



**OFFICE OF THE WORKER ADVISER**

# **Annual Report**

**April 1, 2019 to March 31, 2020**

[www.owa.gov.on.ca](http://www.owa.gov.on.ca)

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## MESSAGE FROM THE DIRECTOR

I am pleased to submit the annual report of the Office of the Worker Adviser (OWA) for the fiscal year 2019-2020.

The OWA offers expert advice and excellent client service to workers and families seeking information, advice and representation in the areas of workplace safety and insurance and occupational health and safety reprisals.

During the fiscal year, agency work focussed on supports for excellent, expert client service and capitalized on momentum to modernize technological supports. In particular, we worked to reduce the wait time to representation service, modernize information technology and support expert advice through learning programs. The agency:

- completed steps in the procurement process to develop a modern case management system.
- piloted electronic access to files from the Workplace Safety and Insurance Board (WSIB) and the Workplace Safety and Insurance Appeals Tribunal (WSIAT);
- reduced the wait time to representation services by reducing our list of cases waiting for review to assess if full representation can be offered; and
- continued our dedication to an internal staff training program.

These initiatives are set out in detail in the report, and together will support modern, expert, and excellent client service in the years to come.

I shared the work of this fiscal year with Kathleen Therriault; my term as Director started in July 2019. The early phases of the pandemic response occurred at the end of the fiscal year, in March 2020. The Regional Managers ably supported staff through the service transition with the support of General Counsel and the Corporate Team Lead. The agency recognizes the support of the Ministry and the IT cluster during the transition; the technology gains accomplished support the agency's plans to innovate supported by modernizing technology.

The foundation of the OWA's success is the dedication, expertise and work of OWA staff. From sharing knowledge internally through mentoring and training, to providing information, expert advice and representation to individuals throughout the province, the OWA team demonstrates their compassion and skill with clients and each other.

Susan Adams  
Director, Office of the Worker Adviser

# THE MANDATE OF THE OFFICE OF THE WORKER ADVISER

The Office of the Worker Adviser (OWA) provides education, advice and legal representation to non-unionized workers and their survivors in workplace insurance matters (also known as workers' compensation), as well as to non-unionized workers with complaints that they have been penalized by their employers for exercising rights under the *Occupational Health and Safety Act*.<sup>1</sup>

OWA is an operational agency of the Ministry of Labour, Training and Skills Development (MLTSD) and is part of the workplace insurance system which includes the Workplace Safety and Insurance Board (WSIB), the Workplace Safety and Insurance Appeals Tribunal (WSIAT) and Office of the Employer Adviser (OEA). We are also a partner in Ontario's health and safety system.

The OWA supports the government's goal to advance safe, fair and harmonious workplace practices that are essential to the social and economic well-being of the people of Ontario by supporting vulnerable workers through dispute resolution, enabling clients to access benefits and services under the WSIA.

We are committed to helping both of these systems work well for all the workers and employers that they serve. OWA's primary role with our partners is to help facilitate effective and timely dispute resolution within these systems.

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<sup>1</sup> Per section 176(1) of the *Workplace Safety and Insurance Act* (WSIA) and section 50.1(1) of the *Occupational Health and Safety Act* (OHSA)

# **REPORT ON THE OWA'S WORKPLACE SAFETY AND INSURANCE PROGRAM**

## **Overview of Services**

The OWA focuses on providing the following services to non-unionized injured workers and their survivors, related to workplace safety and insurance matters:

- information and advice
- educational services
- representation in dispute resolution and appeals

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

## **Information, Advice and Representation**

Workers contact the OWA with questions about workplace insurance or for help to understand their entitlements. The agency provides information, summary advice and, where applicable, referrals to other government programs or services.

The OWA represents workers at the Workplace Safety and Insurance Board (WSIB) and the Workplace Safety and Insurance Tribunal (WSIAT). The OWA provides self-help information for workers to handle their own claims or applications where appropriate. We serve a wide range of clients with various matters related to workplace insurance. In particular, our expertise and efforts to support those with occupational disease are of deep importance to vulnerable workers, their families and the communities in which they live.

## **Occupational Disease**

The identification and prevention of occupational disease continues to be a challenge. Often, these diseases take many years to manifest. By the time they do, the workplaces and local unions related to them have frequently ceased operations. As a result, a vital role of the OWA is to represent workers who suffer from an occupational disease and their survivors.

These are complex cases, involving scientific, medical and exposure information. Frequently, there are clusters of cases that can be linked due to employment in the same workplaces or industries.

### **McIntyre Powder - Northern Ontario**

From the 1940s to the 1970s, thousands of hard rock miners in northern Ontario were required to breathe aluminum dust prior to each daily shift. At that time, it was believed that the dust, known as “McIntyre Powder” provided protection from the health impacts of silica. This turned out to be mistaken and the practice ceased by 1979. Concern has been growing through the years that this extensive aluminum exposure may have led to neurological and potentially to other health consequences.

Since 2016, OWA has been working to support workers with their claims for occupational disease related to these and other exposures. In 2019-2020, the OWA dealt with 71 cases. Many are still waiting to go through all stages of appeal which can take several years. These claims involve not only aluminum powder exposure but to health conditions from other exposures as well. The WSIB engaged Dr. Paul Demers from the Occupational Cancer Research Centre (OCRC), based at Ontario Health (Cancer Care Ontario), to study the relationship between McIntyre Powder in Ontario mines and the development of neurological health outcomes in former miners. At the end of the fiscal year the report was not yet available.

### **Peterborough Occupational Disease Cluster**

The OWA has been involved in occupational disease cases for workers from a large Peterborough factory since an initial intake clinic held by the Occupational Health Clinics for Ontario Workers (OHCOW) in 2004. This has meant working with the WSIB, OHCOW, the Unifor union, WSIAT, retirees’ and local community groups for over a decade, addressing over 800 cases.

In 2017-2018, there were important developments in this occupational disease cluster, including the commencement of a review by WSIB of 250 earlier cases. A total of 97 files were being worked on during 2019-2020. To date, the OWA has secured nearly 5 million dollars for claimants in the last 3 years, over 1 million dollars this year alone.

OWA continues to be actively involved in the representation of workers and survivors in this occupational disease cluster and is working with Unifor to determine whether there might be other clusters in this area of the province.

### **Sarnia Occupational Disease Cluster – Owens Corning**

The OWA has continued its longstanding representation commitment to the workers who developed occupational diseases and those who died as a result of occupational exposures while working at the Owens Corning plant in Sarnia.

Between January 2019 and March 2020, the OWA completed 14 legal submissions pertaining to lung related cancers and Chronic Obstructive Pulmonary Disease (COPD). In 2019-2020, the WSIAT released three decisions related to the cluster. In *Decision No. 1122/19*, the worker received entitlement for occupational asthma. In *Decision No. 578/19*, the worker was granted a full non-economic loss award for COPD. In *Decision No. 1687/19*, the worker received entitlement for COPD.

## **Rubber Workers – Kitchener/Waterloo**

The OWA has been working on cases for Rubber Workers within the Kitchener, Waterloo, and Guelph area, since 2013 and has achieved successful outcomes for two-thirds of these claimants. Additionally, requests for representation services related to these claims are expected to rise due to a systematic review of these cases by the WSIB in 2019.

## **Chronic Mental Stress**

On January 1, 2018, WSIB implemented entitlement to chronic mental stress. To handle these novel and challenging cases, OWA created a dedicated team of staff as a pilot project. Chronic mental stress cases were assigned exclusively to the team. In addition to developing subject matter expertise, team members were tasked with developing case strategies and identifying best practices in case management, evidence gathering and return to work. The pilot program concluded on November 14, 2019.

## **Casework**

Every year the OWA represents thousands of workers. Each success is important and makes a difference in the life of an injured worker and a family. Often cases turn on complex issues of law and medical evidence. The following examples show the huge positive difference the OWA makes in people's lives.

- The OWA won full loss of earnings benefits for a worker who suffered a serious shoulder injury from a fall from a height of nine feet. He was unable to return to work because of the injury and complications from treatment, including seizures after surgery and a spinal fracture. The worker adviser won the case at the internal WSIB appeal level.
- After a lengthy appeal process, the OWA won entitlement for a worker's fatal cancer caused by asbestos exposure. The worker's widow thanked the worker adviser, writing that "your strength, compassion and genuine devotion have made this long journey bearable for me."
- A young worker suffered a significant arm injury that led to amputation. The WSIB terminated his benefits when it decided that he was not co-operating with

re-training. The worker adviser successfully argued to the WSIB that his benefits should be restored as he was not yet medically ready to begin re-training because he was still recovering from the loss of his arm.

- The OWA won over \$100,000 in retroactive permanent disability pension benefits for a worker because the worker adviser discovered that the WSIB was incorrectly calculating the injured worker's earnings' basis.
- A worker adviser succeeded in winning survivor's benefits for a client whose fiancé died in a work accident. The Tribunal held that living in one residence is not a requirement to be considered common-law spouses.
- A worker was seriously injured when he fell from twenty-foot tall scaffolding. The worker was cut off benefits when the WSIB decided that he was not co-operating in a re-training plan. The worker adviser argued that the plan was unrealistic given the worker's injuries and academic abilities and the Tribunal agreed. The worker was awarded full loss of earnings until age 65.
- After a long appeals process, a 72-year-old worker was granted entitlement for occupational asthma due to exposure over a 20-year period to formaldehyde, asbestos and dust.
- A worker adviser succeeded in winning entitlement for the worker's shoulder and psychological injuries, in addition to arm and wrist injuries. As a result, the worker was granted full future loss of earnings benefits and became eligible for the serious injury program.

## **OUTREACH AND EDUCATIONAL SERVICES**

### **Injured Workers and the General Public**

We meet by phone or in person with workers about their claims or cases and promote [our website](#) as a source of information<sup>2</sup>.

In addition, the OWA provides educational services to injured workers and the general public through information sessions held in communities across the province. This fiscal year, OWA held four clinics and nine information or educational sessions with the public across the province. A total of 172 people attended these sessions which focused on information about our services and education about entitlements under the Act.

### **Community and System Partners**

Across the province, the OWA works actively with many local partners to ensure good service and mutually beneficial referrals. This includes local WSIB offices, health care

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<sup>2</sup> <http://www.owa.gov.on.ca>



providers and social service agencies. The OWA also participates in partnerships at the provincial level.

The Director regularly attends the WSIB Labour and Injured Worker Advisory Committee (LIWAC) meetings. LIWAC is an advisory committee drawn from the worker community and convened by the Chair of the WSIB. In this forum, labour representatives and the OWA provide constructive feedback and play a key role in shaping and developing the practical administrative and operational policies necessary to deliver a sustainable workplace health and safety system for the future.

Along with the WSIB, Threads of Life and MLTSD, the OWA continues to be participate in the Fatalities and Immediate Response (FAIR) Partnership. Its goal is to provide timely and coordinated services to support the individual needs of families and survivors following either a traumatic workplace fatality or a severe and permanent life altering physical impairment resulting from a workplace accident.

In our work related to occupational disease claims, we are supported by the Occupational Health Clinics for Ontario Workers. OHCOW can take detailed exposure histories from workers and develop exposure assessments that help provide the evidence basis for claims and appeals. This is not something that workers and their families can do on their own, and it is a tremendous support to the adjudication of claims.

## **Academic Research**

The OWA is frequently called upon by academic researchers to lend its experience and expertise to research projects relating to workplace insurance or occupational health and safety. These projects support evidence-based decision-making to improve the effectiveness of both systems. In 2019-2020, OWA staff participated in an advisory role in research projects on the following topics: return to work and workplace disability supports (University of Ottawa, Memorial University) and health and safety for drivers in “ride-share” programs (University of Waterloo), which was completed during this last fiscal year.

## **OWA SERVICE QUALITY DELIVERY INITIATIVES**

OWA is taking steps to modernize how we do our work and explore opportunities for innovation. These include:

- The use of technology to enhance service delivery
  - Moving towards electronic access to WSIB and WSIAT files
  - Procuring and developing a modern case management system
- Improving service timelines by reducing our list of cases waiting for review to assess if full representation can be offered, and
- Investing in expert, knowledgeable staff through a learning program

## **The Use of Technology to Enhance Service Delivery**

### **E-Access to WSIB and WSIAT files**

Currently, the OWA receives hard copy files from the WSIB and the Tribunal. This is a practice that is outdated and cumbersome to all involved. The OWA is moving towards the electronic access to WSIB files. Expanding the use of E-Access files from WSIB should decrease case processing time.

WSIAT approached the OWA asking if we would be interested in exploring the use of digital Case Records. Several of our Worker Advisers are participating in a testing phase, and we are working to ensure they have the proper tools and training to work with these files.

### **Procuring a New Case Management System**

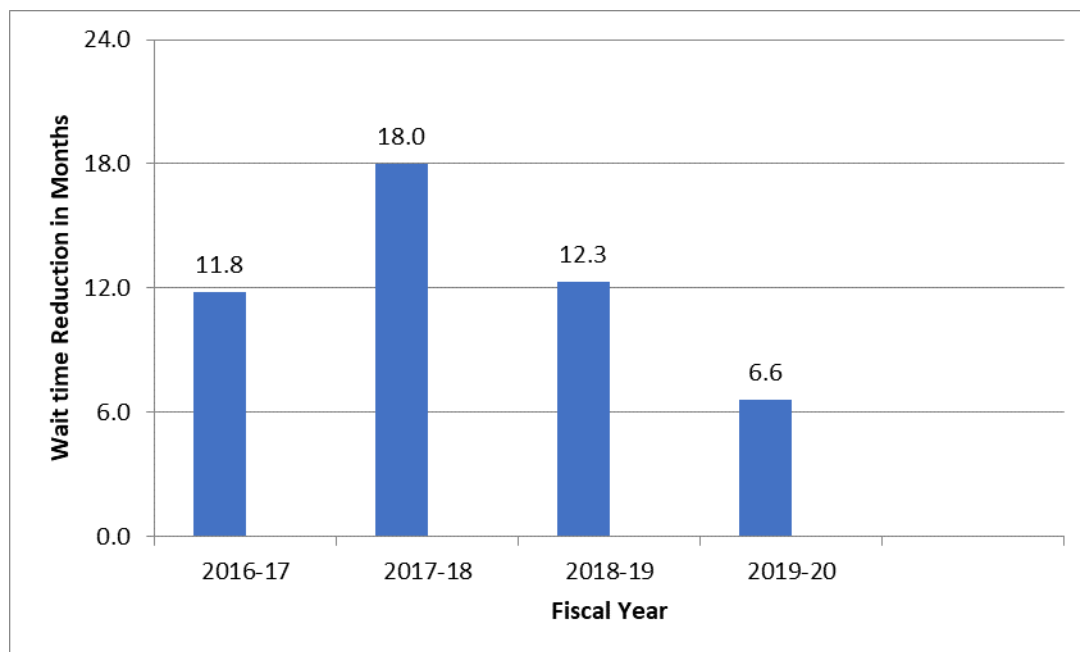
Currently, the OWA relies on decades-old software to manage our paper-based system. Modern technology, when it comes, could include a portal for clients, improve efficiencies in workflow, and support better access to WSIB and WSIAT processes. Procurement stages are moving forward with targeted full implementation by March 31, 2022.

### **Waiting for Case Review**

With a focus on quality client service, OWA mobilized internal resources to improve the time to representation service by reducing the number of clients waiting for case review. Staff from regional offices worked together strategically to determine capacity and redistribute files in order to stabilize volumes and wait times.

The wait time for review reduced from an average of 12 months to 6.6 months. This achievement substantially met the goal to reduce the agency wait time for review to 6 months by March 31, 2020. In achieving this result, the Advisers reduced the inventory of files waiting for review from 873 to 607. Reducing and managing the wait time to review will continue to be a priority for the upcoming year.

**Figure 1: Wait Time**



## **Staff Learning Program**

Over the 2019-2020 year the OWA has continued to provide staff with high quality learning opportunities to support the expert, specialized work of the organization. Ninety-five OWA staff completed 1,356 hours of training over the year. These hours of training are sourced from:

- Internally developed and delivered training
- The Law Society of Ontario and the Ontario Bar Association
- Training made available through a partnership with the Ministry of Attorney General's Civil Law Division learning committee
- Courses from community legal system partners

To meet our unique subject matter needs, and to promote cost-effectiveness, approximately 70% of the training was provided internally by experienced and knowledgeable OWA staff, by Ministry of Labour staff or other relevant programs.

Internally-developed training included courses focused on the following topics:

- Increasing the knowledge of worker advisers on common medical conditions that they encounter in their cases

- New procedures related to legal and technological changes
- New e-services, for example, WSIB upload tool and software for use with e-claim files and,
- Serving clients with mental stress issues.

During this year, staff developed a podcast-style format that focused on cases argued by staff before the WSIAT. Staff were interviewed about their cases, highlighting arguments, evidence and strategies that they used in arguing their cases. This format provided unique opportunities for knowledge transfer between staff.

Many OWA staff are licensed by the Law Society of Ontario. Through internally developed and delivered training, staff were able to meet the majority of their continuing professional development obligations to maintain their licensed status and improve skills. Our commitment to expert, professional client service in a specialized area of law is strongly supported through in-house expertise and experience.

This year training was delivered primarily via teleconference and webinar, enabling the OWA to comply with travel and budget restrictions. Recordings are made available to staff following delivery of internal sessions, enabling those staff not able to attend at the time the training is delivered to attend at a later time, or to review training concepts when needed. Newer worker advisers reviewed recorded training sessions to help them build their knowledge of workers compensation.

## **OWA'S WORKPLACE INSURANCE PROGRAM STATISTICS**

OWA was successful in assisting a substantial number of workers with their workplace insurance claims and appeals. OWA staff:

- Responded to 8,928 new requests for service, a slight increase from the previous year
- Resolved 3,430 cases through summary advice, a decrease of 11% from the previous year
- Completed 1,359 case reviews for workers who had requested representation service, a decrease of 22% from 2018-2019
- Reduced the wait time for case review to 6.6 months from an average of 12 months
- Accepted 766 cases for representation services, representing 56% of the cases reviewed
- Achieved an overall success rate in representation services 56%.

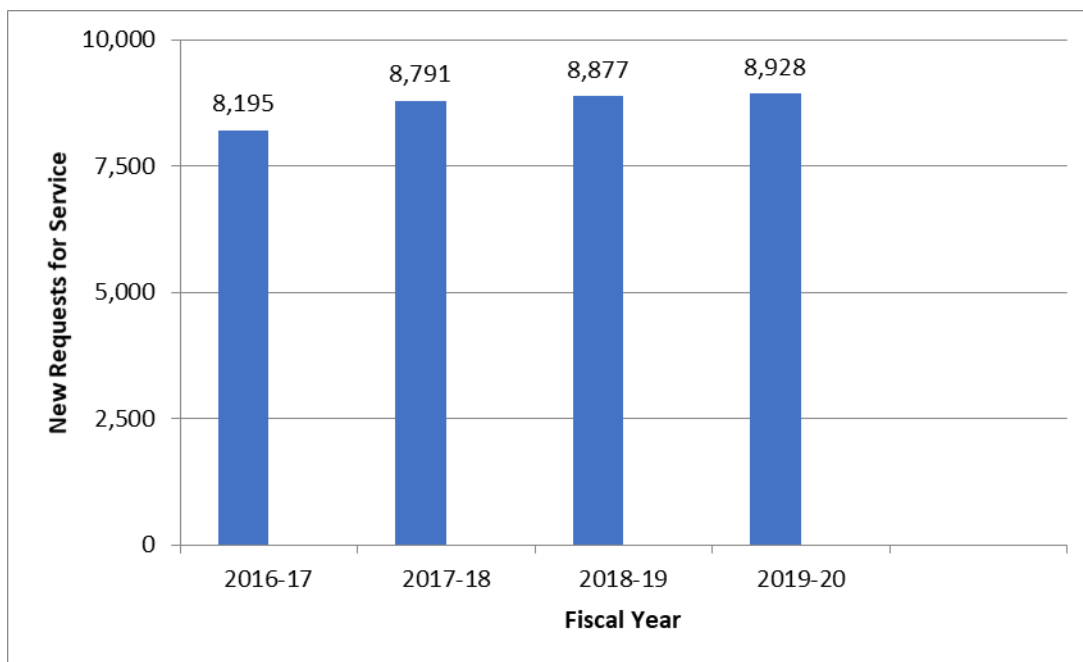
### **Advisory Services and Case Review**

The table below shows the number of new requests for service involving both summary advice and requests for representation services during the past four years.

The OWA had 8,928 new requests for service during the 2019-2020 fiscal year, a slight increase from previous year. A total of 1,607 workers requested representation services. This was an increase of 5% from 2018-2019, which may demonstrate the community's awareness of improved timelines to service.

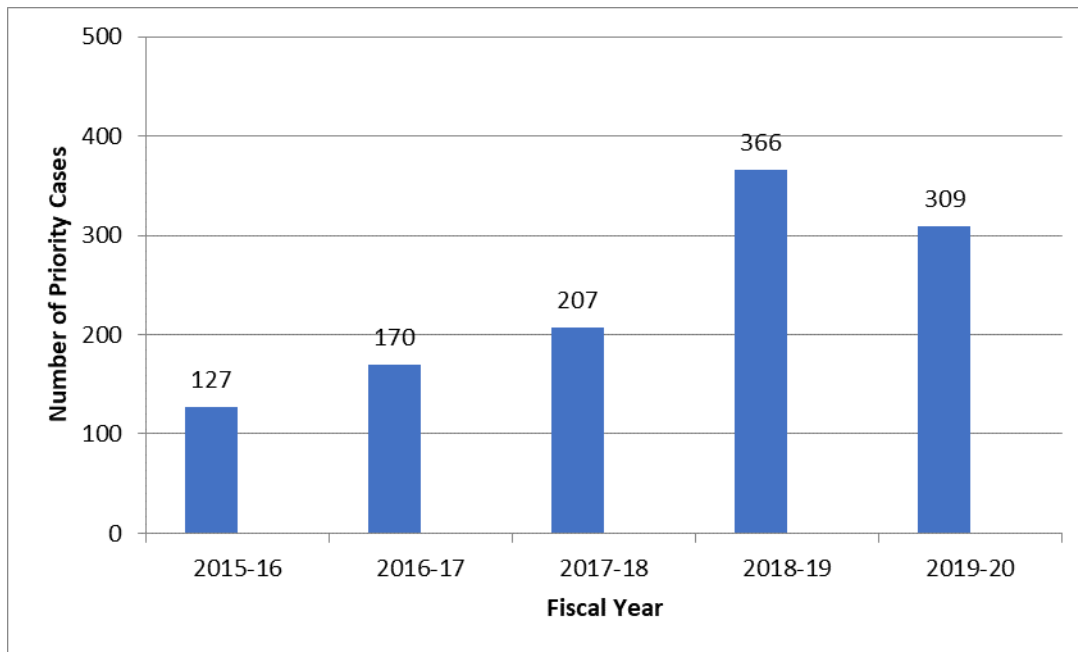
In 2019-2020, the OWA completed 1,359 case reviews, compared to 1,663 in 2018-2019, a decrease of 22%. During the fiscal year, four worker advisers retired, resulting in recruitment and training time to onboard new staff. In a specialized area of law, training and mentoring new staff is a key step to providing expert advice and excellent service. During these transitions, the OWA reduced the wait time for case review and will continue to focus on that metric as part of providing excellent client service.

**Figure 2: New Requests for Service**



To avoid delay in dealing with priority cases such as terminal occupational disease or occupational disease clusters, OWA offered immediate case reviews in 2019-2020 to 309 workers whose situations met the criteria for case prioritization, a decrease of 18% from 2018-2019 and an increase of 33% from 207 priority cases in 2017-2018.

**Figure 3: Number of Priority Cases**



### **Case Review**

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

The OWA offers representation services in cases where:

- The entitlement issue is valued at more than the equivalent of four weeks of wage loss benefits
- The issue(s) are complex enough to require the assistance of a skilled and knowledgeable representative, and
- Sufficient evidence is available to support a reasonable chance of success in the appeal process. This does not mean that the case is guaranteed to succeed, but it does mean that a worker adviser must find enough evidence and/or legal grounds to justify an appeal.

The OWA does not represent in cases with straightforward, single issue appeals involving a non-economic loss (NEL) increase, commutation of a pension, or an employer's request for Second Injury Enhancement Fund (SIEF) relief, although we do provide information and support to workers who wish to represent themselves. The

OWA will also not represent in cases where the only issue is a challenge of a WSIB security restriction decision.

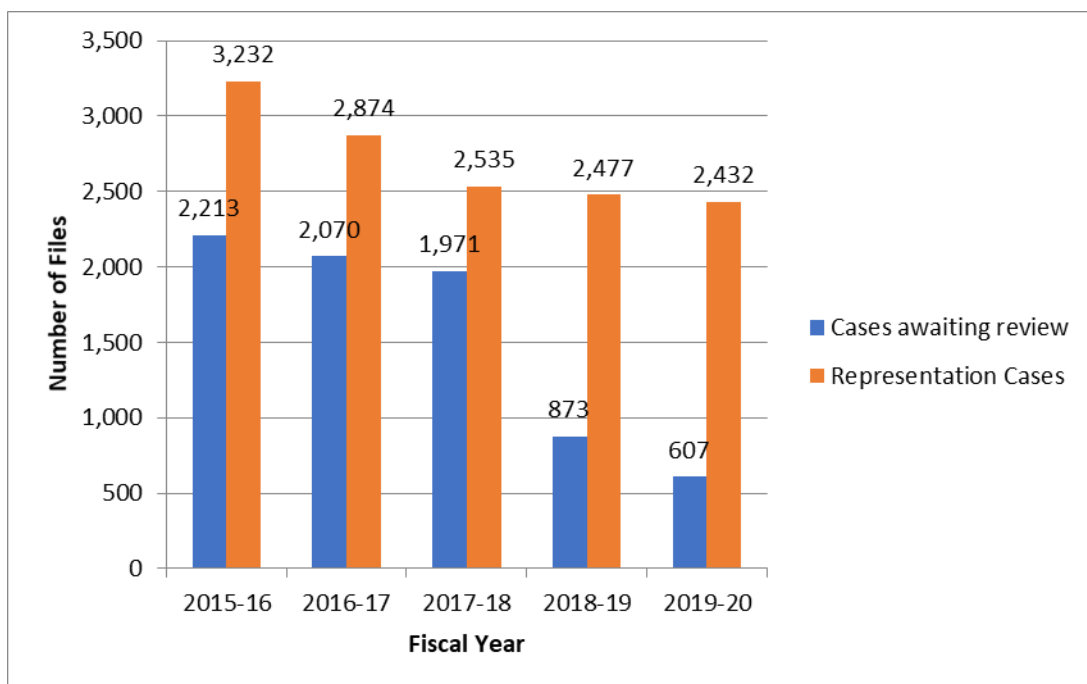
As noted above, the proportion of cases reviewed which were accepted for representation decreased by 1% to 56% in 2019-2020 compared to the 2018-2019 level. This is within the OWA's historic range of acceptance rates.

### Representation Case Inventory

The figure below shows the evolution and success of work to reduce the total case inventory over the past five years. For each year, the bar graph compares the total of cases awaiting case review (left) and the agency's representation caseload.

The OWA's inventory of representation cases and wait list times were correlated with the WSIAT's high caseload. OWA Advisers worked diligently to represent clients before the WSIAT during that agency's caseload reduction period, and the OWA's number of appeals reached more manageable volumes by the end of 2017-2018. This focused appeal work positioned OWA to continue to improve wait times and respond substantively to waiting workers in the last fiscal year and during 2019-2020. During 2019-2020, the agency reduced the number of cases awaiting review by 11%.

**Figure 5: Total Case Inventory**



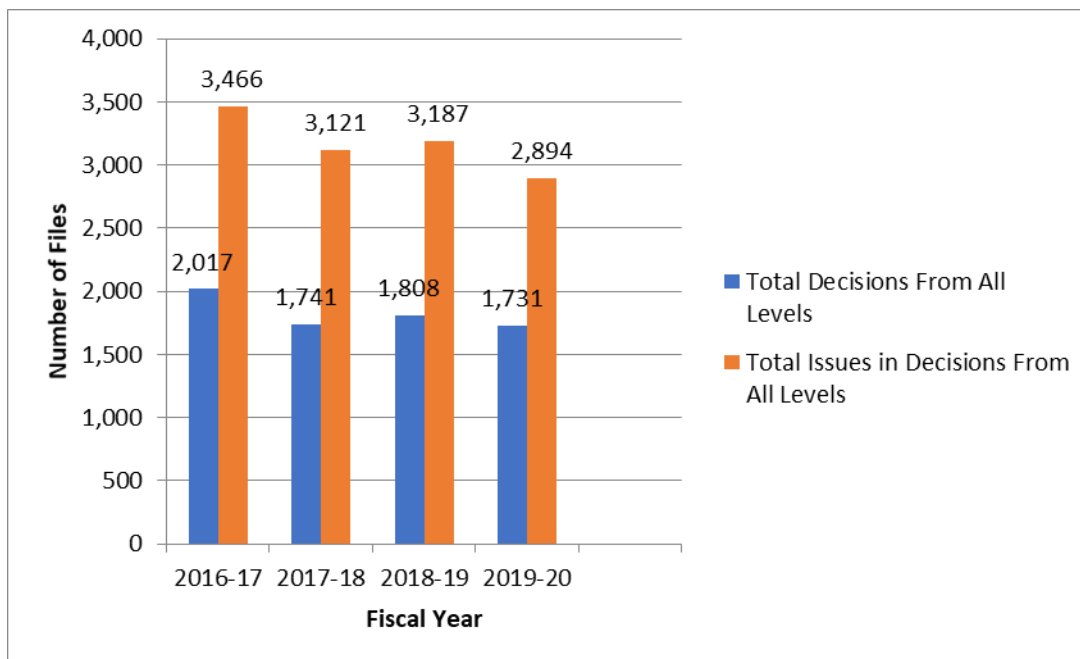
## Decisions obtained for OWA clients

The OWA provides support for early and safe return to work and for early resolution of disputes without recourse to formal hearings, both by diverting cases from the appeals system and by alternative dispute resolution at the appeals level. In 2018-2019, the OWA achieved its commitment by resolving 81% of disputes without a hearing which is 7% higher than the previous year.

In 2019-2020, OWA obtained a total of 1,731 decisions from the adjudication and appeals levels of the WSIB and from WSIAT, a decrease of 4% from the previous year's total of 1,808 (see Table 2) and similar to the result in 2017-2018.

The 1,731 decisions obtained in 2019-2020 involved a total of 2,894 issues versus 3,187 in 2018-2019, a decrease of 9%. The overall success rate increased slightly, from 55% in 2018-2019 to 56% in 2019-2020. This was the highest level in the past five years and up consistently from 51% in 2016-2017. There was an increase of 8% in success rate at the WSIB appeals level as well as a small increase of 3% at the WSIAT.

**Figure 6: Total Decisions and Total Issues in Decision**





## **Client Satisfaction Levels:**

The OWA takes pride in the quality of service it provides to clients. To support continuous improvement, clients are asked to complete satisfaction surveys at the conclusion of OWA's representation service to them. Of the 103 individuals who responded to the survey in 2019-2020, 96.1% were "very satisfied" or "satisfied" with the service they received.

- "Couldn't ask for anything more. I'm afraid to think how things could have worked out had the Worker Adviser not taken my case ... She is an amazing representative of the OWA and a credit to the province. I greatly appreciate her help."
- "The Worker Adviser did an awesome job of representing me. She was very professional and knowledgeable. I can't thank her enough for changing my life."

**Figure 7: New Requests for Service and Case Reviews**

	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>Change from 2018-19 to 2019-20</b>
Number of New Requests for Service*	8,195	8,791	8,877	8,928	0%
Number of New Requests Resolved with Summary Advice	4,321	4,772	3,817	3,430	-11%
Number of Requests for Representation***	2,070	1,699	1,532	1,607	+5%
Number of Cases Reviewed for Representation	1,166	1,048	1,663	1,359	-22%
Number of Cases Selected for Representation**	638	617	950	766	-24%
Number of Cases Declined Representation	528	431	713	593	-20%
% of Cases Reviewed which are offered Representation	55%	59%	57%	56%	-1%

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

\*\* The number of workers requesting representation services found in Table 1 (1,607) is the number of new workers in 2019-2020 who requested a case review for representation services.

**Figure 8: Decisions by Level and Success Rate**

<b>Decisions by Level</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>Change from 2018-19 to 2019-20</b>
<b>WSIB – Operating Level</b>	919	783	904	927	+3%
<b>% of Issues Allowed at Operating Level</b>	45%	51%	54%	54%	0%
<b>WSIB – Appeal Level</b>	601	406	417	471	+11%
<b>% of Issues Allowed at the Appeals Branch</b>	45%	47%	40%	48%	+8%
<b>WSIAT</b>	497	552	487	333	-46%
<b>% of Issues Allowed at the WSIAT</b>	68%	64%	67%	70%	+3%
<b>TOTAL DECISIONS FROM ALL LEVELS</b>	2,017	1,741	1,808	1,731	-4%
<b>TOTAL ISSUES IN DECISIONS FROM ALL LEVELS</b>	3,466	3,121	3,187	2,894	-1%
<b>Total % of Issues Allowed at all Levels</b>	51%	54%	55%	56%	+1%

**Figure 9: Performance Measure Targets and Results**

	<b>Long-Term Target</b>	<b>16-17</b>	<b>17-18</b>	<b>18-19</b>	<b>19-20</b>	<b>Change from 18-19 to 19-20</b>
<b>Workplace Insurance Program</b>						
Early & Alternative Dispute Resolution (EDR/ADR)	70%	76%	69%	74%	81%	+7%
Case Assessments and Representation	5,000	4,720	4,128	4,904	4,168	-15%
Providing Summary Advice and Referrals	10,000	8,130	10,127	8,463	7,943	-6%
Customer Satisfaction Rate	90%	95%	97%	94.6%	95%	+0.4%
<b>OHSA Reprisals Program</b>						
Percentage of Representation Cases Resolved Through Early & Alternative Dispute Resolution	80%	82.9%	88.1%	92.6%	81%	-11.6%

# **OCCUPATIONAL HEALTH AND SAFETY REPRISALS PROGRAM**

## **Description of Services**

In addition to its workplace insurance services, the OWA assists non-unionized workers who have been penalized by their employers for exercising their workplace health and safety rights. Services provided to workers include:

- Information and advice
- Representation in complaints under s. 50 of the Occupational Health and Safety Act (OHSA). and
- Educational services

The OWA's work in reprisals helps support the effectiveness of the health and safety system.

Services are delivered by program staff from the OWA's head office in Toronto. Most workers contact the program through its province-wide, toll-free phone number. Worker representatives travel to attend proceedings when they are held outside Toronto.

The agency provides escalating levels of service depending on the situation and needs of the worker. Workers' inquiries are resolved by providing information or advice (advisory services) or formal legal representation (representation services).

## **Advisory Services**

Advisory services include summary advice and intake interviews. Summary advice provides workers with information about their rights and, for matters outside the OWA's mandate, a referral to another source of help. At an intake interview, workers receive a comprehensive telephone consultation with a worker representative. They receive legal advice and referrals and may be offered representation.

## **Representation Services**

When representation services are provided, workers formally retain the OWA to act as their legal representative. Staff provide legal representation at all stages of a reprisal complaint to the Ontario Labour Relations Board (OLRB), including:

- Preparing and filing an application to the OLRB
- Negotiating a settlement prior to formal mediation (early dispute resolution)
- Representation at formal mediation conducted by the OLRB, and
- Representation at hearings before the OLRB

## Achievements

### Summary of Achievements

Demand for representation services remained steady in 2019-2020.

Program staff completed:

- 275 Intake interviews
- 80 applications to the Ontario Labour Relations Board (OLRB) on behalf of clients
- 79 resolutions of representation cases

The program resolved 99% of reprisal complaints without a formal hearing at the OLRB, exceeding its target of 80%.

### Advisory Services

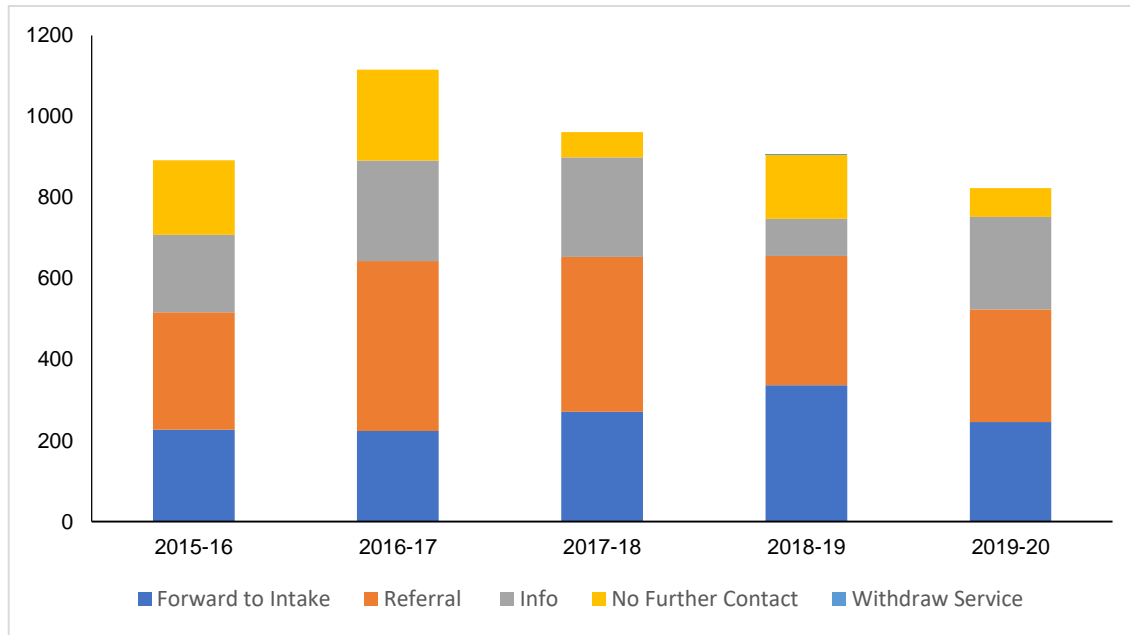
#### New Requests and Summary Advice

New requests for service decreased by 5% (54 requests) over last year and summary advice declined by 10% (115 instances). Due to the small relatively small size of the program, there is a high degree of variability from year to year. Small changes in absolute numbers translate into large percentage changes. Therefore, our experience in 2019-20 is consistent with the demand levels seen over the past five years. Client feedback indicates that workers who received representation services from staff continue to be very happy with the quality of assistance they received.

**Figure 10: New Requests and Summary Advice**

<i>Disposition</i>	<i>2015-16</i>	<i>2016-17</i>	<i>2017-18</i>	<i>2018-19</i>	<i>2019-20</i>	<i>Annual Change</i>
<b>New requests</b>						
New Requests Received	906	1145	964	1126	1072	-5%
<b>Summary Advice</b>						
Forward to Intake	227	224	271	337	246	-37%
Referral	290	419	382	319	278	-15%
Info	191	248	246	91	228	+60%
No Further Contact	184	224	62	159	71	-124%
Withdraw Service	0	0	0	2	0	0
<b>Total</b>	<b>892</b>	<b>1115</b>	<b>961</b>	<b>908</b>	<b>823</b>	<b>-10%</b>

**Figure 11: Disposition of New Requests for Service**



## Intake

The program completed 275 intakes in 2019-2020. This was a decrease over the prior year during which a record number were completed. This is reflective of the reduced number of new requests for service and represents a return to historic levels.

**Figure 12: Intake Outcomes**

<i>Disposition</i>	<i>2015-16</i>	<i>2016-17</i>	<i>2017-18</i>	<i>2018-19</i>	<i>2019-20</i>	<i>Annual Change</i>
Advice	97	69	92	119	116	-3%
Offer to Represent	72	72	94	121	70	-42%
Referral	60	87	100	90	80	-11%
No Further Contact	5	2	9	1	9	+800%
Withdraw Service	0	0	0	0	0	+0%
<b>Total</b>	<b>234</b>	<b>230</b>	<b>295</b>	<b>331</b>	<b>275</b>	<b>-17%</b>

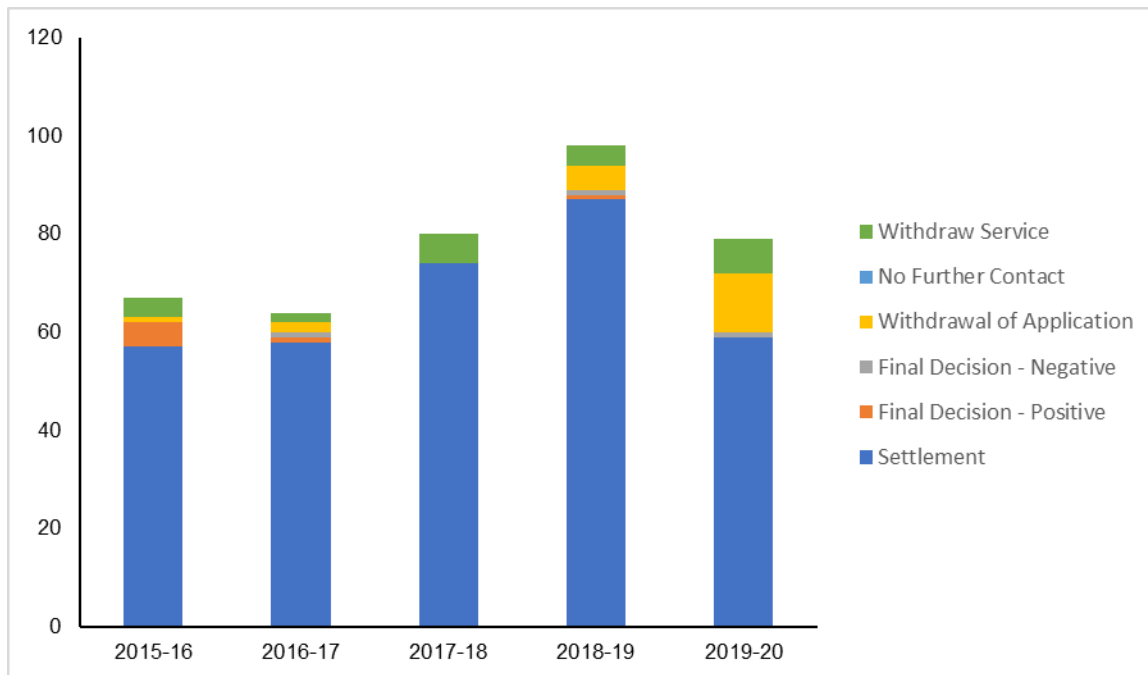
## Representation Services

The program achieved resolutions in 79 representation cases in 2019-2020, which is within the historical range of services provided. The settlement rate was 99% which exceeded the target of 80%.

**Figure 13: Representation Outcomes**

<i>Outcome</i>	<i>2015-16</i>	<i>2016-17</i>	<i>2017-18</i>	<i>2018-19</i>	<i>2019-20</i>	<i>Annual Change</i>
Settlement	57	58	74	87	59	-32%
Final Decision - Positive	5	1	0	1	0	-100%
Final Decision - Negative	0	1	0	1	1	0%
Withdrawal of Application	1	2	0	5	12	+140%
No Further Contact	0	N/A	0	0	0	0%
Withdraw Service	4	2	6	4	7	+75%
<b>Total</b>	<b>67</b>	<b>64</b>	<b>80</b>	<b>98</b>	<b>79</b>	<b>-19%</b>

**Figure 14: Representation Outcomes**





## Caseload Inventory

The table below shows the total caseload inventory for the program as of March 31, 2020. Occupational Health and Safety reprisal cases have a high rate of turnover, as they are continually active and resolve relatively quickly. As a result, the program tends to have a smaller number of open cases per caseworker than the workplace insurance program.

This statistic represents a point in time snapshot on March 31, 2020. The program's regular case processing activity, including offering representation services, was negatively affected by service disruptions related to COVID-19 pandemic emergency measures.

**Figure 15: Total Caseload Inventory on March 31, 2020**

<i>File Status</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>Annual Change</i>
New request	38	65	46	55	64	+16%
Intake	20	23	18	36	18	-50%
Representation	28	30	29	46	18	-60%
Total	86	118	93	137	100	-27%

## Client Satisfaction Levels

In, 2019-2020, 15% of clients who were provided with representation services responded to a client satisfaction survey. Nevertheless, 73% of the respondents reported that they were satisfied or very satisfied with the service they received from the OHSRP.

## Select Reprisals Client Testimonials

- I felt that the representative that helped me was very thorough and understood the emotional difficulty I was experiencing. He helped in a timely manner and kept me well informed. I could not ask for better service or understanding.
- My representative walked me through the entire process, step by step. I was so stressed out till I met him. He always kept me up to date and came to a quick conclusion. Thank you all very much!

- You Rock! You are the voice of our rights.

## **Educational Services**

In addition to answering workers' questions about health and safety reprisal complaints by phone, the program provides educational resources through the OWA website. The reprisals section of the OWA website contains information on:

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

Additionally, a presentation was made as part of the Ministry training program for new Occupational Health and Safety inspectors.

## **Outreach and Partnerships**

In 2019-2020, the OHSRP continued to focus on working with system partners to improve communications and ensure appropriate referrals for workers within the occupational health and safety system. Program staff also continued to develop relationships and work cooperatively with community legal clinics, researchers and labour organizations with expertise in the area.

## OWA OVERVIEW

The workplace safety and insurance program is provided by 52 worker advisers, customer service representatives in each office and four regional managers. At the end of the fiscal year, the OWA had 14 offices across Ontario divided into four regions:

- **Toronto East Region:** Downtown Toronto, Scarborough and Ottawa
- **Central Region:** Downsview, Mississauga, Hamilton and St. Catharines
- **Southwest Region:** London, Waterloo, Windsor
- **North Region:** Sudbury, Sault Ste. Marie, Timmins and Thunder Bay

Our services are available in English and in French. We also operate satellite offices as well as clinics in some communities, depending on need.

During the last quarter, the OWA closed its Elliot Lake location, which was partly in response to increased client demand in other northern cities. Services for residents of Elliot Lake will be maintained through the OWA's four other offices in the north region and by offering appointments and clinic days in Elliot Lake. The nearest OWA offices are in Sudbury and Sault Ste. Marie.

To support this work, OWA's Central Client Services Unit (CCSU) provides the following services:

- Advice and representation services for OWA clients in legally complex and/or precedent setting cases
- Internal legal advice and assistance to OWA managers and staff, including support around fulfilling professional responsibilities to OWA clients;
- System improvement initiatives and policy submissions
- Development of educational sessions and resources for OWA staff and other worker representatives, and
- Development of educational materials for the public

Occupational health and safety reprisal complaint services are provided in French and English by the OWA Occupational Health and Safety Reprisal Program (OHSRP). Although the program is located centrally in the OWA's provincial office, services are provided to clients across the province. Health and safety reprisal complaints are filed with the Ontario Labour Relations Board (OLRB). OWA staff represent clients at OLRB hearings which are largely held in Toronto and at mediations which are held in regional centres.

The Planning, Finance and Electronic Services Delivery Unit reports directly to the director and supports the agency's corporate planning and financial accountability. The unit works closely with four regional service coordinators.

## APPENDIX A – FINANCIAL REPORT FOR THE FISCAL YEAR 2019-2020

Figures are in \$000.0

ACCOUNT	2019-20 Expenditure Estimates	2019-20 In-Year Board Approvals	2019-2020 Year-End Budget*	2019-20 Year-End Actuals**	Variance	Variance %
Salaries & Wages	7,783.1	-	7,783.1	7,732.0	51.1	0.7%
Benefits	1,790.1	-	1,790.1	2,330.0	(539.9)	(30.2%)
<b>Other Direct Operating Expenses (ODOE)</b>						
Transportation & Communication	300.0	306.0	606.0	184.9	421.1	69.5%
Services (incl. Office Leases)	1,397.8	-	1,397.80	1,310.5	87.3	6.2%
Supplies & Equipment	100.0	-	100.0	32.0	68.0	68.0%
<b>Total ODOE</b>	<b>1,797.8</b>	<b>306.0</b>	<b>2,103.8</b>	<b>1,527.4</b>	<b>576.4</b>	<b>27.4%</b>
<b>Grand Total</b>	<b>11,371.0</b>	<b>306.0</b>	<b>11,677.0</b>	<b>11,589.4</b>	<b>87.6</b>	<b>0.8%</b>

## APPENDIX B – OWA OFFICE LOCATIONS

### TORONTO & EASTERN REGION

#### **HEAD & TORONTO**

123 Edward Street  
Suite 1300  
Toronto, ON M5G 1E2

#### **SCARBOROUGH**

305 Milner Avenue  
Suite 918  
Scarborough, ON M1B 3V4

#### **OTTAWA**

347 Preston Street  
3<sup>rd</sup> Floor  
Ottawa, ON K1S 3H8

### SOUTHWEST REGION

#### **LONDON**

495 Richmond Street  
Suite 810  
London, ON N6A 5A9

#### **KITCHENER/WATERLOO**

4273 King Street East  
Suite 300  
Kitchener, ON N2P 2E9

#### **WINDSOR**

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

#### **SARNIA (SATELLITE)**

171 Kendall Street  
Sarnia, ON N7V 4G6

### NORTH REGION

#### **SAULT STE. MARIE**

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

#### **THUNDER BAY**

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

#### **TIMMINS**

60 Wilson Avenue  
Suite 3030  
Timmins, ON P4N 2S7

#### **SUDBURY**

159 Cedar Street  
Suite 304  
Sudbury, ON P3E 6A5

### CENTRAL REGION

#### **DOWNSVIEW**

145 Sir William Hearst Avenue  
Suite 125  
Downsview, ON M3M 0B6

#### **HAMILTON**

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

#### **ST. CATHARINES**

301 St. Paul Street  
9<sup>th</sup> Floor  
St. Catharines, ON L2R 7R4

#### **MISSISSAUGA**

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

Workplace Insurance Issues:

1-800-435-8980 (English)  
1-800-661-6365 (French)

Website Address:

[www.owa.gov.on.ca](http://www.owa.gov.on.ca)

Webmail Contact:

[owaweb@ontario.ca](mailto:owaweb@ontario.ca)

Health and Safety Reprisals:

1-855-659-7744 (Toll Free)