



OFFICE OF THE WORKER ADVISER

Annual Report

April 1, 2021 to March 31, 2022

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MESSAGE FROM THE CHAIR

I am pleased to submit the annual report for the Office of the Worker Adviser (OWA) for the fiscal year 2021-2022.

The OWA continues to provide excellent confidential expert advice and representation to non-unionized workers in Ontario. Our areas of focus are Workplace Safety and Insurance Claims (WSIB), Occupational Health and Safety Reprisals and education.

Like many organizations, the pandemic continued to present our agency with challenges in the delivery of our services. As in the previous year, we were still unable to take walk-in clients and in-person interaction with clients was greatly restricted however, we were able to continue to meet, connect and communicate with clients and move cases forward. The OWA staff's professionalism and dedication in providing excellent client service remained their primary focus.

As we come out of the pandemic and face a different paradigm than we are used to for the past 2 years, staff are adjusting with the return to the office. OWA continues to build stronger relationships between employees and management with a keen focus on employee engagement, team building and timely and excellence in client services.

OWA continues to research innovative ways to modernize how we serve our clients' needs and improve their experience through the life of their claim. Some of the following steps include:

- our continued collaboration with WSIB and WSIAT to collectively explore solutions and that will facilitate improved claims processing,
- concentrated on quality client service and succeeded in mobilizing internal resources to improve the time clients are waiting for service,
- implemented strategies to ensure staffing level are optimal to deliver timely service to our clients with a keen focus specialized staff training,
- expanded our internal staff training programs for new Worker Advisers including knowledge transfer from more senior staff,
- engaged a translation service to offer assistance to more clients in over 300 languages and,
- moved forward towards procuring a new case management system which will increase automation and where prospective clients can initiate requests for service online, 24/7, and support digital client files.

Our long-term commitment is to continued excellence delivery of service that benefit both our clients, employees and strategic partners.

Your support and contribution in the success of OWA is appreciated.

Pauline Niles
Chair

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*.¹

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.

¹ 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. The practice ceased by 1979 because there was no evidence to support this theory. In fact, 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 McIntyre Powder and other exposures. In 2021-2022, the OWA dealt with 65 cases. Many are still waiting to go through all stages of appeal. This can take several years.

Peterborough Occupational Disease Cluster

For over a decade, the OWA has worked with the WSIB, OHCOW, the UNIFOR, WSIAT, retirees and community groups in order to address over 800 cases related to a group of cases from a large factory located in Peterborough.

In the 2021-2022 fiscal year, a team of advisers was assembled to work on approximately 113 files from this cluster. By leveraging various resources, and working closely with OHCOW, a strategy to acquire the necessary evidence to argue these cases was developed and work is being done to move them through the appeals process.

Sarnia Occupational Disease Cluster – Owens Corning

The OWA continued to honour its commitment to represent workers who developed occupational diseases, and their survivors, due to occupational exposures at a now closed factory in Sarnia.

In 2021-2022, 4 legal submissions were made on behalf of these workers to the WSIB and WSIAT. These included extensive submissions on lung cancer, hypo-laryngeal cancer, stomach cancer, and a reconsideration request. Work was completed to support clients through the adjudication and payment of benefits following successful appeals arising from the previous fiscal year.

In 2021-2022, the WSIAT released one decision related to the cluster. In *Decision No.80/20*, the Tribunal allowed the worker’s COPD. The OWA is currently supporting the client with the implementation of this decision, including entitlement to survivor benefits, and retroactive permanent disability pension entitlement to 1979.

Rubber Workers – Kitchener/Waterloo

The OWA has been providing representation cases for Rubber Workers in the Kitchener area since 2013. In 2021-2022, work continued on the 41 files that were opened as a result of systematic review of these cases by WSIB between February 2021 and April 2021.

In 2021-2022, there were 35 active Rubber Worker files at various stages of the appeals process. Seventeen of these cases have appeals pending at WSIB and WSIAT, and eight cases were referred to the OHCOW clinic to gather additional evidence. The remaining seven cases are in the information gathering stage.

Three positive decisions were received from the WSIB that granted entitlement. Work has continued on these files, and on others, to ensure that survivors receive all entitlements owing to them as a result of successful appeals.

In 2021-2022, two new Rubber Worker files were opened for review. Six files were closed because the claimant or OWA decided not to proceed, or due to no further contact with the client.

Casework

The OWA represents thousands of workers every year. Each success is important and makes a difference in the life of an injured worker and a family. Cases often turn on complex issues of law and medical evidence. Some cases establish important precedents, and in so doing improve the adjudication of future appeals for other workers and the system as whole. The following cases from 2021-22 are just a few examples of how OWA contributes to fair and higher quality decision-making while representing individual workers.

In a significant occupational disease case, the OWA was successful in obtaining compensation for a utility worker who developed lung cancer. The WSIAT found that his exposure to a chemical herbicide used to clear brush significantly contributed to the development of his cancer. Assessing the medical and scientific evidence, the WSIAT determined that scientific certainty did not exist, but found that such certainty is not a requirement for entitlement. The WSIAT also considered the worker's smoking history and found that it did not overwhelm the significance of his occupational exposure.

In another appeal, the OWA obtained important clarification of the law around fainting at work. The OWA won compensation for a worker who fainted and suffered a concussion while working on a remote archeological site. The WSIAT found that the cause of the fainting was not the work itself, but that the fainting was a chance event as contemplated by the Act, and the resulting presumptions were not rebutted. The WSIAT rejected prior case law that entitlement for fainting injuries required an "added peril" not encountered in everyday life. The worker's symptoms were related to her concussion, and she was entitled to compensation.

Another decision considered entitlement to noise-induced hearing loss (NIHL). The worker had previously been employed as both a by-law enforcement officer and as an industrial labourer/technician. In assessing noise levels, the WSIAT preferred expert evidence submitted by the OWA, that was based on the worker's recollection of tools used and tasks performed, to ambient noise level monitoring done by the employer. The panel found the worker's industrial employment exposed him to hazardous levels of

noise and granted entitlement. His by-law officer work was found not to have played a significant role in his NIHL.

In a medical marijuana case, the OWA was able to clarify the appropriate entitlement tests to apply over a period in which the WSIB adopted a formal policy. The worker was seeking entitlement for medical marijuana to manage his recognized chronic pain disability. The WSIAT found that the worker was entitled to reimbursement for medical marijuana prior to March 2019 because he met the criteria established in WSIAT case law. Starting March 2019, when WSIB's policy took effect, the worker had to satisfy the requirements of the policy. As he did not meet those requirements, he was not entitled to reimbursement for medical marijuana.

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.²

In addition, the OWA provides educational services to injured workers and the general public through information sessions held in communities across the province. Due to restrictions associated with COVID-19, the OWA was unable to provide these services in 2021-2022.

Community and System Partners

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

² <http://www.owa.gov.on.ca>

In our work related to occupational disease claims, we are supported by the Occupational Health Clinics for Ontario Workers. OHCOW develops exposure assessments that are relied on when appealing negative decisions. 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.

OWA SERVICE QUALITY DELIVERY INITIATIVES

OWA is taking steps to modernize how we do our work and exploring 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, 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

The OWA has moved to electronic access to WSIB files. Expanding the use of E-Access files from WSIB has decreased case processing time.

WSIAT has also started offering electronic access to Case Records and Addenda in the same format as WSIB. Several worker advisers started receiving electronic access from WSIAT. WSIAT will be moving to Phase 2 of this project and has asked the OWA to become part of the project.

Procuring a New Case Management System

Currently, the OWA relies on decades-old software to manage a paper-based system. The new technology will 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 early 2023.

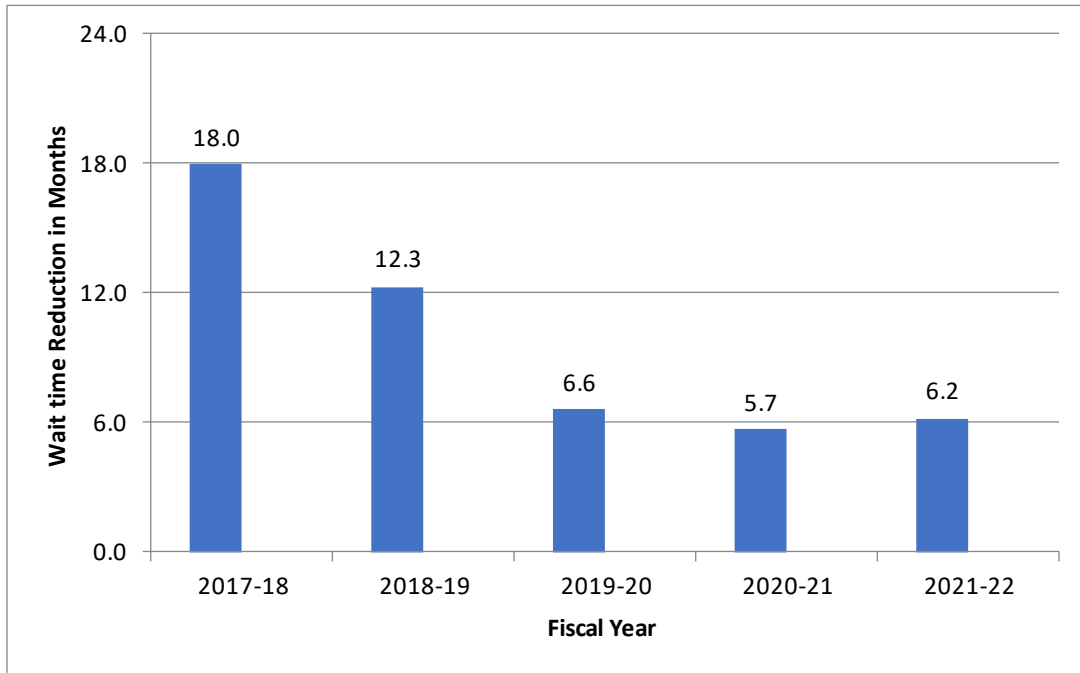
Waiting for Case Review

With a focus on quality client service, OWA continued to mobilize internal resources to improve service delivery and decrease wait times for case reviews.

By March 31, 2020, the agency met the goal of reducing its wait time for review from an average of 12 months to 6.6 months. In 2020-2021, the wait time for review was further reduced from 6.6 months to 5.7 months. In achieving this result, the Advisers reduced the inventory of files waiting for review from 607 to 479. In 2021-2022 the number of files waiting for review increased over the previous year to 621. The wait time for

review also increased slightly to 6.2 months. Reducing and managing the wait time for a comprehensive file review will continue to be a priority for the upcoming year.

Figure 1: Wait Time



Staff Learning Program

In 2021-22, resources were allocated to staff learning and development. Internal training was focused on building the skills and knowledge of newer staff. Communities of practice were established to support the expert, specialized work of the organization. Ninety OWA staff completed over 1,200 hours of training this year. These hours of training were 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 75% of the training was provided internally by experienced and knowledgeable OWA staff, and by other ministry and government programs.

This year, internally developed training included courses focused on the following topics:

- Continued efforts to support staff in adapting to remote work and receipt and use of electronic files for claims.
 - Adobe Skill Builder sessions were delivered to provide staff with more intense training on the use of Adobe Acrobat Pro to prepare for hearings and meetings using electronic files.
 - SharePoint training was provided to Client Service Representatives and Worker Advisers, to ensure the secure storage of claim files.
 - Specialized training on advocating in virtual hearings formats at the WSIB and WSIAT, through the Ontario Bar Association.
 - Training to orient staff to the use of our translation services.
- Mental health supports were once again a focus due to the ongoing effects of the global pandemic. Staff were given a session on the OPS' mental health framework and the supports that they can access from OPS resources. Staff were also able to participate in a number of sessions through the Law Society of Ontario and the Toronto Lawyers Association that were also focused on this topic.
- Client Service Representatives were trained to use new technology related to electronic files. Sessions focused on communication skills were provided to support the client service aspect of their roles.
- New Worker Adviser Training was the focus of the last quarter of the fiscal year. Eight new Worker Advisers started their training program in mid March, of 2022.

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

Prior to the pandemic, the OWA had begun to deliver most internal training via webinar. This trend continued through the pandemic. For the first time, the new Worker Adviser Training program was delivered entirely online. This included the module on mock hearings delivered over Zoom.

OWA'S WORKPLACE INSURANCE PROGRAM STATISTICS

The global COVID-19 pandemic continued to have an impact on many services and the OWA was no exception. Nevertheless, for the duration of the pandemic, OWA staff continued to provide information and advice to callers, and performed work to move cases through a transitioning appeals system. Although we were unable to take walk-in clients, and in-person interaction with clients was greatly restricted, we were able to continue to meet, connect and communicate with clients and move cases forward.

Although we believe that the pandemic had an impact on the number of workers who came to the OWA for service, the agency was successful in assisting a substantial number with their workplace insurance claims and appeals. OWA staff:

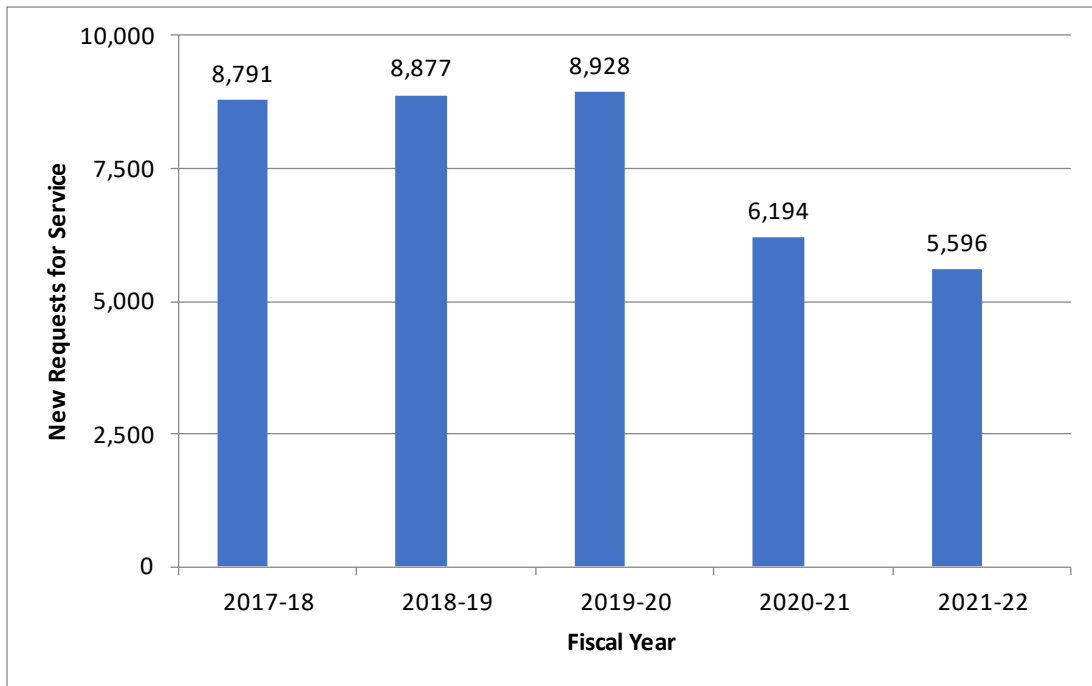
- Responded to 5,596 new requests for service
- Resolved 1,927 cases through summary advice
- Completed 819 case reviews for workers who had requested representation services
- Accepted 476 cases for representation services
- Wait time for case review was in the targeted range at 6.2 months
- Achieved an overall success rate of 58% in representation services

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 five years.

During the 2021-2022 fiscal year, the OWA had 5,596 new requests for service and a total of 1,025 workers requested representation services. This was a decrease of 11% and of 9% respectively from 2020-2021. In addition, the OWA completed 819 case reviews in 2021-2022 compared to 1,167 in the previous year, a decrease of 42%.

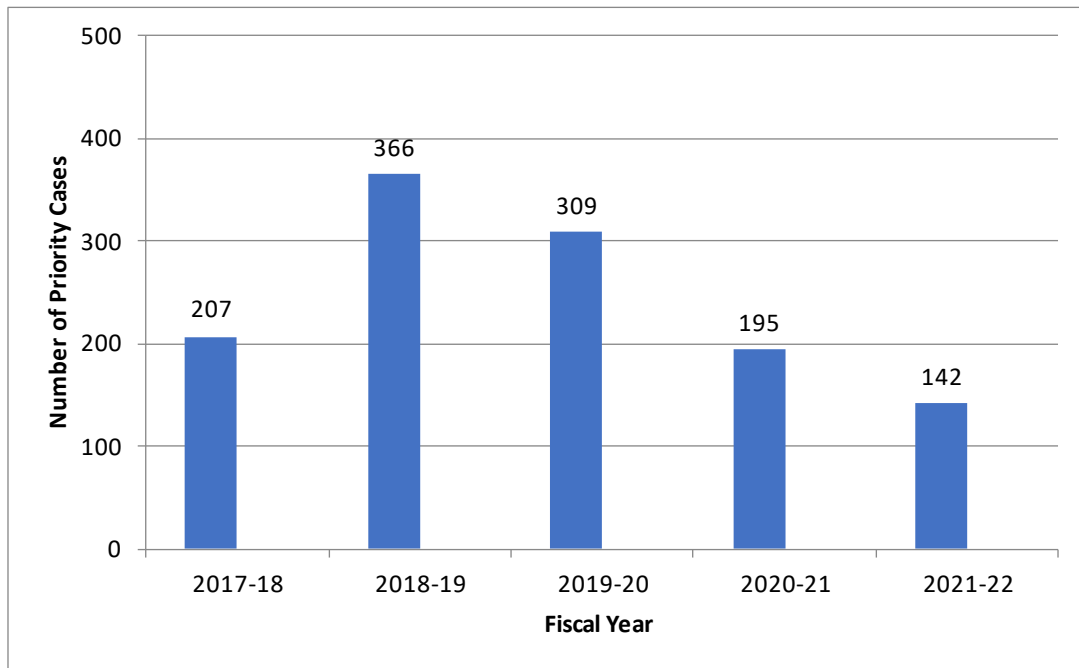
Figure 2: New Requests for Service



To avoid delay in dealing with priority cases, in 2021-2022 immediate case reviews were offered to 142 workers whose situations met the criteria for case prioritization.

This is a decrease of 37% from 2020-2021. The current number of priority cases is closer to the earlier numbers seen between 2016-2018.

Figure 3: Number of Priority Cases



Case Review

When clients contact the OWA, it is generally because they received a decision from the WSIB and they want to appeal it. To assist them with the process, the claim file is requested from the WSIB and when it is received, it is assigned to a worker adviser for a comprehensive 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 the equivalent of at least four weeks of wage loss benefits at minimum wage,
- 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 in these matters. The OWA will also not represent in cases where the only issue is a challenge of a WSIB security restriction decision.

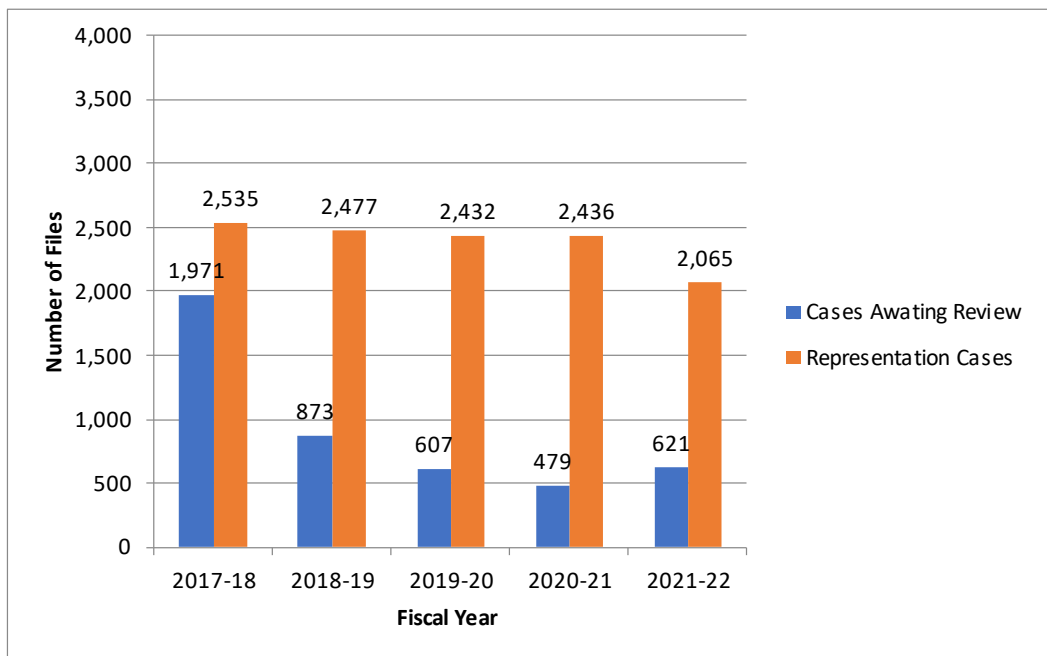
The proportion of cases reviewed which were accepted for representation was at 58% for 2021-2022 which is slightly above the level from the previous three years. This is within the OWA’s historic range of acceptance rates.

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.

Figure 4: Total Case Inventory



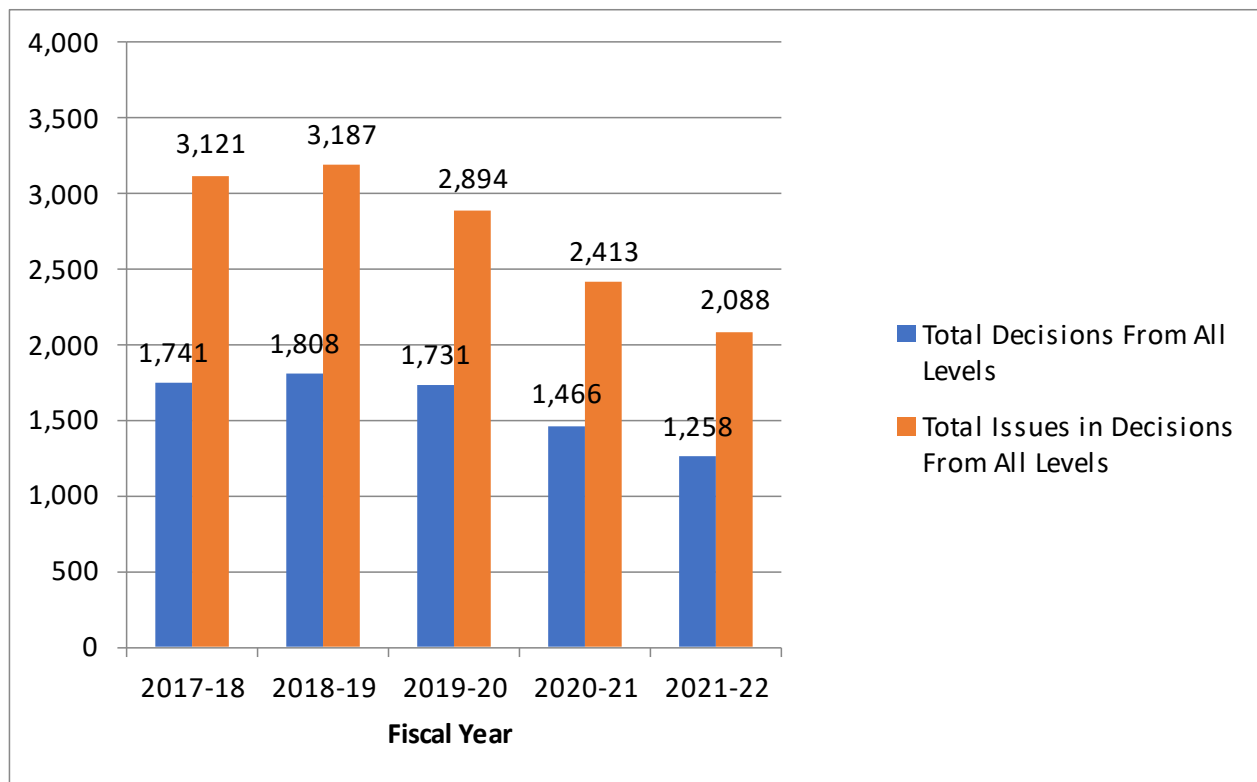
Decisions obtained for OWA clients

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 2021-2022, the OWA achieved its commitment by resolving 85% of disputes without a hearing.

In 2021-2022, the OWA obtained a total of 1,258 decisions from the adjudication and appeals levels of the WSIB and from WSIAT. This was a decrease of 17% from the previous year's total of 1,466 (see Table 2).

The 1,258 decisions obtained in 2021-2022 involved a total of 2,088 issues versus 2,413 in 2020-2021, a decrease of 16%. The overall success rate increased from 54% in 2020-2021 to 58% in 2021-2022. These results have remained consistent over the last several years. There was an increase of 6% in success rate at the WSIB appeals level but a decrease of 4% at the WSIAT.

Figure 5: 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 116 individuals who responded to the survey in 2021-2022, 97.3% were "very satisfied" or "satisfied" with the service they received.

Select Client Testimonials

- "My representative was very professional, helpful and answered my questions and assisted when needed. I am so appreciative of the Office of the Worker Adviser. Thank you for everything you have done for us. Our representative was phenomenal. We are so grateful for everything done for us."
- "The Worker Adviser did an excellent job. She made me feel very comfortable and explained to me everything that was going on. I can't express how satisfied I am that I had her to represent me. The job she did at WSIB hearing was so thorough that I was so impressed. I cannot thank her enough."
- "Without the Worker Adviser's support, there is no way we would have been able to get through this process. She was incredible, warm and supportive, guiding us and being patient as we had no idea what we were doing. She kept us well informed and we had complete confidence in her abilities. I looked forward to her clear and concise updates. A wonderful advocate."
- "I would like to thank my Worker Adviser for helping me. I was very satisfied with assistance she provided me. Also, she listened to my problems and she did her best to help me which I'm grateful. Thank you so much for your help and I really appreciated."
- "Words cannot express how thankful we are for the care and concern the Worker Adviser provided to our family. Thank you from the bottom of our hearts."

Figure 6: New Requests for Service and Case Reviews

	2018-19	2019-20	2020-21	2021-22	Change from 2020-21 to 2021-22
Number of New Requests for Service*	8,877	8,928	6,194	5,596	-11%
Number of New Requests Resolved with Summary Advice	3,817	3,430	2,130	1,927	-11%
Number of Requests for Representation***	1,532	1,607	1,119	1,025	-9%
Number of Cases Reviewed for Representation	1,663	1,359	1,167	819	-42%
Number of Cases Selected for Representation**	950	766	652	476	-37%
Number of Cases Declined Representation	713	593	515	343	-50%
% of Cases Reviewed which are offered Representation	57%	56%	56%	58%	+2%

*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, 2022.

** The number of workers requesting representation services found in Table 1 (1,025) is the number of new workers in 2021-2022 who requested a case review for representation services.

Figure 7: Decisions by Level and Success Rate

Decisions by Level	2018-19	2019-20	2020-21	2021-22	Change from 2020-21 to 2021-22
WSIB – Operating Level	904	927	842	657	-28%
% of Issues Allowed at Operating Level	54%	54%	57%	52%	-5%
WSIB – Appeal Level	417	471	382	369	-4%
% of Issues Allowed at the Appeals Branch	40%	48%	43%	49%	+6%
WSIAT	487	333	242	232	-4%
% of Issues Allowed at the WSIAT	67%	70%	74%	70%	-4%
Total Decisions From All Levels	1,808	1,731	1,466	1,258	-17%
Total Issues in Decisions From All Levels	3,187	2,894	2,413	2,088	-16%
Total % of Issues Allowed at all Levels	55%	56%	54%	58%	+4%

Figure 8: Performance Measure Targets and Results

	Long-Term Target	2018-19	2019-20	2019-20	2021-22	Change from 2020-21 to 2021-22
Workplace Insurance Program						
Early & Alternative Dispute Resolution (EDR/ADR)	70%	74%	81%	90%	85%	-5%
Case Assessments and Representation	5,000	4,918	4,253	3,580	2,907	-23%
Providing Summary Advice and Referrals	10,000	11,651	11,127	6,622	6,976	+5%
Customer Satisfaction Rate	90%	94.6%	96.1%	98.3%	97.3%	-1%
OHSA Reprisals Program						
Percentage of Representation Cases Resolved Through Early & Alternative Dispute Resolution	80%	92.6%	81%	89.7%	90.9%	+1.2%

OCCUPATIONAL HEALTH AND SAFETY REPRISALS PROGRAM

Description of Services

The Occupational Health and Safety Reprisals Program (OHSRP) assists non-unionized workers who have been penalized by their employers for exercising their workplace health and safety rights.

The OHSA prohibition on reprisals enables workers to freely raise health and safety concerns and fully exercise their rights under the Act. The OWA contributes to the overall effectiveness of the health and safety system by helping workers enforce this important right.

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

Services are delivered to workers across the province by program staff from the OWA's head office in Toronto. Most workers contact the program through its province-wide, toll-free phone number.

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:

- Drafting, preparing and filing an application to the OLRB
- Representing workers during informal settlement discussions (early dispute resolution)
- Representing workers at formal mediation conducted by the OLRB, and
- Representing workers at hearings and or consultations before the OLRB.

Achievements

Summary of Achievements

There was an overall decline in demand for services from the program. The reason for this decline is not clear, but it was likely due to the ongoing effects of the COVID-19 pandemic. The 2021-2022 fiscal year continued to see disruption of employment and workplaces.

Demand for immediate information and summary advice declined less than the need for representation, which saw a more significant reduction. At the summary advice level, there were large reductions in referrals and information only, which may indicate greater certainty and knowledge among workers as they grew familiar with working during the pandemic. At the intake level, a lower proportion of intake reviews turned into representation cases than has historically been the case but increased over 2020-2021.

Client satisfaction and settlement rates remained very high, with 100% of representation clients reporting they were very satisfied with the service they received.

As a result of the relatively small size of this program, there is a high degree of variability from year to year. Small changes in absolute numbers translate into large percentage changes. This fiscal year continued to see the effects of the global COVID-19 pandemic. Many businesses closed for prolonged periods of time and stay-at-home orders were invoked. It is difficult to establish conclusively, but it appears likely that the decline in demand for services from the program was related to the effects of the pandemic.

New Requests and Summary Advice

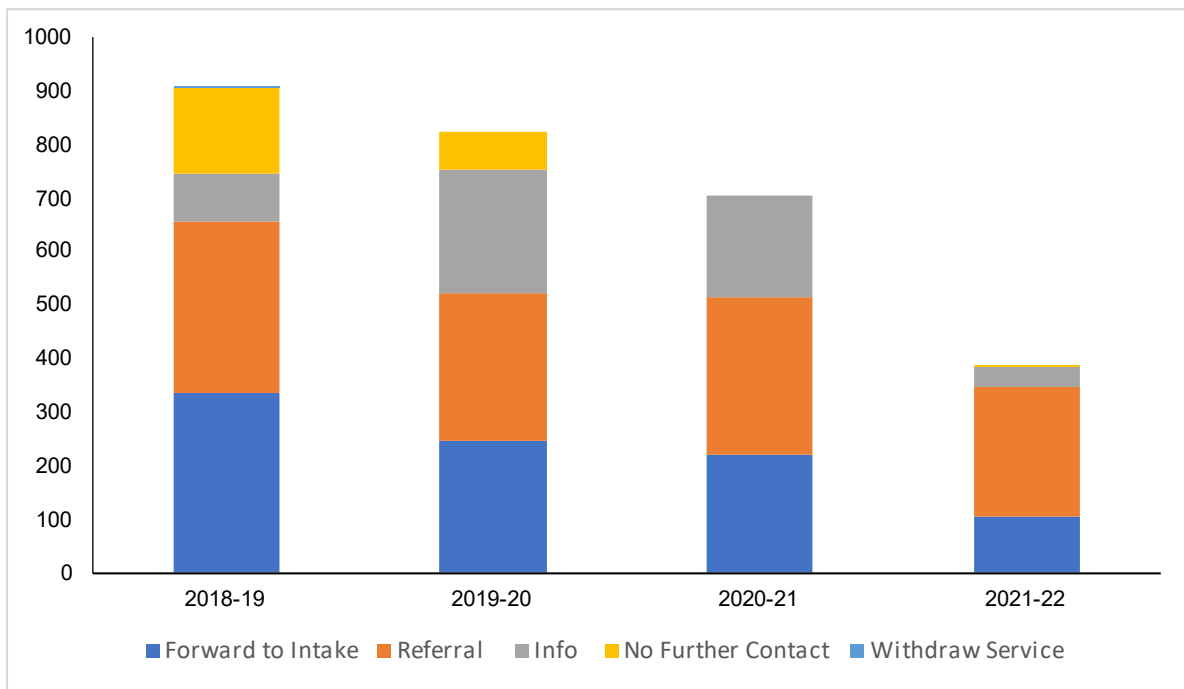
There were 413 new requests for service in 2021-2022, a decrease of 36% over 2020-2021. Summary advice was provided to 385 workers, a 46% reduction over the previous year. Proportionally, more than half of summary advice was provided in the form of referrals to other sources of assistance. This likely reflects uncertainty among workers about where to seek assistance during the pandemic.

In most cases, information and advice was provided on the same day the request for assistance was received.

Figure 9: New Requests and Summary Advice

Disposition	2018-19	2019-20	2020-21	2021-22	Annual Change
New Requests Received	1126	1072	647	413	-36%
Forward to Intake	337	246	221	107	-52%
Referral	319	278	295	240	-18%
Info	91	228	187	37	-80%
No Further Contact	159	71	0	1	N/A
Withdraw Service	2	0	0	0	0%
Total	908	823	703	385	-46%

Figure 10: Disposition of New Requests for Service



Intake

The program completed 74 intake interviews in 2021-2022. This was an overall decrease of 64% compared to 2020-2021. About one in five (18%) workers who received an intake interview were offered legal representation. This proportion is lower than the historical average, but an increase over the 13% seen in 2020-2021. This likely reflects ongoing complexity introduced by the pandemic, in which formal legal

advice is often required to determine the application of the OHSA to their individual circumstances.

Figure 11: Intake Outcomes

Disposition	2018-19	2019-20	2020-21	2021-22	Annual Change
Advice	119	116	108	37	-65%
Offer to Represent	121	70	29	13	-55%
Referral	90	80	63	23	-63%
No Further Contact	1	9	8	1	-88%
Withdraw Service	0	0	0	0	0%
Total	331	275	208	74	-64%

Representation Services

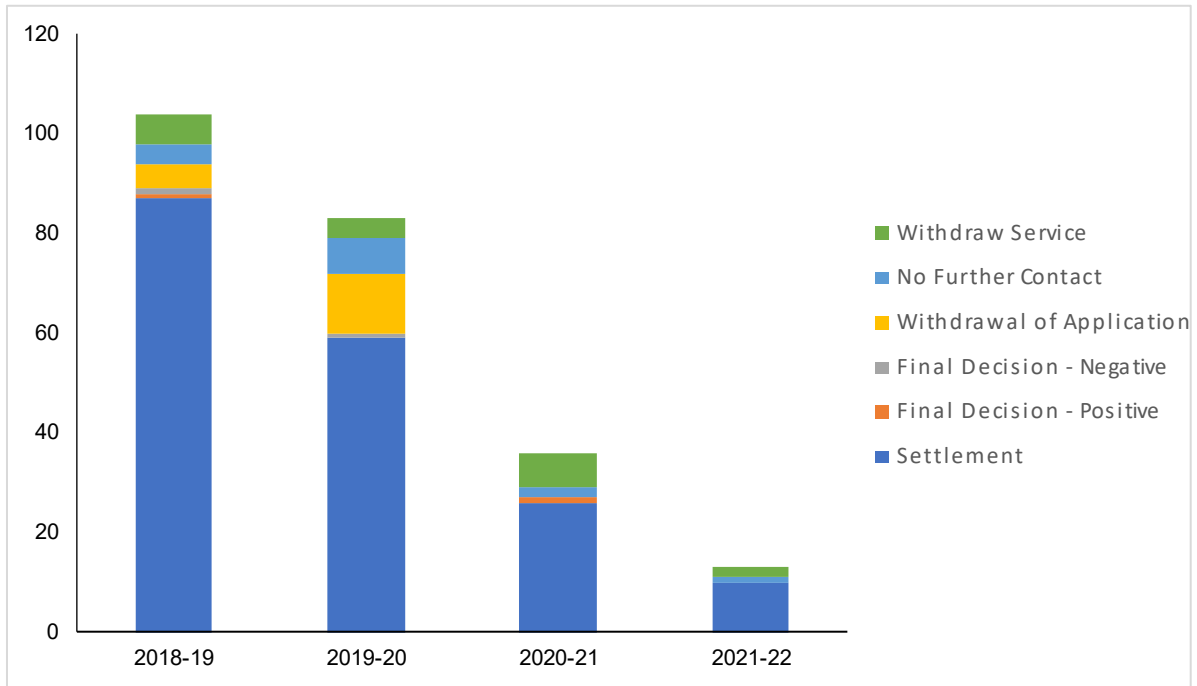
The program achieved resolutions in 10 representation cases in 2021-2022. This represents a reduction of 63% over the 27 obtained in 2020-2021. This reduction is reflective of the significant overall drop-in incoming service requests and is consistent with the decline in intake interviews, which are the source of representation cases.

The program resolved 91% of reprisal complaints without a formal hearing at the OLRB, exceeding its target of 80%.

Figure 12: Representation Outcomes

Outcome	2018-19	2019-20	2020-21	2021-22	Annual Change
Settlement	87	59	26	10	-62%
Final Decision - Positive	1	0	1	0	-100%
Final Decision - Negative	1	1	0	0	-0%
Withdrawal of Application	5	12	0	0	-100%
No Further Contact	0	0	2	0	-100%
Withdraw Service	4	7	2	1	-50%
Total	98	79	31	11	-65%

Figure 13: Representation Outcomes



Caseload Inventory

The table below shows the total caseload inventory for the program on March 31, 2022. Occupational Health and Safety reprisal cases have a high rate of turnover, as they are continually active and resolve relatively quickly. Consequently, caseworker in the reprisals program tend to have fewer open case than in the workplace insurance program.

This statistic represents a point in time snapshot on March 31, 2021. The year-over-reduction in caseload inventory reflects the overall decline in demand for services from the program, likely related to continuing effects of COVID-19, seen during the year. The continuing reduction in open new requests also reflects the fact that staff were able to resolve such requests almost immediately, either through summary advice or moving them on to the intake process.

Figure 14: Total Caseload Inventory on March 31, 2022

File Status	2017	2018	2019	2020	2021	2022	Annual Change
New request	65	46	55	64	11	5	-55%
Intake	23	18	36	18	0	6	N/A
Representation	30	29	46	18	7	2	-71%
Total	118	93	137	100	17	13	-24%

Client Satisfaction Levels

In, 2021-2022, 30% of clients who were provided with representation services responded to a client satisfaction survey. Nevertheless, 100% of the respondents reported that they were very satisfied with the service they received from the OHSRP.

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 2020-2021, the OHSRP began developing a comprehensive outreach program aimed at educating the general public about health and safety reprisals. There was also a continued focus on working with system partners to improve communications and ensure appropriate referrals for workers within the occupational health and safety system. This continued into 2021-2022. Program staff held two information sessions with MPP constituency staff from 22 offices. These sessions largely focused on the reprisals mandate. It informed attendees about what constitutes a reprisal and how to facilitate an appropriate referral.

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 and translation services are available for callers who are unable to converse in either language. We also operate satellite offices as well as clinics in some communities, depending on need.

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 English and French 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, reporting and initiatives as well as financial accountability. The unit works closely with four regional service coordinators.

An OIC part-time chair position was established in 2021. Among other things, the purpose of the position is to oversee the implementation of the strategic direction of the agency as identified in the 2021-2022 to 2023-2024 Business Plan and engage and collaborate with other agencies in the workplace safety and insurance and occupational health and safety systems in order to be more responsive to the needs of non-unionized workers and their survivors. The OIC appointment occurred in June for a 3 year term.

APPENDIX A – FINANCIAL REPORT FOR THE FISCAL YEAR 2021-2022

Figures are in \$000.0

ACCOUNT	2021-22 Expenditure Estimates	2021-22 In-year Board Approvals	2021-22 Year-end Budget*	2020-21 Year-end Actuals**	Variance to Final Budget	% Variance
Salaries & Wages	8,370.6	(900.0)	7,470.6	7,079.8	390.8	5.2%
Benefits	1,883.7	-	1,883.7	2,227.8	(344.1)	-18.3%
Other Direct Operating Expenses (ODOE)						
Transportation & Communication	296.0	-	296.0	88.6	207.4	70.1%
Services (incl. Office Leases)	2,266.4	(300.0)	1,966.4	1,478.6	487.8	24.8%
Supplies & Equipment	100.0	-	100.0	47.3	52.7	67.0%
Total ODOE	2,662.4	(300.0)	2,362.4	1,614.5	747.9	31.7%
Grand Total	12,916.7	(1,200.0)	11,716.7	10,922.1	794.6	6.8%
OWA Lease Services	795.6	200.0	995.6	968.8	26.8	2.7%

* Final Budget = Printed Estimates +/- TBO, re-alignment of funds by Standard Account

** Total Actual Expenditures including Office Leases

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
3rd Floor
Ottawa, ON K1S 3H8

Workplace Insurance Issues:

Health and Safety Reprisals:

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

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

1-855-659-7744 (Toll Free)

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

Website Address:

Webmail Contact:

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
9th Floor
St. Catharines, ON L2R 7R4

MISSISSAUGA

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

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