# **Business Plan**

## 2020-2021

to

### 2022-2023



Office of the Worker Adviser

December 20, 2019

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#### **OWA BUSINESS PLAN 2020-2023**

#### **Executive Summary**

The Office of the Worker Adviser (OWA) is an independent agency reporting to the Minister of Labour, Training and Skills Development (MLTSD). We provide free, confidential legal services to non-unionized workers in two key areas:

- Workplace Insurance (also known as workers' compensation)
- Occupational Health and Safety Reprisals.

In both programs, the scope of our services may include information, advice and outreach as well as legal representation.

The Workplace Insurance program is the OWA's major mandate, and is comprised of advising and representing injured workers and surviving family members in their workplace safety and insurance claims and appeals. Our service is delivered by staff in 16 offices across Ontario.

The Occupational Health and Safety Reprisals Program (Reprisals) is delivered from our Toronto office to Ontario workers who may have been penalized by their employers for complying with or exercising their rights under the *Occupational Health and Safety Act.* 

The OWA's goals for 2020-2023 are to continue to provide expert timely service to our clients, work towards modernizing our IT infrastructure and to support OWA employees by fostering a diverse workplace that enables collaboration, professional development and excellent client service.

The OWA is committed to helping the workplace insurance and the occupational health and safety system work for all the workers and employers that they serve.

#### AGENCY MANDATE

The OWA is an independent, operational service agency reporting to the Minister of Labour, Training and Skills Development (MLTSD) whose employees are public servants. We provide free, confidential legal services to workers and their families in two key areas.

Workplace Insurance (also known as workers' compensation)

As per Section 176(1) of the Workplace Safety and Insurance Act (WSIA), the OWA is required to educate, advise and represent non-union workers and their survivors regarding workplace insurance claims and appeals.

The OWA contributes to a prosperous and healthy Ontario through dispute resolution and expertise in workplace insurance, enabling clients to access benefits and services under the WSIA.

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

As per Section 50.1(1) of the Occupational Health and Safety Act (OHSA) and O. Reg. 33/12, OWA is required to educate, advise and represent non-union workers who have complaints under the Occupational Health and Safety Act (OHSA) that their employer may have engaged in a reprisal against them for exercising their rights under the OHSA.

The OWA's Reprisals mandate contributes to a prosperours and healthy Ontario through dispute resolution, expertise and contributing to a culture of health and safety across Ontario.

#### **OVERVIEW OF PROGRAMS AND ACTIVITIES**

The agency is operated by a director, four regional managers and general counsel. Program services are futher supported by internal Central Client Services Unit, comprised of legal specialists and led by legal counsel, who provide legal advice to Worker Advisers on complex matters, support their education and training, and represent clients in some matters. The Planning, Finance and Electronic Delivery Unit supports the director and the managers.

#### Workplace Insurance Program

This program is delivered to non-unionized injured workers and surviving family members by Worker Advisers and Client Service Representatives. Workers may visit one of 16 offices across Ontario, or contact us by toll free telephone service and through our website.

OWA staff meet with clients and attend hearings and mediations as required, and provide presentations to groups upon request.

The Law Society of Ontario (LSO) requires lawyers and paralegals who are providing legal services to complete at least 12 continuing professional development hours each calendar year. As a result, the OWA's learning program develops, delivers, tracks and coordinates training tailored to the needs of our legal and client services staff.

#### **Advisory Services**

All injured workers who contact the OWA for assistance receive information and advice to help them navigate the system. This is provided by telephone, email, website enquiries, letters, community information clinics and in-person appointments.

#### **Representation Services**

OWA reviews all cases before offering representation, and accepts those that have a reasonable chance of success. As needed, workers are referred to appropriate health and income support programs. Whenever appropriate, OWA seeks to resolve disputes before the appeal stage. OWA can provide representation at the WSIB, the WSIAT, and in other related proceedings such as return to work meetings with the WSIB and employers.

Generally, cases are handled in the order in which they are received, but OWA can and does prioritize casework involving occupational cancers, severely disabled workers and workers in psychological or financial crisis. OWA works with our referral partners to ensure that high priority cases continue to be accepted in a timely fashion.

#### **Educational Services**

Our website contains information on OWA services, WSIB benefits and services, frequently asked questions and links to WSIB and WSIAT forms. OWA supports its community partners who provide peer support, counselling and assistance to injured workers. Printed educational materials are available and educational sessions are provided upon request.

#### Activities Involving Partnering Groups

The OWA's partnerships help contribute to effective dispute resolution and include:

- WSIAT Collaboration on caseload reduction and input on operational issues through WSIAT's Advisory Group and by direct agency to agency contact.
- WSIB Input on operational issues through WSIB's Labour and Injured Worker Advisory Committee (LIWAC) and agency to agency discussions; participation in working groups on service delivery issues; operational collaboration on priority issues such as mental stress and occupational disease clusters.
- Multi-partner collaborations Including Fatalities and Immediate Response (FAIR) Partnership (OWA, MOL, WSIB, Threads of Life) to provide timely, seamless, and comprehensive assistance to family members following a traumatic workplace fatality or a catastrophic injury; WSIB/ OWA/ WSIAT

partnership for support and response to workers in psychological or financial crisis; OWA/ Ontario Disability Support Program (ODSP) partnership to improve referrals between the programs.

- Community partners (injured worker groups, legal clinics, etc.) Referrals and collaboration to support particularly vulnerable worker populations as appropriate.
- Members of Provincial Parliament Referrals to OWA from MPPs. During the fall of 2018, OWA
  reached out to all MPPs, at both their Queen's Part and constituency offices, to inform them of OWA
  services and to offer a follow up presentation and/or meeting.

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

Reprisals services are delivered by worker representatives and legal assistants from the OWA's Toronto office. Reprisal staff travel to hearings and mediations outside Toronto as required.

Workers can contact the program by a toll-free telephone number or through the website who are able to provide the following services:

#### **Advisory Services**

Advisory services are provided primarily by telephone and includes information about legal rights and OWA services. Where workers fall within the OWA's mandate or a legal opinion is required to make that determination, they receive an intake interview with a Worker Representative. If there is sufficient evidence for a reprisal complaint, representation is offered. In other cases, workers are provided with detailed legal advice and a referral, if appropriate.

#### **Representation Services**

If a worker accepts the OWA's offer of representation, the OWA prepares and files an application at the Ontario Labour Relations Board (OLRB) and will represent the worker at every stage of the reprisal complaint process: including during mediations, and at hearings. Where appropriate, the OWA will also engage with employers outside of the formal OLRB process in order to resolve complaints.

#### **Educational Services**

Information about rights, processes and sources of assistance is provided directly to workers in response to telephone inquiries. General information about occupational health and safety reprisals and the services provided by the OWA are available on the website as well as in print and by email.

#### Activities Involving Partnering Groups

In 2019-2020, the Reprisals unit 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.

The OWA's Reprisal Program will continue to consult and/or collaborate with the following stakeholders and system partners:

- Ministry of Labour Occupational Health and Safety Program facilitating referrals from health and safety inspectors.
- Office of the Employer Adviser Cooperating on dispute resolution.
- Office of the Chief Prevention Officer Supporting Ontario's prevention strategy, especially around support for vulnerable workers.
- Ontario Labour Relations Board Cooperating on efficient and effective dispute resolution.
- Workers' Health and Safety Legal Clinic Case strategy cooperation.

#### **ENVIRONMENTAL SCAN**

#### **Internal Factors**

Ongoing initiatives focussed on our commitment to expert, timely client service. This focus will be carried into the new year.

#### Success in reducing the WSI wait time for file review:

Over the 2018-2019 fiscal year, the OWA succeeded in mobilizing internal resources to reduce the number of clients waiting for case review service to 873 cases from 1,971 the year prior, a reduction of 56%. Significant progress was made as staff from regional offices worked strategically to determine capacity and redistribute files in order to stabilize volumes and wait times. OWA will continue to build its success of reducing the wait time for case review into 2020-2021.

Period ending	Number of files on WSI wait list f	Provincial wait time
	case review	
March 31, 2018	1,971	19 months
March 31, 2019	873	12 months
June 30, 2019	920	9.7 months
September 30, 2019	901	9.0 months

#### **Quality Staff Learning Program:**

OWA is committed to ensuring all staff receive high quality learning opportunities to support expert and timely service delivery to clients. Staff directly delivering service in both programs are supported by a vital learning program and other dedicated staff.

The development of the learning program allowed staff to maintain their current knowledge and improve their skills and has also worked to address the educational needs of new staff. Workplace insurance is a specialized field which does not have many licensed practionners. As a result, new staff bring general experience without a knowledge base or background of workers compensation law. The agency strives to offer its learning program to groups of new staff as an effective use of resources. However, coordination at times can be difficult as staff and offices are spread across the province which leads to a

large reliance on sessions being done by phone and/or webex. Thus, learning needs are also filled through mentoring by more senior staff.

#### New case management system:

Procuring and developing an upgraded IT infrastructure would allow OWA to better support quality customer service, provide data for planning and evaluation, and support updates to workflow to enable staff to work more efficiently.

#### Outreach:

With the success achieved in reducing the WSI wait list, in fiscal 2020-2021 the agency will renew outreach efforts with external stakeholders. The OWA will also carefully monitor occupational disease caseloads to identify trends and resource needs. Future outreach can be supported by renewed IT infrastructure, for instance, exploring an update to the web site.

#### **External Factors**

Several external factors have also effected the OWA which are continuing into the new year.

#### **Modernized Services:**

Recognizing the need to adapt within a digital environment, the OWA is taking steps to support making improvements to its services. One of OWA's areas of focus is to utilize the IT services within the OPS to improve communication within the organization. As well, attention will be focussed on modernizing the case management system and work with partners to support the development of e-services within the system to improve our services to clients.

#### Current and emerging occupational disease cases:

In recent years, significant clusters of occupational disease have emerged in various parts of the province. These are a growing priority within the occupational health and safety system and with key stakeholders. As well, there is a flow of new occupational disease cluster cases at WSIB. Cases related to occupational disease are often complex and high profile and therefore resource-intensive. These cases are expected to continue to exert pressure on the OWA in 2020-2021 and beyond.

OWA will carefully monitor demand for services for its two programs during 2020-2022 and allocate resources accordingly.

#### **Community partners:**

OWA community partners may have a less availability to deliver representation services especially in complex cases. Currently, only a small number of community legal clinics provide representation in the area of workplace safety and insurance. Over 2020-2021, OWA will continue to monitor and work with community partners to support each other in providing services to workers, especially around complex cases.

#### Ongoing agency review:

Significant reviews relating to the workplace insurance system are currently underway. These include the Workplace Safety and Insurance Board Operational Review and the review of occupational cancer by Dr. Paul Demers. Reports from these reviews are expected at the end of 2019 with implementation of recommendations likely to run into the 2020-21 fiscal year. At the time of writing, the outcomes of these processes are not yet known and may affect the operations of the agency. We will continue to monitor and respond as required. The Government of Ontario is also continuing with efforts to build smarter government by improving efficiency, effectiveness and value for money of agencies. The OWA is working with partners to develop plans to renew its IT platforms, and thereby modernize ease of use for clients.

#### **Mitigating Strategies** Identified Like-Risk Agency Lead Target Risk Objective lihood Level Date Impacted IT: Modernize High High Director Phased in Ongoing work with IT cluster to Case mgt technology to and between procure and develop a new case improve 2020 and programs managers management system. 2022 that supports effectiveness and program service delivery to work clients Work with IT to migrate SharePoint Continuous High High Sharepoint 2010 to newer 2010, which improvement in platform or implement supports service delivery. alternatives in order to case improve workflow management effectiveness for staff as well work as on maintenance fixes for the current SharePoint system Updated High High website is required **Operational:** Med Med Director 2020-2021 Expert, timely Given the success from the previous year in reducing the client service and Continue number of cases awaiting Managers comprehensive case review success in Continuous (WCR), the OWA will monitor reducing wait improvement in list in WSI service delivery. the levels closely. program Med Med Communicate reduction in Community wait list to community perception of partners. time to service Monitor occupational disease caseloads to identify trends and resource needs.

#### **RISK IDENTIFICATION, ASSESSMENT AND MITIGATION STRATEGIES**

Human Resources: WSI specialized area of expertise	Expert and timely client service	Med	Med	Learning / training plan for new hires is developed. Ensure learning program delivery offers sufficient hours for the required LSO professional learning hours.	Director and Managers	Training developed ar delivered as needed.
Human Resources: Recognize wellness risk among LSO licensees	A diverse and respectful workplace that enables collaboration, professional development and excellent client service	High	Med	Develop engagement plans	Director and Managers	2020-2023
Human Resources Vacancies in WSI and Reprisals	Expert and timely client service	High	Med	Succession planning and recruitment Quality staff learning program and plans.	Director and Managers	2020-2023

### STRATEGIC DIRECTIONS

#### Case and wait time Reduction:

During 2020-2021, the OWA will continue to build on its success from the previous year and focus on reducing the number of WSI cases awaiting review to assess if full representation could be offered. We will continue to ensure that internal resources are deployed to address current and future demand. In addition, OWA regularly reviews its human resources complement and organizational structure to ensure the most effective delivery of programs possible and support existing and new staff with a comprehensive internal training program.

In conjunction with other system partners, OWA will continue to work collaboratively with the WSIB in efficient case management processes. Launched in 2018-2019, the OWA piloted a project which involved receiving WSIB files electronically. By streamlining how files were received by representatives, it reduced delays in service delivery as well as the costs including those associated with printing and forwarding paper files. OWA is working with WSIB to expand this initiative in the coming years. Effective and timely dispute resolution in Ontario's workplace insurance system contributes to the overall economic and social health of Ontario.

The OHSA reprisals complaint process has tight timelines and moves quickly. The OWA has been successful in balancing resources with demand to ensure that workers are able to receive timely service. Moving forward, the OWA expects to continue to meet demand under its OHSA reprisals mandate and will look for opportunities to strengthen service delivery.

#### **IT Modernization:**

OWA is committed to improving workflow efficiencies and as such has identified a number of areas that warrant attention and resources involving enhanced technology:

- 1. A new case management system to support both mandates. Interim upgrades and secure storage is also needed to improve stability of current software as well as allow the agency to explore working with electronic claim files.
- 2. Modernizing our web site software, including a portal for clients. This will improve efficiencies in service delivery, facilitate updates and support system work to improve digital service delivery.
- 3. OWA is also taking steps to develop a knowledge and information management platform such as an intranet portal, that will connect staff across the province with current relevant best practices and better enable information sharing.
- 4. Expanding the use of E-Access files from WSIB should help to decrease case processing time. Issues that surface at the evaluation phase will need to be addressed before the pilot can be implemented across the OWA.

#### **Employee Engagement:**

As the OWA has experienced a number of changes over the course of the last few years. Developing strategies and approaches to promote collaboration, professional development and excellent client service will be a priority over the course of 2020-2023. For instance, exploring the feasibility of regional staff meetings.

#### **COMMUNICATIONS PLAN**

OWA provides injured workers and their families with free, confidential and expert services to assist them in their interactions with WSIB and WSIAT. Effective and timely dispute resolution in Ontario's workplace insurance system contributes to the overall economic and social health of Ontario.

The main target audience for communications related to both program areas include referral partners, such as MOL Operations Division, MPPs, legal clinics, community organizations, disability programs, and health care providers. These stakeholders are also the main sources of referrals to OWA and can best be reached through local contacts which are well established.

Modernizing the agency website would allow for allow for better communication and interactions with our clients and the public looking for information about our program areas. The benefits would include more up-to-date information and alerts.

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OFFICE OF THE WORK	ER AD	<u>VISER</u>									
Appendix A - Multi-Year P	relimir	nary Plan	ning Bas	se							
			r				0-21 (\$000)	1	1		
Program/Region	FTE	Salaries & Wages	Benefits	Transp. & Comm.	Services	Supplies & Equipt.	Total ODOE	Transfer Payment	Sub-Total	Recoveries	TOTAL
riograni/region	112	Wages	Denenta	Comm.	Gervices	Equipt.		Tayment	Sub-Total	Recoveries	IUIAL
OWA	93.6	7,783.1	1,790.1	300.0	600.0	100.0	1,000.0		10,573.2		10 570 (
PFESD	93.0	7,703.1	1,790.1	300.0	600.0	100.0	1,000.0		10,573.2		10,573.2
CCSU											
Toronto & Eastern											
Southwest											
North											
Central											
InfoTech											
OWA Program Base Allocation	93.6	7,783.1	1,790.1	300.0	600.0	100.0	1,000.0	-	10,573.2	0.0	10,573.2
Lease	55.0	1,103.1	1,130.1		795.6		795.6	1 -	795.6	0.0	795.6
	02.6	7 700 4	4 700 4	300.0		100.0					
Total OWA Base Allocation	93.6	7,783.1	1,790.1	300.0	1,395.6	100.0	1,795.6	-	11,368.8	0.0	11,368.8
<u> </u>		-		-	-		-	_	-		-
Grand Total	93.6	7,783.1	1,790.1	300.0	1,395.6	100.0	1,795.6	_	11,368.8	0.0	11,368.8
	93.0	7,765.1	1,790.1	300.0	1,395.0	100.0	1,795.0	-	11,300.0	0.0	11,300.0
			L.	L							
							1-22 (\$000)				
Program/Region	FTE	Salaries & Wages	Benefits	Transp. & Comm.	Services	Supplies & Equipt.	Total ODOE	Transfer Payment	Sub-Total	Recoveries	TOTAL
rigrammogion		magoo	Bonomo		00110000	Equipti	10101 0202	1 dynion	Cub Total	1000101100	TOTAL
OWA	93.6	7,783.1	1,790.1	300.0	600.0	100.0	1,000.0		10,573.2		10,573.2
PFESD	35.0	1,100.1	1,7 30.1	300.0	000.0	100.0	1,000.0		10,573.2		10,575.2
CCSU											
Toronto & Eastern											
Southwest											
North											
Central											
InfoTech											
OWA Program Base Allocation	93.6	7,783.1	1,790.1	300.0	600.0	100.0	1,000.0	-	10,573.2	0.0	10,573.2
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	1,395.6	100.0	1,795.6	-	11,368.8	0.0	11,368.8
							-		_		-
	-	-	-	-	-	-	-	-	-	-	-
Grand Total	93.6	7,783.1	1,790.1	300.0	1,395.6	100.0	1,795.6	-	11,368.8	0.0	11,368.8
						FY 202	2-23 (\$000)				
		Salaries &		Transp. &		Supplies &		Transfer			
Program/Region	FTE	Wages	Benefits	Comm.	Services	Equipt.	Total ODOE		Sub-Total	Recoveries	TOTAL
OWA	93.6	7,783.1	1,790.1	300.0	600.0	100.0	1,000.0		10,573.2		10,573.2
PFESD											
CCSU											
Toronto & Eastern											
Southwest											
North											
Central											
InfoTech											
							<u> </u>				-
OWA Program Base Allocation	93.6	7,783.1	1,790.1	300.0	600.0	100.0	1,000.0	-	10,573.2	0.0	10,573.
Lease					795.6		795.6		795.6	0.0	795.
Total OWA Base Allocation	93.6	7,783.1	1,790.1	300.0	1,395.6	100.0	1,795.6	-	11,368.8	0.0	11,368.
							-		-		-
	-	-	-	-	-	-	-	-	-	-	-
Grand Total	93.6	7,783.1	1,790.1	300.0	1,395.6	100.0	1,795.6	-	11,368.8	0.0	11,368.8

#### APPENDIX B: Full Time Equivalent (FTE) Distribution

	Job	2020-21*	2021-22	2022-23
Job Title	Classification	Regular FTE	Regular FTE	Regular FTE
SMG/ITX	W5187	1.0	1.0	1.0
Regional Manager	M1109B	4.0	4.0	4.0
Worker Adviser	10572	53.0	50.0	50.0
Client Service Representative	OAD 08	19.6	19.1	19.1
Regional Service Coordinator	OAD 10	4.0	4.0	4.0
Service Coordinator	OAD 09	2.0	2.0	2.0
Coordinator, ESD & DA	02285	0.0	0.0	0.0
АМАРСЕО	Level 5	3.0	3.0	3.0
General Counsel, Manager CCSU Legislative Interpretation	EL003	1.0	1.0	1.0
Specialist	02293	4.0	4.0	4.0
Manager OHSRP	EL003	1.0	1.0	1.0
Worker Representative	03525	3.0	3.0	3.0
Legal Assistant	OAD 10	1.5	1.5	1.5
		97.1	93.6	93.6

\*OWA will continue to operate with 97.1 FTEs on a temporary basis, an additional 3.5 FTEs from its Printed Estimate approved FTE level of 93.6 FTEs for the fiscal year 2020-210.



Performance Measure #2: Results Achieved by Representation Services						
OWA Case Assessments and Representation	Agency Contribution					
6500 5500 4500 3500 2017/18 2018/19 2019/20 2020/21 2021/22 2022/23 - Long-term Target Achievement	OWA contributes to the timely resolution of disputes within the workplace insurance system through advisory, representation and education services and system partnerships. This supports workers and the social and economic wellbeing of the people of Ontario through orderly and effective dispute resolution in contentious cases.					
What does the graph show?	2020/2021 Commitment					
This measure tracks OWA's strategic approach to client services, which includes comprehensive case assessments and consultations	The 2020/21 commitment is 5,000 case assessments and appeals decisions.					
with injured workers at the front end of the process and then representation where necessary.	The long-term target is 5,000.					
The measure includes the number of comprehensive case assessment and the number of issues in decisions obtained on behalf of OWA clients.						

	Agency Contribution
Providing Summary Advice and Referrals in	
he WSI program	OWA contributes to the timely resolution of disputes
15,000 10,000	within the workplace insurance system through advisory, representation and education services and system partnerships. This supports workers and the social and economic well being of the people of Ontar through orderly and effective dispute resolution in contentious cases.
5,000 2017/18 2018/19 2019/20 2020/21 2021/22 2022/23 Long-term Target — Achievement	7
What does the graph show?	2020/2021 Commitment
The graph demonstrates the number of incoming calls for service. The agency did not receive the target of 10,000 initial	The 2020/21 commitment is 10,000 instances of summary advice and referrals.
nquiries in the last fiscal year	The long-term target is 10,000.
During 2018-19 the agency successfully achieved reductions in the wait time to case review in the WSI program; this work continues in 2019-20. With this successful reduction in timelines, accompanied by outreach, the number of initial inquiries is expected to increase.	

	Agency Contribution
Customer Satisfaction Rate	OWA contributes to the timely resolution of disputes within the workplace insurance system through advisory, representation and education services and system partnerships. This supports workers an the social and economic well-being of the people of Ontario through orderly and effective dispute resolution in contentious cases.
What does the graph show?	2020/2021 Commitment
The OWA takes pride in the quality of service it provides to clients.	The 2020/21 commitment is 90% of respondents wil indicate that they were "very satisfied" or "satisfied" with the service that they received.
This measure tracks OWA's the percentage of survey respondents who indicated that they were "very satisfied" or "satisfied" with the service that they received.	The long term target is 90%. The trend over the last few years has been above 90%.

Performance Measure #5— Early and Alternative Dispute Resolution						
Percentage of Representation Cases Resolved Through EDR and ADR OHSRP	Agency Contribution Whenever appropriate, OWA seeks to resolve reprisal matters before the formal hearing stage. This is done through both formal mediation at the OLRB and informal negotiations directly with employers or their representatives. This supports vulnerable workers and employers by providing swifter settlement without the need for expensive litigation.					
What does the graph show? The graph shows that the program area achieved the Commitment of OHSA reprisal cases resolved through settlements.	<b>2020/2021 Commitment</b> The 2020/21 commitment is 80%. The long-term target is 80%.					

#### APPENDIX E: OWA ORGANIZATION CHART



### 2020-21 OWA Organization Chart

This chart reflects the current FTEs at the time of printing. OWA staffing levels will fluctuate throughout the fiscal year.

The Director is responsible for all human resources matters and management of the agency operations in accordance with accepted business and financial practices and standards. The Director is prescribed as the Ethics Executive under the *Public Service of Ontario Act* for public servants.