15 saw a modest decline in the incoming demand for representation services, but substantial workload pressures remain from the previous high demand period. The 2015-16 to 2017-18 Business Plan addresses a combination of pressures in OWA's operating environment, detailed in the environmental scan. This includes a reduction in case resolution at the operating and appeals levels of WSIB, meaning that a higher proportion of OWA's caseload must proceed to the Workplace Safety and Insurance and Appeals Tribunal (WSIAT). WSIAT is also dealing with workload pressures, resulting in scheduling delays, which poses challenges to efficient case turnover at OWA.

A high priority for 2015-16 will be providing input on implementation of WSIB's new benefits policies, especially regarding pre-existing conditions. OWA will also work with a joint employer/worker group to bring forward consensus proposals on improving dispute resolution and appeals.

OWA and its system partners are dealing with an increasing incidence of workers in psychological and financial crisis, some of whom may pose a threat of harm to themselves or others. One key initiative in 2015-16 and beyond will be to improve partnerships to respond to these situations and strengthen referral and information sharing with other disability programs such as the Ontario Disability Support Program (ODSP).

OWA's most important initiative in 2015-16 will be implementation of a new service delivery developed through intensive staff engagement in 2014-15. The new model will provide comprehensive support to injured workers, starting with a thorough review of their WSIB claim file at the initial stage of OWA service, providing more help accessing alternative supports while pursuing the appeals process; and providing more support to workers in financial and psychological crisis. All of this will require significant learning and best practices supports to OWA's staff to support them in a changing operating environment. In 2016-17, OWA plans to begin development of a new Case Management System in support of these changes.

Occupational Health and Safety Reprisals Program (OHSRP)

In addition to its WSIB mandate, the OWA, effective April 1, 2012, was given the mandate under the Occupational Health and Safety Act to advise, educate and represent non-

unionized workers who have suffered reprisals in the workplace for raising health and safety concerns.

From the outset, the OHSRP experienced strong and growing service demand. After very large increases between 2012-13 and 2013-14 (the first and second years of the program), demand for the service continued to grow steadily and significantly in the first half of 2014-15. Given that this increase took place with virtually no outreach or publicity, it seems likely that workload will continue to grow, at least gradually, for the three years covered by this plan.

Additional resources were added to the Reprisals Program in 2014-15. Service demand and resource needs will be carefully monitored in 2015-16 in preparation for 2016-17 business planning.

Other Key Initiatives

In 2015-16, further enhancements will be made to website content, to provide information to injured workers and workers who may have experienced reprisals.

Paralegal Regulation

The OWA is mandated to provide representation and advice to workers in workplace safety and insurance disputes and occupational health and safety reprisal matters. These constitute legal services under the jurisdiction of the Law Society of Upper Canada. Currently, the OWA and OEA are exempted from Law Society paralegal licencing for workplace insurance legal services. During the three years covered by this plan, this exemption may be revoked. If this takes place, the OWA will be obligated to provide these services using only licensed paralegals. OWA would work with the Law Society on a transition plan which with the objective of minimizing any potential negative impacts on OWA staff and client service. If OWA staff are made subject to mandatory licensing and possibly mandatory insurance there will be significant transitional human resources implications as well as an annual financial impact on the Agency.

THE AGENCY AND ITS MANDATE

The OWA was established by amendments to the former *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 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 establishes 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 goal to create a more prosperous and healthy Ontario by contributing to the poverty reduction initiative and supporting vulnerable workers through dispute resolution, enabling clients to access benefits and services under the WSIA. Support to vulnerable workers reduces the pressure on social services programs and the government's revenue, by ensuring appropriate cost allocation to Ontario's workplace insurance system. This also helps employers by contributing to effective and timely dispute resolution of potentially costly litigation. OWA's role in supporting injured workers in return to work contributes to Ontario's prosperity by reducing longterm claims and health costs for these workers.

Occupational Health and Safety Reprisal Mandate

Pursuant to s. 50.1 of the *Occupational Health and Safety Act* (OHSA) and O. Reg. 33/12, the OWA is mandated to educate, advise and represent non-unionized workers who have reprisal complaints under Section 50 of the OHSA. This mandate took effect on April 1, 2012. It ensures that 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. The OWA also contributes to economic wellbeing by its work on effective resolution of sometimes highly sensitive matters, without 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 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 have been threatened or punished for following the *Occupational Health and Safety Act*.

STRATEGIC DIRECTIONS

The OWA faces a number of pressures and changes in its operating environment in 2015-16 to 2017-18, summarized in the environmental scan. In response, in 2015-16, OWA will be implementing significant changes in its workplace insurance service delivery model, along with other initiatives described in this section, as well as a further strengthening of its occupational health and safety reprisals program.

Workplace Insurance Program

Most important, in 2015-16 OWA will implement major changes to its service delivery model, which will improve client service. In the former model, injured workers' WSIB claim files were given an initial review and then placed on a waiting list for representation services, with a further comprehensive review at a later date. This led to duplicated reviews and time delays. In the new model, client files will be reviewed only once, reducing duplication and delays. The reviews will be done by a Worker Adviser who is prepared to open the file immediately where there is a reasonable chance of success. This will simplify case flows, reduce the number of staff handling each case and allow for more accurate measurement of cycle time, to identify and remedy any other delays. The case reviews will be more comprehensive than in the past, resulting in the identification of all issues needing representation; appropriate action to deal with appeal time limits; and referral of the worker to alternative sources of income and support while the case goes through the appeal system.

OWA will deliver new learning programs in 2015-16 and beyond in support of implementation of the new service delivery model – including the handling of new incoming cases; referrals to alternative supports and services and the approach to comprehensive case reviews. Programs will also be delivered to support OWA staff in working with the new WSIB benefits policies; and in meeting high professional standards. This will help ensure that OWA staff are fully prepared for the possible elimination of its exemption from paralegal regulation during the period covered by this plan.

In an effort to avoid bringing cases to WSIAT, which is experiencing a very heavy workload, OWA will take several initiatives to improve its involvement in dispute resolution at the WSIB operating and appeals levels. For 2015-16 and beyond, this includes engaging with WSIB to address common frontline adjudication issues, especially involving pre-existing conditions. OWA will also work with employer representatives to improve collaboration on dispute resolution, including developing consensus based approaches for consideration by WSIB in 2015-16 in its review of its appeals process. In 2015-16 and 2016-17 in particular, OWA will work with WSIAT on ways to expedite the OWA's unprecedented 1500 appeals currently in WSIAT's caseload (versus 600 or less prior to the development of WSIAT backlogs).

OWA will also work with its system and community partners to respond to a growing number of workers in psychological and financial crisis and to help workers access other

disability programs such as the Ontario Disability Support Program (ODSP) when necessary.

OWA will continue to allocate staffing resources to the areas of highest demand for services, supported by a comprehensive workload analysis. Revised performance measures will be implemented in 2015-16 to track OWA's contribution to the workplace insurance system. The new measures will include tracking of comprehensive assessments of injured workers' cases, tracking the number of occasions where OWA staff intervene to help workers in financial or psychological crisis and the number of occasions where OWA staff help workers access alternative disability programs or other sources of support.

Occupational Health and Safety Reprisals Program

Effective April 1, 2014, OWA shifted some resources from its workplace insurance program to its OHSRP, which had seen a significant increase in service demand since 2012-13 (see environmental scan). This will be sustainable due to an approximate 20% reduction in incoming workload in the workplace insurance program since 2012-13. OWA will carefully monitor demand for services for its two programs during 2015-16 and beyond, and allocate resources accordingly.

In 2015-16, OWA will continue to collaborate with the MOL Health and Safety Program, currently the main source of referrals to the OHSR reprisals program. Targeted outreach to priority vulnerable worker communities will also be carried out.

ACTIVITIES INVOLVING STAKEHOLDER GROUPS

Workplace Insurance Partnerships

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

Partnership Activities with WSIB

OWA engages with WSIB on many levels and issues. The OWA provides strategic input through regular worker stakeholder meetings with senior management of the WSIB and plays a significant role in subject specific working groups involving WSIB's senior management, working level WSIB staff and key worker stakeholders.

Key collaborative initiatives include:

WSIB Labour and Injured Worker Advisory Committee (LIWAC)

The OWA plays an active role on the LIWAC, 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). Committee members provide feedback and input on high level initiatives of the WSIB, including policy and system change consultations. In 2015-16 the LIWAC will focus on implementation of the new benefits policies and input on possible changes to the WSIB's appeals process. OWA will also meet WSIB senior management directly as needed to address other systemic issues.

Electronic access to WSIB claim files

Currently, dispute resolution and appeals depends on access to injured worker claim files, which are available in paper form. During the period covered by this plan, it is anticipated that WSIB will provide electronic file access, which would facilitate early dispute resolution, especially around return to work and save money. There are significant technical issues to resolve to ensure the success of this initiative. This includes the challenges of handling very large files (which can include thousands of documents), increased bandwidth requirements, the use of electronic file access in the hearing context at WSIB and WSIAT and offsite access. OWA will contribute in any way necessary to make this a success.

Fatalities and Immediate Response (FAIR) Partnership

The goal of the FAIR Partnership (OWA, MOL, WSIB, Threads of Life) is to provide timely, seamless, and comprehensive assistance to family members following a traumatic workplace fatality or a catastrophic injury. In 2015-16, along with its partners, the OWA will continue to strengthen this partnership and consider extending support to 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. In 2014-15, OWA, WSIB and WSIAT reviewed their joint 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 system staff. In 2015-16, OWA will work to further strengthen collaboration and related protocols, including communications, information sharing and helping injured workers navigate other disability programs, especially with Ontario Works and the Ontario Disability Support Program

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 Vice President of the WSIB's Appeals Services Division, and members representing both the worker and employer communities. The OWA Director and General Counsel sit on this

Advisory Group. The focus for 2015-16 and 2016-17 will be collaborative efforts to address the appeals backlog at WSIAT.

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 2015-16 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.

Occupational Health and Safety Reprisals Program Partners

Toronto Workers Health and Safety Legal Clinic

OWA works closely with the Toronto Workers' Health and Safety Legal Clinic, the other major source of free representation for workers' with OHSa reprisal complaints in the province. OWA worker representatives and clinic lawyers share knowledge and expertise. Each organization also makes referrals to the other where appropriate. In 2015-16, the OWA will collaborate with the clinic on identifying systemic issues and developing strategies to address them.

MOL Health and Safety Program

OWA has worked with the MOL Health and Safety Program since the reprisals mandate was assigned to us in 2012. In 2015-16, OWA will present to MOL staff to improve understanding of the reprisals mandate and referral protocols.

OLRB and OEA

OWA collaborates with the Ontario Labour Relations Board and the Office of the Employer Adviser (which represents small employers in reprisals cases) as needed. These efforts will continue in 2015-16.

OVERVIEW OF CURRENT AND FUTURE PROGRAMS AND ACTIVITIES

Workplace Safety and Insurance Program

The OWA performs a public service in representing non-unionized injured workers and their survivors and by supporting its clients' financial well-being through effective dispute resolution. OWA involvement in return to work cases also makes a contribution to economic well-being through improved employment for disabled workers and cost savings for employers. OWA delivers three mandated services:

Advisory Services

While the bulk of OWA staff resources are dedicated to representation services, all workers who contact the OWA for assistance are provided with valuable, high-level information and advice, which, when possible, enables workers to navigate the system on their own. OWA advisory services can be extensive and time consuming when dealing with workers who have mental health issues, severe injuries and occupational diseases. Information and advice is provided by telephone, email, letters, community clinics, and in-person appointments at seventeen office locations (including two satellite office) throughout the province. Clinics are advertised and held in communities where there is no local OWA office. Community partners, including MPP offices, are notified.

To provide 24/7 access, in 2016-17 or 2017-18, OWA plans to add service through a client website portal, which would provide a secure channel for sharing confidential information.

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. Whenever possible, OWA seeks early resolution of disputes at the WSIB adjudicative level and by alternative dispute resolution at the appeals levels. Representation is the most extensive service the OWA provides within the workplace insurance system, advancing fairness in the workplace, appropriate cost allocation between the employers and the taxpayer and poverty reduction in the broader community. OWA also contributes to strengthening the sustainability of the workplace safety insurance system and to economic wellbeing, through supporting injured workers in returning to work.

The OWA reviews all cases before offering representation to ensure that OWA resources are used effectively. The OWA only offers to represent 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. Over the five year period from 2009-10 to 2013-14, OWA found insufficient chance of success in 40-48% of cases reviewed. It is anticipated that

this level will continue in the time covered by this plan. In such cases, referrals are made to the appropriate social agency or disability program. In 2015-16, OWA will simplify access to representation services by carrying out case reviews only when the reviewing worker adviser will be able to immediately open a file. In 2015-16, new supports will also be provided to OWA staff to ensure effective and timely referrals. A new performance measure is being introduced for to better track these referrals.

The OWA is often asked to represent in highly complex cases, such as those involving occupational disease, chronic pain, and psychiatric conditions. As a result, a higher proportion of cases represented by the OWA require formal hearings.

OWA also 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. This includes high level litigation such as Charter of Rights or judicial review.

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.

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.

Occupational Health and Safety Reprisals Program

The OWA's mandate to educate, advise and represent non-union workers who have suffered a reprisal as a result of exercising their rights under the OHSA is delivered by the Occupational Health and Safety Reprisals Program (OHSRP).

The OHSRP delivers services from the OWA's provincial office in Toronto. Workers can contact the program by means of a province-wide toll-free telephone number or through the OWA website. OHSRP staff travel to hearings and mediations outside Toronto as required.

OHRSP services are delivered by three worker representatives (one of whom is bi-lingual) and 1.5 legal assistants (both of whom are bilingual), under the direction and supervision of a counsel/manager.

Advisory Services

Advisory services are provided primarily by telephone. Workers who do not appear to have an OHSR reprisal issue or who otherwise do not fit within the OWA mandate are provided with summary advice by legal assistants. Summary advice consists of information regarding worker's rights or about the OWA or a referral to an appropriate sources of assistance. Workers whose circumstance do appear to fit within the mandate or where making this determination requires legal judgment are provided with an intake interview. This is an initial consultation with a worker representative. If there is sufficient evidence to support a reprisal complaint, an offer of representation is made. If there no reprisal or insufficient evidence, workers are provided with legal advice and/or a referral. Intake interviews have proven to be an valuable service to workers, even if no offer to represent is made. Workplace law is confusing and many workers find the chance to speak to a lawyer or paralegal extremely helpful.

Representation Services

If a worker accepts the OWA's offer of representation, the OWA provides representation at the Ontario Labour Relations Board (OLRB). The OWA represents workers at every stage of the reprisal complaint process, from drafting applications, through mediation and hearing at the OLRB to ensuring compliance with settlements. The OWA may also engage in negotiations with the employer outside of the formal OLRB process.

Educational Services

Materials containing general information about occupational health and safety reprisals and the services provided by the OWA have been developed and posted on the OWA website. Printed and email versions are also available and provided to workers. Additional self-help information is currently being developed.

ENVIRONMENTAL SCAN

Workplace insurance program – While this part of the scan deals with factors influencing the OWA's workplace insurance mandate, where these are also relevant to the reprisals mandate, this will be noted. Factors relevant primarily to the reprisals mandate are at the end of this section.

External Factors

- a) Government fiscal strategy

Government fiscal strategy continues to focus on eliminating the provincial deficit. This means that OWA must allocate its resources prudently and effectively to operate within its approved budget.

b) Increasing numbers of workers in financial and psychological crisis who may need to resort to other disability income programs

A growing number of injured workers present to OWA in financial and psychological crisis. OWA has initiated partnered response to workers in crisis and collaboration with WSIB and OW/ODSP to deal with program interface, with plans to reach out to CPP-D. More needs to be done in 2015-16 and beyond. This includes implementation of a new performance measure in 2015-16 to track these situations more comprehensively.

c) Impact of a Complex and Challenging Legal Environment

The OWA has experienced a continuing increase in case complexity over the past five years including more cases with chronic pain, psychiatric disability, stress, occupational disease, Charter of Rights and disablement entitlement. This includes especially Occupational disease clusters in Sarnia, Kitchener-Waterloo, Peterborough and Elliot Lake. Over the time period of this plan, more resources will need to be assigned to complex cases.

d) Key Developments at WSIB and WSIAT

- Challenges in early dispute resolution

OWA's success rate at the WSIB's operating and appeals levels has fallen from 37% to 31% and 61% to 42% respectively over the 5 years ending 2013-14. This means that more cases are going to WSIAT, where OWA now has a historically unprecedented caseload of around 1500 appeals. WSIAT scheduling delays effect OWA's ability to turn over cases, leading to service delays at the front end.

- Impact of appeal time limits

Especially in complex cases, it is common for there to be multiple appeal time limits. The former 12 month appeal time limit provision at WSIB was changed to 6 months in February 2013. This has increased the potential for missed time limits by injured workers and by OWA staff and the resources needed to ensure limits are met.

- WSIB policy changes

In 2014-15, WSIB implemented major changes to benefits policies around pre-existing conditions. Implementation will be underway during 2015-16 and beyond. This will mean a significant learning curve for OWA staff.

- Electronic access to WSIB files and related matters

Currently WSIB claim file access is in paper form. It is very likely that WSIB will provide electronic access during the three years covered by this plan. Transitional challenges have been detailed earlier in this plan.

e) Paralegal regulation

In 2006, the Law Society of Upper Canada (LSUC) exempted OWA and OEA workplace insurance staff from paralegal regulation. LSUC has indicated that it will likely eliminate the exemption during the period covered by this plan. The potential human resources and financial impact are detailed earlier in this plan.

Internal Factors

a) Staffing resources

From 2011-12 to 2014-15, to respond to heavy workload pressures, MOL approved OWA to operate with 4 FTEs over the official complement of 93.6. The move to the 93.6 level as of April 1, 2015, combined with the shift of 3.0 FTEs to the Reprisals Program, means an overall reduction of 7.5 FTEs in the Workplace Insurance Program. This will be sustainable, given the reduction in incoming workplace insurance workload of around 20% from peak levels in 2012-13 (specifically from 3179 cases reviewed for representation in 2012-13 to 2473 in 2013-14). OWA regularly reviews allocation of resources using a detailed workload analysis, which will be carried out at the mid-year in each of the years covered by this plan.

b) Human Resources Considerations

OWA is in the midst of a significant staff renewal process. In 2013-14 and 2014-15, around 15 long service staff retired pursuant to the Transitional Exit Initiative. A major Worker Adviser recruitment will be completed in 2014-15, bringing new energy but also meaning major training and mentoring needs in 2015-16 in particular for both the workplace insurance and reprisals programs.

c) Case Management System (CMS)

The current electronic case management system is outdated and does not support the Reprisals Program. It will need to be replaced during the period covered by this plan.

Environmental factors - Health and Safety Reprisal Mandate

Growing Workload

The main factor affecting the OHSRP is its growing workload. Without any significant outreach or advertising, very large increases seen between 2012-13 and 2013-14, with further increases in first half of 2014-15, including 28% in new requests for service, 51% in summary advice and 41% in representation outcomes. The staff complement was doubled from 3 to 6 in 2014-15 and will need review as workload develops in 2015-16 and beyond.

RISK IDENTIFICATION, ASSESSMENT AND MITIGATION STRATEGIES

Identified Risk	Agency Objective Impacted	Likelihood	Risk Level	Mitigating Strategies	Lead	Target Date
Operational Risk: FTE staff reduction and budget limitations	Impact to Service Delivery. 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 implement FTE reduction from 97.6 to 93.6 based on a comprehensive workload analysis, through resource re-allocation within the workplace insurance program to areas of highest service demand; and from the workplace insurance program to the reprisals program.	Director OWA management team	Staffing and resource re-allocation plan: March 31, 2015
Strategic and Workforce Risk: WSIB new benefit policies and Appeals Modernization initiative.	Impact to service delivery and staff; collaboration system partners	High	High	Implement new service delivery model to focus resources on comprehensive case assessments at the front end, accompanied by improved referral and support of injured workers who may have to access alternative disability programs. Collaboration with WSIB	Project manager with regional managers Director and General Counsel	Beginning in Q4 of 2014-15 and complete by end of Q3 of 2015-16 Beginning in Q4 of 2014-15 and ongoing through 2015-

				and key stakeholders on implementation of new benefits policies		16
Strategic Risk: Significant changes in Ontario's workforce.	Optimize OWA's Organizational Capacity and Effectiveness in serving vulnerable non-unionized workers	High	High	Provide effective service and availability of information and materials to a demographically and culturally diverse client group including a growing proportion of workers in crisis.	Director OWA management team	On going
Workforce and Strategic Risk: Law Society of Upper Canada regulation of paralegals	Optimize OWA's organizational capacity and effectiveness	High	High	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 professional responsibilities. Engage in proactive discussions with LSUC in support of an orderly transition to regulated status.	General Counsel with Regional Managers	On going
IT Risk: OWA's	Optimize OWA's organizational	High	High	Based on the recommendations of the IT	Director with Manager, Agency	Develop proposal by

<p>increasingly inadequate case management system OWA also has no capacity to provide electronic service delivery to clients; and does not have electronic access to WSIB claim files.</p>	<p>capacity and effectiveness and improve service delivery to clients of both workplace insurance and OHRSP</p>			<p>Cluster for a new CMS, seek MOL support to enter the development phase in 2015-16 or 2016-17.</p> <p>Work with IT Cluster on an interim solution for the OHSRP and maintenance fixes for the current CMS while awaiting development of new CMS.</p> <p>Work on electronic file access pilot project with WSIB to ensure implementation will improve efficiency and case management.</p>	<p>Administration</p> <p>Manager, Agency Administration with Service Delivery Project Lead and OHSRP Counsel/Manager</p> <p>Manager, Agency Administration</p>	<p>June 30, 2015</p> <p>Develop implementation plan in Q4 of 2014-15</p> <p>Depends on WSIB timetable</p>
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HUMAN RESOURCES

	Key Challenges	HR Issues and Impact	HR Priorities and Actions	Resource Implications
1.	Difficult operating environment	Staff facing lower rate of success at WSIB frontline and appeals level and backlogs at WSIB	<ul style="list-style-type: none"> • Strengthen learning support for staff • Review of employee performance expectations • Engagement of staff in developing case strategies and sharing of advocacy best practices 	Training sessions by CCSU Review of strategic learning objectives
2.	Increased level of professional responsibility	Implement new service delivery model to focus resources on raising standards and reduce stress and risk of liability	<ul style="list-style-type: none"> • Strengthen learning support for staff • Review of and active monitoring of employee performance expectations 	Training sessions by CCSU Development of robust performance management
3.	Operating within fiscal and staffing parameters	Staffing impacts due to re-allocation of resources and FTE count reduction.	<ul style="list-style-type: none"> • Continue objective workload analysis process • Active engagement with all employees by management 	Identification of vacancies and other mechanisms to provide alternatives to affected employees
4.	Dealing with clients in financial and psychological crisis	Concern about increasing stress on OWA staff from dealing with significant numbers of clients in crisis	<ul style="list-style-type: none"> • Improved tracking of crisis situations • Strengthen learning support for staff • Improve access to peer support and Employee 	Development of best practices

			Assistance Program	
5.	Potential elimination of paralegal license exemption by LSUC	Proactive work with LSUC to explore a supportive transition to a licensed environment.	<ul style="list-style-type: none"> • Strengthen learning support for staff • Review of employee performance expectations including professional responsibilities 	Development of best practices Training sessions by CCSU

RESOURCES NEEDED TO MEET GOALS AND OBJECTIVES

Pursuant to the commitment of the government to eliminate the deficit by 2017-18, the OWA will continue to manage in 2015-16 and beyond within the current resource allocation. This plan has been developed pursuant to that direction. There are significant risks to be addressed, given workload challenges in both the workplace insurance and occupational health and safety reprisals (OHSRP) programs. The risk mitigation strategies are found in that section of this business plan.

OWA will be operating within its official FTE complement of 93.6. From 2015-16 to 2017-18, a detailed workload analysis will be done at least annually, to ensure that staffing resources are targeted to areas with the greatest demand for service.

A major pressure comes from the OHSRP, where, with no advertising and little outreach, the demand for services has increased very significantly from 2012-13 to 2013-14, with the increase sustained through the first half of 2014-15 (see environmental scan).

Significant pressures from the remaining Transition Exit Initiatives will be funded in 2015-16 through vacancy management. A planned expenditure of \$330,000 in each of 2016-17 and 2017-18 for a new Case Management System (CMS) will also be funded through vacancy management during those two years.

Note on paralegal regulation: Currently, OWA is not forecasting for possible elimination of its paralegal exemption in 2015-16, but this is a very significant likelihood in 2016-17 and beyond. If the OWA paralegal exemption ends, there would be significant costs (estimated up to \$100,000 annually) involved in licensing and insurance for affected OWA staff. Proactive discussions with the Law Society will help ensure the best possible and least costly transition.

IMPLEMENTATION PLAN

In Q4 of 2014-15, OWA will develop a comprehensive operational plan for 2015-16, to ensure implementation of the key initiatives in this business plan.

The most important operational initiative in 2015-16 will be implementation of significant changes in OWA's service delivery model, to focus more resources on the front end through comprehensive case assessments and referrals and support for injured workers who may need to access other disability programs while they await resolution of their appeals at WSIAT. To ensure effective implementation, OWA has assigned a fulltime project manager, who will work closely with a joint staff/management Service Delivery Committee, which originally recommended the changes. The Service Delivery Committee, established in 2013-14, includes representation from frontline Worker Advisers, Client Service Representatives and Legislative Interpretation Specialists as well as Regional Managers.

The financial element of the plan will be implemented through an FTE reduction of 4 positions, also in Q4. The remainder of the necessary savings will be generated through a vacancy management plan. During 2015-16, OWA will develop a vacancy management plan for 2016-17 to fund a the aforementioned Case Management System.

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.

OWA will review its operational plan quarterly and manage any risks which may emerge.

COMMUNICATION PLAN

The OWA's communication plan will focus on vital communication to partners and vulnerable client communities. It will ensure that non-unionized workers know about OWA services and can access them. The OWA will continue to build strong relationships with its community, the broader public sectors and various levels of government, focusing on those who deal with non-unionized injured workers and workers who may have been subject to OHSA reprisals. Throughout 2015-16 and beyond the OWA will continue to send routine information packages to MPP offices after by-elections, and conduct surveys with MPPs' constituency offices mid-way through the term.

Contents and parameters of communications

The focus will be on the OWA's objective to provide vital public services to some of the most vulnerable members of our society, i.e. injured workers, their survivors and those who have been reprised because of health and safety complaints. This means the provision of necessary information on the range of OWA services, how to access them, how to deal with WSIB on more routine matters and technical matters such as how to meet appeal time limits.

Communications in support of service delivery model changes

In 2015-16 the OWA will be implementing major changes to its service delivery model to ensure that it will successfully fulfill its mandate within the challenging current environment and evolving workplace safety and insurance system. The key outcome will be a more thorough and comprehensive approach to advice, referral, support and representation at the front end of OWA services. Ultimately this will strengthen OWA's contribution to more effective dispute resolution within the system, which supports vulnerable workers and contributes to economic wellbeing through an orderly approach to sensitive workplace matters.

Feedback on the new service delivery model

The new model will include appropriate performance measures that are better aligned with the actual work and service that is being provided as well as a review of the effectiveness of the new model on an ongoing basis. As the new service delivery model is rolled out, the key elements and impacts will be communicated to community and system partners to ensure that the new service delivery model is responsive, understood and well received; and that high priority and urgent cases continue to be accepted even in an environment of appeal delays. At the mid-year of 2015-16, OWA will solicit partner feedback and input which will include an evaluation of the success of the new model and suggestions for improvement. The evaluation results will be communicated with partners to close the loop and to establish an ongoing dialogue in support of reaching OWA's overall service delivery objectives throughout the cycle of this plan.

Communications methods

Communication will be partner and client focused. **Key approaches:** regular website updates, including information on local community clinics; distributions to key partners through e-lists; update of the OWA's information brochure; local outreach and communications with those who refer or serve non-unionized workers; and local advertising of community clinics and OWA services.

Occupational Health and Safety Reprisals Program

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

OFFICE OF THE WORKER ADVISER
Appendix A - Multi-Year Preliminary Planning Base

FY 2015-16 (\$000)											
Program/Region	FTE	Salaries & Wages	Benefits	Transp. & Comm.	Services	Supplies & Equipt.	Total ODOE	Transfer Payment	Sub-Total	Recoveries	TOTAL
OWA	93.6	7,783.1	1,790.1	300.0	633.1	100.0	1,033.1		10,606.3		10,606.3
PFESD											
CCSU											
Toronto & Eastern											
Southwest											
North											
Central											
InfoTech											
OWA Program Base Allocation	93.6	7,783.1	1,790.1	300.0	633.1	100.0	1,033.1	-	10,606.3	0.0	10,606.3
Lease					795.6		795.6		795.6	0.0	795.6
Total OWA Base Allocation	93.6	7,783.1	1,790.1	300.0	1,428.7	100.0	1,828.7	-	11,401.9	0.0	11,401.9
Grand Total	93.6	7,783.1	1,790.1	300.0	1,428.7	100.0	1,828.7	-	11,401.9	0.0	11,401.9

FY 2016-17 (\$000)											
Program/Region	FTE	Salaries & Wages	Benefits	Transp. & Comm.	Services	Supplies & Equipt.	Total ODOE	Transfer Payment	Sub-Total	Recoveries	TOTAL
OWA	93.6	7,783.1	1,790.1	300.0	633.1	100.0	1,033.1		10,606.3		10,606.3
PFESD											
CCSU											
Toronto & Eastern											
Southwest											
North											
Central											
InfoTech											
OWA Program Base Allocation	93.6	7,783.1	1,790.1	300.0	633.1	100.0	1,033.1	-	10,606.3	0.0	10,606.3
Lease					795.6		795.6		795.6	0.0	795.6
Total OWA Base Allocation	93.6	7,783.1	1,790.1	300.0	1,428.7	100.0	1,828.7	-	11,401.9	0.0	11,401.9
Grand Total	93.6	7,783.1	1,790.1	300.0	1,428.7	100.0	1,828.7	-	11,401.9	0.0	11,401.9

FY 2017-18 (\$000)											
Program/Region	FTE	Salaries & Wages	Benefits	Transp. & Comm.	Services	Supplies & Equipt.	Total ODOE	Transfer Payment	Sub-Total	Recoveries	TOTAL
OWA	93.6	7,783.1	1,790.1	300.0	633.1	100.0	1,033.1		10,606.3	0.0	10,606.3
PFESD											
CCSU											
Toronto & Eastern											
Southwest											
North											
Central											
InfoTech											
OWA Program Base Allocation	93.6	7,783.1	1,790.1	300.0	633.1	100.0	1,033.1	-	10,606.3	0.0	10,606.3
Lease					795.6		795.6		795.6	0.0	795.6
Total OWA Base Allocation	93.6	7,783.1	1,790.1	300.0	1,428.7	100.0	1,828.7	-	11,401.9	0.0	11,401.9
Grand Total	93.6	7,783.1	1,790.1	300.0	1,428.7	100.0	1,828.7	-	11,401.9	0.0	11,401.9

APPENDIX B – Performance Measures (see attached)

APPENDIX C - FTE CAP PLAN (see attached)
