



OFFICE OF THE WORKER ADVISER

Annual Report

April 1, 2022 to March 31, 2023

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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 2022-2023.

The OWA continues to provide excellent confidential expert advice and representation to non-unionized injured workers and their families. Our areas of focus are workplace safety and insurance, occupational health and safety reprisals and education.

Despite the challenges experienced with returning to the office and adapting to a post pandemic environment, our workforce never wavered from the Agency's mission and values. A deeply talented group of professionals has done an excellent job of embracing technology to serve and support our clients in communities across Ontario.

To achieve our vision, we are transforming the way we work, think and act to be more impactful for our clients including putting their needs at the centre of everything we do. A key focus is on simplifying and modernizing processes to make it easier and faster for clients to access our services. Another priority is tailoring our support to meet the unique and differing needs of all communities across Ontario.

Some key achievements are:

- our continued collaboration with WSIB, WSIAT, and OCHOW to collectively explore solutions that will facilitate improved claims processing,
- the new case management system has been developed and will be launched in September of 2023,
- our website was updated to be more user friendly and meet AODA standards,
- our continued efforts to reduce the wait time to representation services by reducing our list of cases waiting for review to assess if full representation can be offered,
- a KPI committee was formed to review and develop a set of quantifiable measurements used to gauge the Agency's overall long-term operational performance in addition to determining our strategic achievement, and
- our continued our dedication to an internal staff training program with the development of a new mentoring program.

Our long-term commitment is to continued excellence delivery of service that benefit our clients, our employees and our strategic partners. Underpinning all of this is our strategy and strong commitment to values-based leadership and corporate values. In 2022-2023, OWA started the process of strengthening our approaches to Agency accountability, transparency, equity and fairness.

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, Immigration, Training and Skills Development (MLITSD) 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. There was also concern that this extensive aluminum exposure may have led to neurological and potentially to other health consequences. In fact, in 2022, Parkinson’s disease, a neurological disease, was formally recognized as an occupational disease connected to McIntyre Powder exposures. Consequently, this provincial decision resulted in many previously denied claims to be allowed.

Since 2016, OWA has been working to support workers with their claims for occupational disease related to McIntyre Powder and other exposures. In 2022-2023, the OWA had 63 cases related to McIntyre Powder exposures. A significant number of these are still waiting for supportive medical evidence to move forward. Five submissions were made this fiscal on issues ranging from initial entitlement to survivor’s benefits, and independent living allowance.

In 2022-2023, there were 5 decisions received, 3 were granted entitlement for occupational diseases and 1 for survivor’s benefits. Work continues on these files as the supportive medical becomes available and we remain confident that many will be approved.

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 2022-2023 fiscal year, a dedicated team of advisers continued to work together to build a community of practice around this cluster. Together they have approximately 100 files. 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 2022-2023, 11 legal submissions were made on behalf of these workers to the WSIAT. These included extensive submissions on lung cancer, colorectal cancer, esophageal cancer, acute myeloid leukemia (AML), procedural matters 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 2022-2023, the WSIAT released six decisions related to the cluster. In *Decision No. 2097/19R*, the Tribunal agreed to reconsider its earlier decision denying lung cancer due to an error in the worker's employment history. In *Decision No. 1762/19*, the Tribunal allowed the worker's COPD. In *Decision No. 1307/22I*, the Tribunal granted entitlement for the worker's AML and put the colorectal cancer appeal on hold to obtain further information from the WSIB.

In *Decision No. 2091/06I*, the Tribunal adjourned the appeal for hypopharyngeal cancer in order to seek the opinion of an independent medical assessor. In *Decision Nos. 1398/22* and *1555/22*, the Tribunal denied appeals for colorectal cancer and esophageal cancer stating that the workers' asbestos exposures did not contribute to their cancers.

The OWA continues to support clients with the implementation of their decisions and will provide further legal submissions as additional information or opinions are obtained in the outstanding files.

Rubber Workers – Kitchener/Waterloo

The OWA has been providing representation cases for Rubber Workers in the Kitchener area since 2013. In 2022-2023, work continued on the files that were opened as a result of systematic review of these cases by WSIB between February 2021 and April 2021.

In 2022-2023, there were 35 active Rubber Worker files at various stages of the appeals process. Twenty-one of these cases have appeals pending at WSIB and WSIAT, and six cases were referred to the OHCOW clinic to gather additional evidence.

Five 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 2022-2023 one new Rubber Worker file was opened for review. 2 files were closed because the OWA decided not to proceed. 1 file was closed because the appeal was denied by WSIAT.

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.

- The OWA was successful in obtaining entitlement for a Personal Care Allowance and Independent Living Allowance for a worker who had serious, permanent disabilities, but did not have a 100% permanent disability award. The OWA was able to show that exceptional circumstances existed and that, on the facts, he was "severely impaired" within the ordinary meaning of the term. The WSIAT also found that the worker has become dependent on his grandchildren for activities of daily living. This situation was not sustainable, and it was not the intention of the legislation that family members be required to provide attendant care.
- In a case that demonstrated the complexity of occupational disease claims, the OWA was successful in gaining cancer entitlement for the estate of a worker employed in the manufacture of abrasives. The case involved complicated evidentiary issues, including conflicting medical evidence and medical assessor reports. The OWA was successful in showing the worker's kidney cancer was work-related and that another cancer site was a metastasis of the original compensable cancer.
- In another case, the OWA won entitlement for traumatic mental stress for a worker who had been kicked in the ankle by a co-worker who was wearing steel-toed boots. The worker was granted entitlement for the physical injuries caused by the assault. While receiving treatment, for his ankle injury the worker began to experience signs of emotional and psychological distress. The OWA was able to show the worker met the entitlement requirements for traumatic metal stress and that he was entitlement to a permanent impairment for psychotraumatic disability.
- Finally, at the WSIAT's invitation, the OWA intervened in a group of four appeals challenging the WSIB's method of determining post-injury earnings for workers injured while participating in the Seasonal Agricultural Workers' Program (SAWP). With the support of the OWA, the workers argued that that their earnings should be determined based the Ontario labour market, rather than that of their home country. In addition to the important substantive issue, the appeals also considered significant procedural issues, including permitting WSIB to participate in an *amicus curiae* role.

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 information².

In addition, the OWA provides educational services to injured workers and the general public through information sessions held in communities across the province. Outreach plays an integral role in strengthening our stakeholder relationships and building awareness of our professional legal services. Due to restrictions associated with COVID-19 and the complexities of staff returning to the workplace, the OWA was unable to provide these services in 2022-2023. A needs assessment was conducted and in addition to determining the needs and the audience for an outreach program, specific measurable outcomes were identified. The agency will look to renew its outreach efforts with external stakeholder and plan some initiatives with targeted groups in the new fiscal.

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.

The OWA continued its important commitment to the FAIR (Fatalities and Immediate Response) Partnership between the Workplace Safety and Insurance Board (WSIB), Ministry of Labour, Immigration, Training and Skills Development (MLITSD) Threads of Life, and the Office of the Worker Adviser (OWA). Through coordinated efforts, the FAIR Partnership's goal is to provide comprehensive and timely response to the individual needs of families and survivors following a traumatic workplace fatality, and to workers and their families suffering from catastrophic workplace injuries resulting in severe and permanent life altering physical impairment.

In our work related to occupational disease claims, we continue our important collaboration with the Occupational Health Clinics for Ontario Workers

² <http://www.owa.gov.on.ca>

(OHCOW). OHCOW produces exposure assessments that are relied on when making submissions on behalf of workers and families in these complex claims. The OWA continues to advance and modernize access to the benefits of this mutual partnership.

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
 - Have integrated the electronic access to WSIB and WSIAT files
 - The new OWA website was launched
 - 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 continues to receive electronic access (E-Access) to WSIB files. The use of WSIB E-Access has decreased case processing time resulting in efficiencies and reduction in our carbon footprint achieving modest savings in our travel and printing costs. The WSIB's focus for 2023 is to achieve 100% digital forms, files and documents.

Our staff also continues to receive case materials electronically through the WSIAT E-Share. The WSIAT continues to promote e-document platforms and phase out fax and paper (subject to exceptions).

New OWA Website

In March 2023, the OWA successfully launched the new website which is completely AODA compliant with WCAG 2.1 standards. The agency is working to further modernize its website software, including a client portal. This will improve efficiencies in service delivery, facilitate updates and support system work to improve digital service delivery in keeping with our modernization strategy.

Procuring a New Case Management System

Currently, the OWA relies on antiquated software to manage a paper-based case management system. Procurement stages were completed during 2022-2023. User testing for the new solution will begin in Q1 of the new fiscal with a release for OWA staff scheduled for the end of Q2. The solution is expected to be fully implemented by the end of the fiscal year 2023-2024.

To meet the OWA's business needs, the chosen vendor held workshops with the OWA to understand and clarify business requirements prior to development. In addition to replacing the legacy software, the new solution will:

- bring together both program mandates of the agency into one system,
- consolidate multiple electronic storage methods and enhance document management,
- improve efficiencies in workflow and support better access to WSIB and WSIAT processes,
- include a client portal to allow workers to better communicate with the OWA and share documents,
- support enhanced data collection and reporting to better inform service delivery and agency progress, and
- digitize manual workflows and processes.

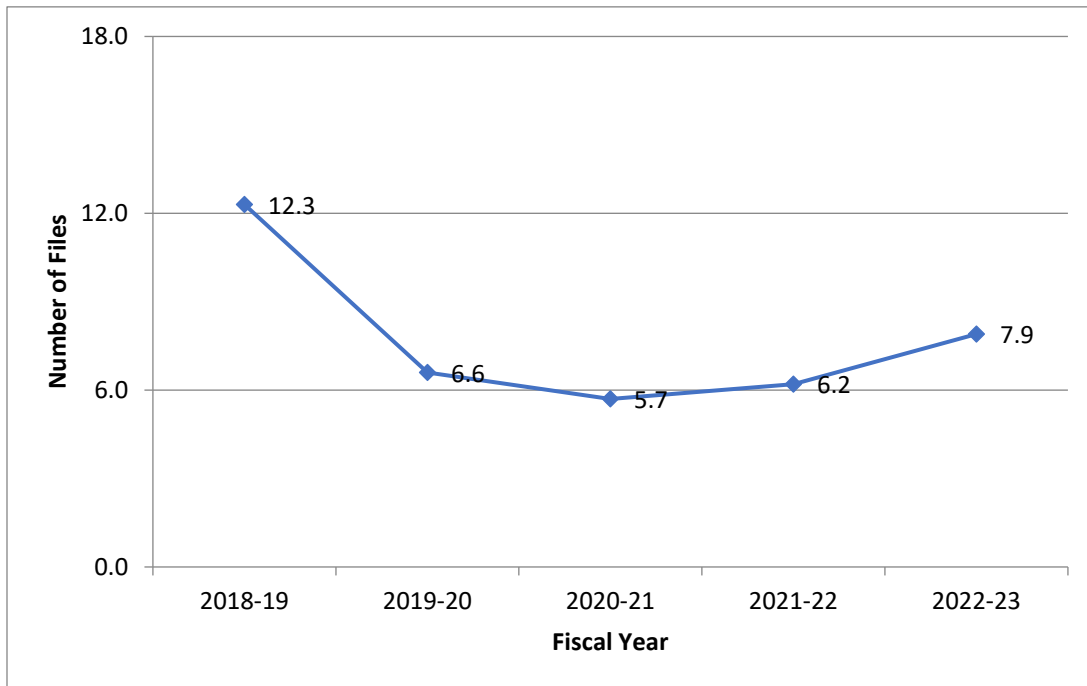
Waiting for Case Review

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. In 2020-2021, the wait time for review was reduced to its lowest level of 5.7 months and the inventory of files waiting for review was reduced to 479. In 2021-2022 the number of files waiting for review increased over the previous year to 621 and the wait time for review also increased slightly to 6.2 months.

In 2022-2023, the number of files waiting for review was reduced considerably over the previous year from 621 to 447. As part of ensuing accurate analysis of data, an audit of all cases on the wait list was conducted. The findings determined that 203 workers declined our services. The wait time for review has increased to 7.9 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



Anti-Racism Committee

The OWA Anti-Racism team (ART) was formed on February 2, 2022. The group was successful in recruiting staff from each region and unit.

The team developed an action plan based on the Ministry's Performance Measurement Framework (PMF). The framework is designed to measure the progress of the initiatives found in the ministry's anti racism action plan.

As part of supporting the Ministry framework, one of the ART's Action Pillars was that of social inclusion. The basis for this pillar is to support the improvement of sense of belonging and inclusion of Indigenous, Black and / or Racialized employees in the workplace.

The group was very active during it's first year:

- The ART team facilitated the OWA National Day of Truth and Reconciliation hosted on September 30, 2022.
- The committee has also hosted numerous lunch and learns to facilitate social inclusion and advance OWA's commitment to Anti-Racism work. These quarterly sessions will continue throughout 2023-2024.

- ART hosted several events throughout the month of February to celebrate black history month.
- ART also sent out an anti-racism survey to the agency staff to help identify organizational needs and where best to direct its initiatives.

ART is also actively working to strengthen stakeholder relationships both internally and externally including other ministries to see how ART can work together to provide necessary resources and anti-racist education to OWA staff.

Staff Learning Program

In 2022-2023, resources were allocated to staff learning and development. OWA staff completed 2,425 hours of training this year. These hours of training included:

- New Worker Adviser training
- Ontario Bar Association conference in May and a specialized session on vulnerable workers in early March
- Training made available through a partnership with the Ministry of Attorney General's Civil Law Division learning committee
- Occupational Disease Working Group sessions on Overview of Epidemiology, Long Covid and Noise Induced Hearing Loss
- Internal training for staff on Incident Threat Procedures and an e-learning module from LivingWorks that provided staff with training on talking to callers in distress
- OWA Anti-Racism Team training Lunch and Learn sessions on Unconscious Bias and topics for Black History Month

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.

In addition, internally developed training included:

- New Client Service Representatives completed 8 modules over 3 weeks.
- New Worker Adviser Training was conducted twice during 2022-2023 for 22 new staff. As part of the training sessions, the OWA was happy to welcome staff from our partner worker advocate organizations across Canada. Staff from Yukon, New Brunswick, Manitoba and B.C. virtually attended and participated in some of our new worker adviser sessions.

62% of OWA staff are licensed by the Law Society of Ontario, a key objective of our training is to meet 75% of their continuing professional development training hours

through a combination of internally developed and delivered training and external training attended online.

OWA'S WORKPLACE INSURANCE PROGRAM STATISTICS

Over the 2022-2023 fiscal year, the OWA continued to deal with the long-term effects of service disruptions with COVID-19 within the system and the labour market. OWA staff continued to provide information and advice to callers and performed work to move cases through a transitioning appeals system. We re-opened our offices and were able to take limited walk-in clients. Although in-person interaction with clients remained restricted, we were able to continue to meet, connect and communicate with clients and move cases forward.

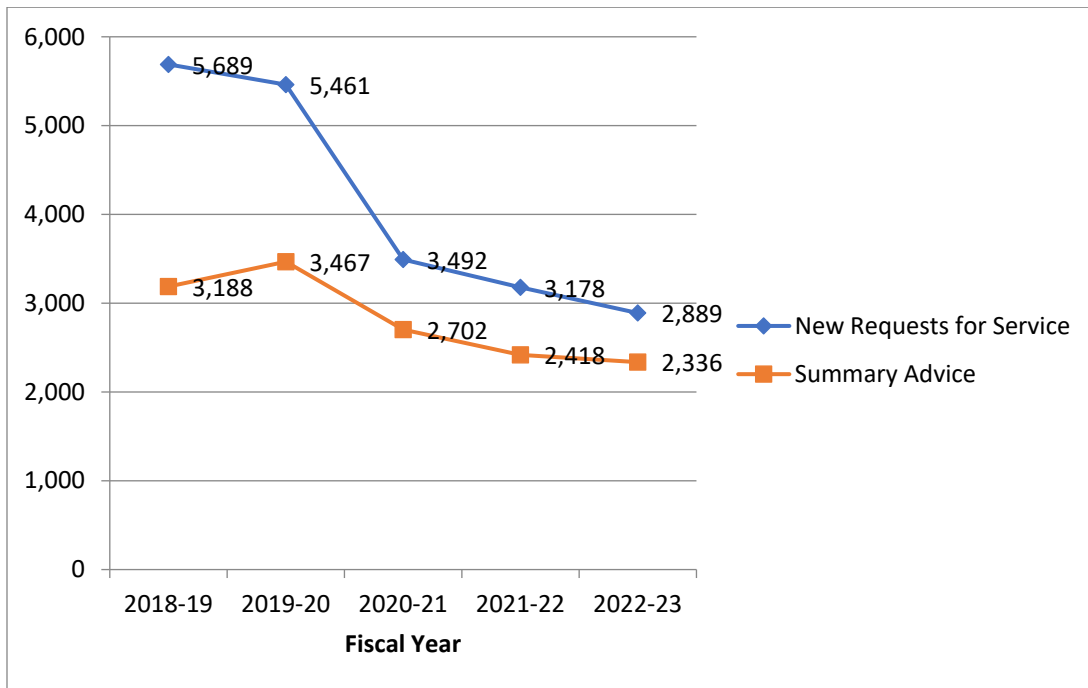
Through a detailed review of the data, a number of inconsistencies were identified in the workplace safety insurance statistics. We firmly believe that with the implementation of our new case management system, the OWA will be able to have better data oversight and ensure better quality collection of data.

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.

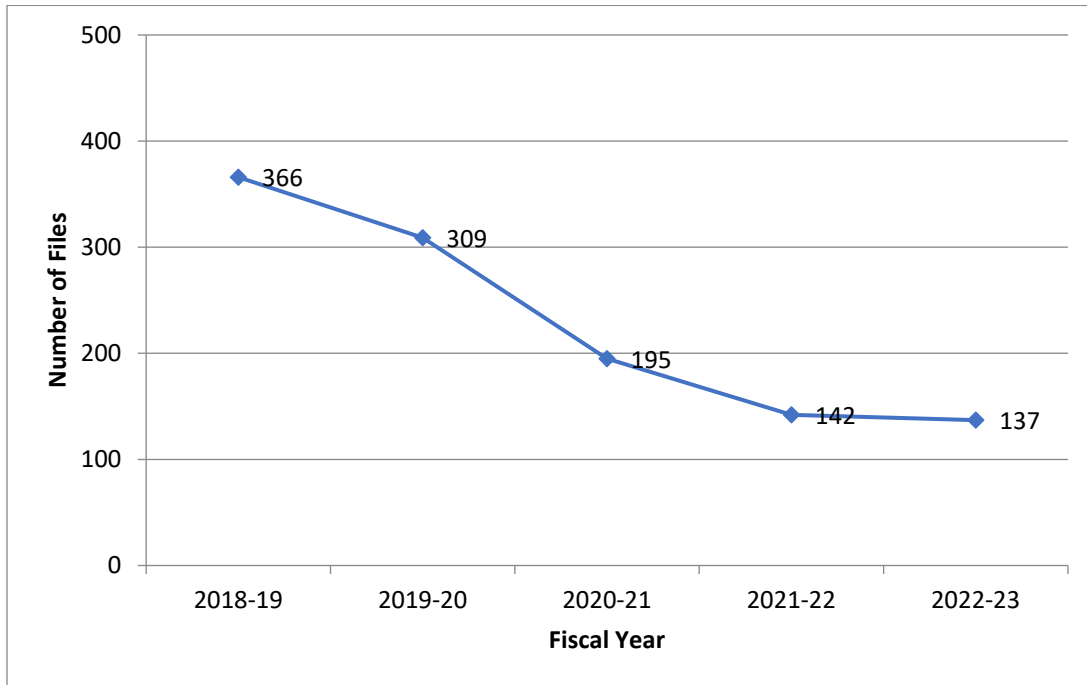
During the 2022-2023 fiscal year, the OWA had 2,889 new requests for service, 2,336 summary advice provided and a total of 1,103 workers requested representation services. This was a decrease of 10%, a decrease of 4% and an increase of 7% respectively from 2021-2022. In addition, the OWA completed 860 case reviews in 2022-2023 compared to 819 in the previous year, an increase of 5%.

Figure 2: New Requests for Service



To avoid delay in dealing with priority cases, in 2022-2023 immediate case reviews were offered to 137 workers whose situations met the criteria for case prioritization. This is a slight decrease of 4% from 2021-2022. 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.

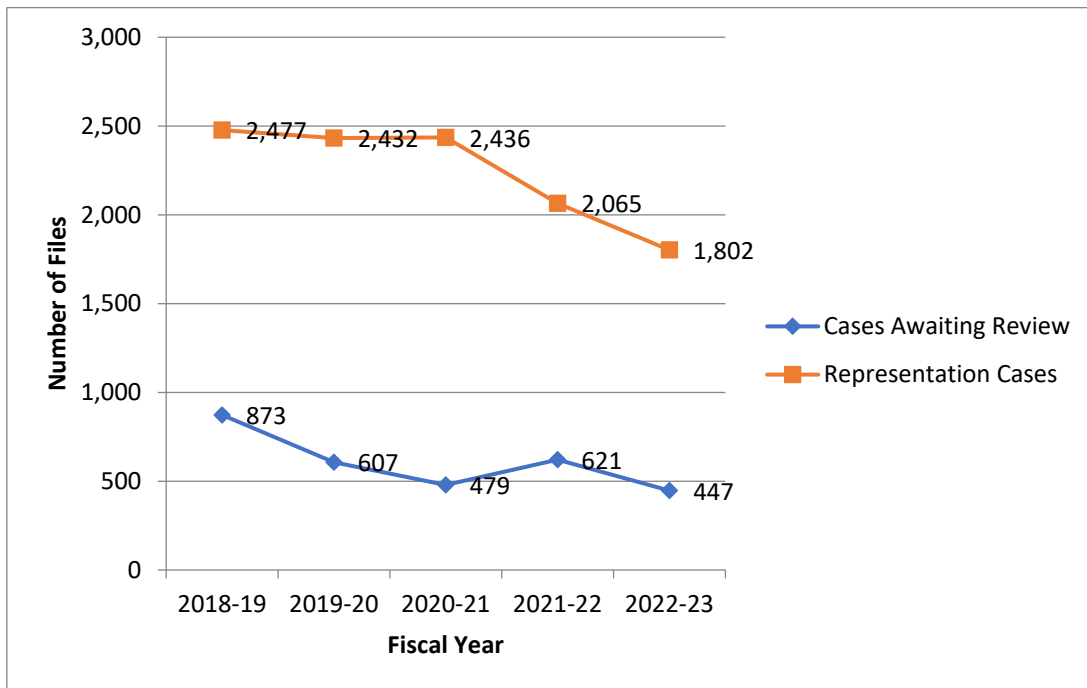
The proportion of cases reviewed which were accepted for representation was at 61% for 2022-2023 which is above the levels from the previous three years. This is within the OWA's historic range of acceptance rates.

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 2018-2019.

Figure 4: Total Case Inventory



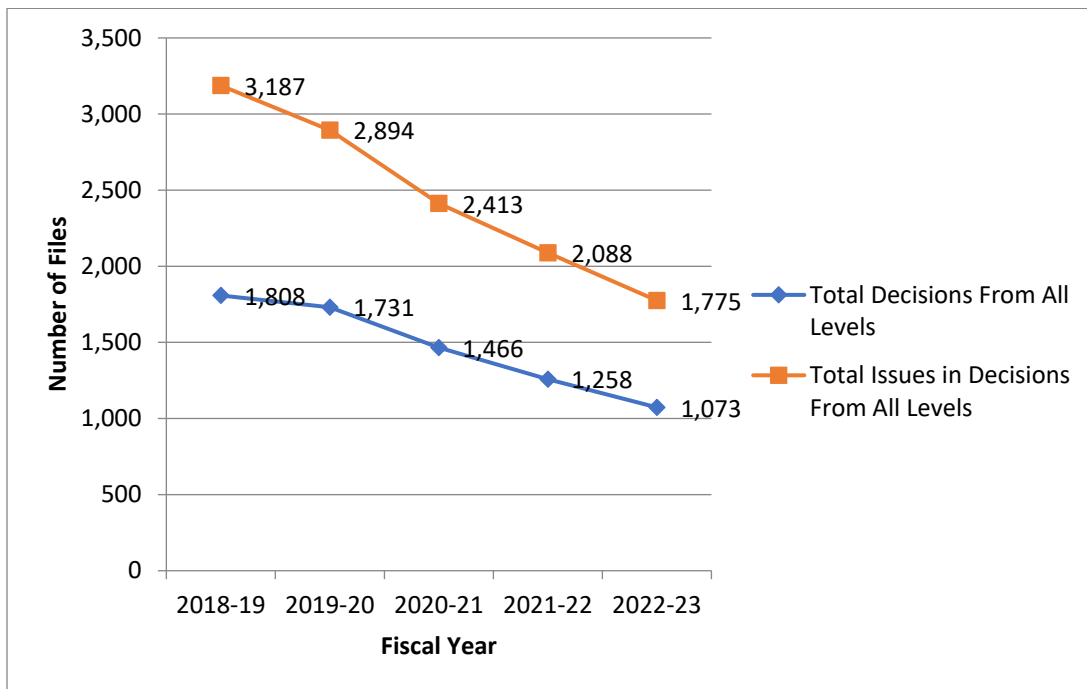
Decisions obtained for OWA clients

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 2022-2023, the OWA achieved its commitment by resolving 85% of disputes without a hearing.

In 2022-2023, the OWA obtained a total of 1,085 decisions from the adjudication and appeals levels of the WSIB and from WSIAT. This was a decrease of 16% from the previous year's total of 1,258 (see Figure 7).

The 1,085 decisions obtained in 2022-2023 involved a total of 1,794 issues versus 2,088 in 2021-2022, a decrease of 16%. The overall success rate increased from 58% in 2021-2022 to 62% in 2022-2023. These results have remained consistent over the last several years. There was an increase of 5% in success rate at the WSIB appeals level as well as an increase of 9% 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 142 individuals who

responded to the survey in 2022-2023, 90.0% were “very satisfied” or “satisfied” with the service they received.

Select Client Testimonials

- “A special thanks to our Worker Adviser who always took time to explain things I didn’t understand and taking extraordinary patience in explaining everything to me.”
- “Words can’t begin to explain how much this has helped me out, now I’m concentrating on getting better instead of stressing on not knowing the procedures.”
- “Thanks so much for all of your assistance. The Worker Adviser was professional and knowledgeable. During the appeal he was very articulate in the way he represented me he made sure that the person understood all the important points and concerns and causes of the situation. I was very pleased with the results.”
- “I never could have managed all of the legalities and the process of this claim without the OWA and the Worker Adviser.”
- “My Worker Adviser was an amazing help and hard-working to my case. Her tenacity and her passion to help others was remarkable. Thank you so much to your office for all that you've done.”
- “The Worker Adviser made it feel like we were in really good hands, that we were being heard and understood, ...and felt someone was on our side.”

Figure 6: New Requests for Service and Case Reviews

	2019-20	2020-21	2021-22	2022-23	Change from 2021-22 to 2022-23
Number of New Requests for Service*	5,461	3,492	3,178	2,889	-10%
Number of New Requests Resolved with Summary Advice	3,430	2,130	1,927	1,630	-18%
Number of Requests for Representation***	1,607	1,119	1,025	1,103	+7%
Number of Cases Reviewed for Representation	1,359	1,167	819	860	+5%
Number of Cases Selected for Representation**	766	652	476	525	+9%
Number of Cases Declined Representation	593	515	343	335	-2%
% of Cases Reviewed which are offered Representation	56%	56%	58%	62%	+4%

*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, 2023.

** The number of workers requesting representation services found in Table 1 (1,103) is the number of new workers in 2022-2023 who requested a case review for representation services.

Figure 7: Decisions by Level and Success Rate

Decisions by Level	2019-20	2020-21	2021-22	2022-23	Change from 2021-22 to 2022-23
WSIB – Operating Level	927	842	657	533	-23%
% of Issues Allowed at Operating Level	54%	57%	52%	50%	-2%
WSIB – Appeal Level	471	382	369	342	-8%
% of Issues Allowed at the Appeals Branch	48%	43%	49%	54%	+5%
WSIAT	333	242	232	198	-17%
% of Issues Allowed at the WSIAT	70%	74%	70%	79%	+9%
Total Decisions From All Levels	1,731	1,466	1,258	1,085	-16%
Total Issues in Decisions From All Levels	2,894	2,413	2,088	1,794	-16%
Total % of Issues Allowed at all Levels	56%	54%	58%	62%	+4%

Figure 8: Performance Measure Targets and Results

	Long-Term Target	2019-20	2020-21	2021-22	2022-23	Change from 2021-22 to 2022-23
Workplace Insurance Program						
Early & Alternative Dispute Resolution (EDR/ADR)	70%	81%	90%	85%	85%	0%
Case Assessments and Representation	5,000	4,253	3,580	2,907	2,635	-10%
Providing Summary Advice and Referrals	10,000	11,127	6,622	6,976	6,328	-10%
Customer Satisfaction Rate	90%	96.1%	98.3%	97.3%	90.0%	-7.3%
OHSA Reprisals Program						
Percentage of Representation Cases Resolved Through Early & Alternative Dispute Resolution	80%	81%	89.7%	90.9%	100%	+9.1%

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

In 2022-2023, the OHSRP experienced positive trends and continued to implement key initiatives to support workers. With a 47% overall increase in demand for services to a total of 607 new requests, growth is likely due to the post-pandemic gradual return to workplaces across the province.

Summary advice was provided to 409 workers, demonstrating a 6% improvement over the previous year. Approximately one-third of the summary advice resulted in referrals to alternative sources of assistance. This suggests persisting uncertainty among workers about where to obtain assistance. Efficiency remained a priority as the program strived to deliver timely support evidenced by the fact that most cases received information and advice on the same day the request was made. At the intake level, interviews increased by 111% as compared to 2021-2022, reaching a total of 156. This illustrates an increase in the number of workers receiving legal advice and information.

Client satisfaction and settlement rates remained very high, with 100% of representation clients reporting they were very satisfied with the service they received. In addition, 87% of the reprisal complaints resolved without the need for a formal hearing.

As a result of the relatively small size of this program, there is a high degree of variability from year to year. That means small changes in absolute numbers translate into large percentage changes.

New Requests and Summary Advice

There were 607 new requests for service in 2022-2023, an increase of 47% over 2021-2022. This increase is likely related to workers gradually returning to workplaces across the province. Summary advice was provided to 409 workers, a 6% improvement over the previous year. Proportionally, a third of the summary advice was provided in the form of referrals to other sources of assistance. While declining, this continues to suggest uncertainty among workers about where to seek assistance post-pandemic.

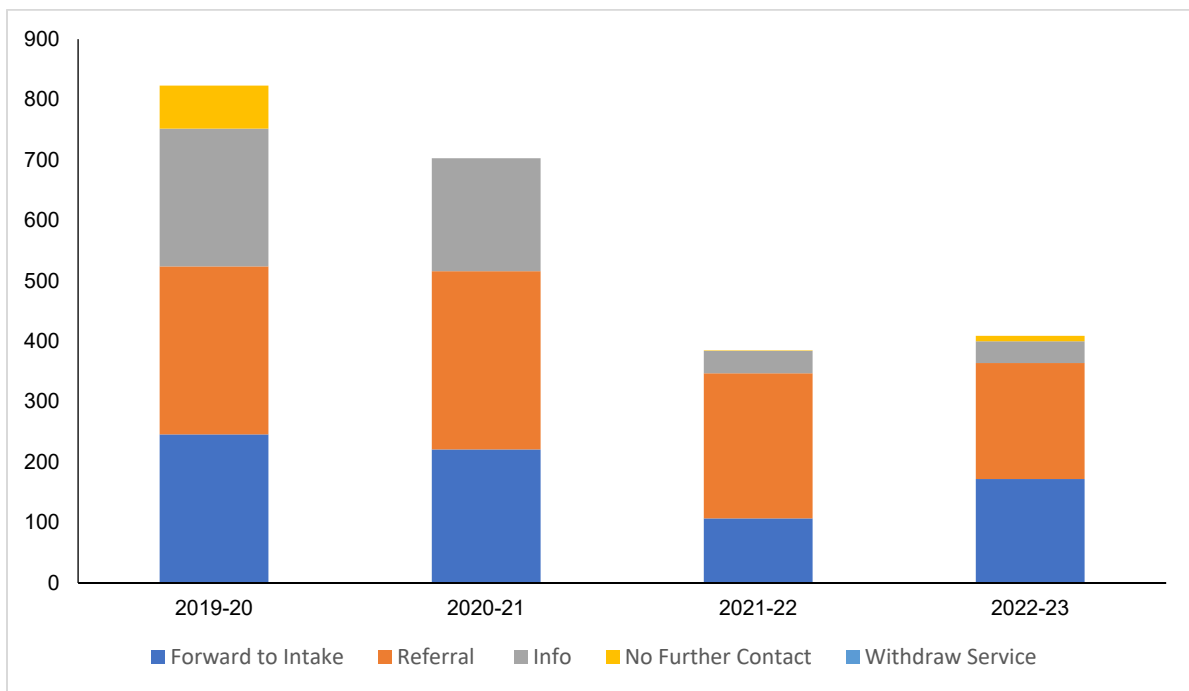
In most cases, information and advice was provided on the same day the request for assistance was received.

Figure 9: New Requests and Summary Advice

Disposition	2019-20	2020-21	2021-22	2022-23	Annual Change
New Requests Received	1072	647	413	607	47%

Forward to Intake	246	221	107	172	61%
Referral	278	295	240	192	-20%
Info	228	187	37	36	-3%
No Further Contact	71	0	1	9	800%
Withdraw Service	0	0	0	0	0%
Total	823	703	385	409	6%

Figure 10: Disposition of New Requests for Service



Intake

The program completed 156 intake interviews in 2022-2023. This was an overall increase of 111% compared to 2021-2022. A total of 59 workers, about two in five, who received an intake interview were offered advice or representation. While representation decreased 38%, this underlines our more focused and strategic approach to the case selection process. The 38% increase in advice continues to reflect ongoing complexity introduced by the pandemic, in which formal legal advice is often required to determine the application of the OHSA to individual case specific circumstances. There was a significant increase in the no further contact files. This ties in with large number of referrals and further suggests ongoing uncertainty amongst workers about where to obtain assistance.

Figure 11: Intake Outcomes

Disposition	2019-20	2020-21	2021-22	2022-23	Annual Change
Advice	116	108	37	51	38%
Offer to Represent	70	29	13	8	-38%
Referral	80	63	23	59	157%
No Further Contact	9	8	1	38	3700%
Withdraw Service	0	0	0	0	0%
Total	275	208	74	156	111%

Representation Services

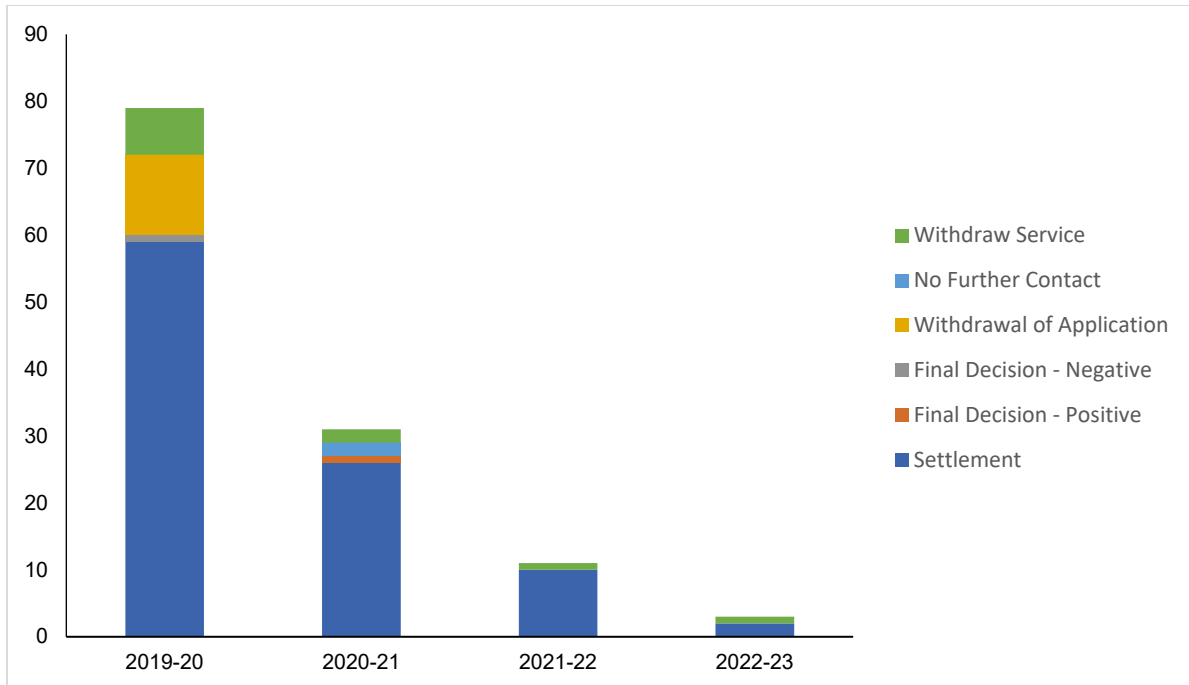
The program achieved resolutions in 2 representation cases in 2022-2023. This represents a reduction compared to the 10 obtained in 2021-2022. However, since there were 8 offers of representation made, it is the case that 6 outcomes remain outstanding.

The program resolved 87% of reprisal complaints without a formal hearing at the OLRB, exceeding its target of 80%.

Figure 12: Representation Outcomes

Outcome	2019-20	2020-21	2021-202	2022-23	Annual Change
Settlement	59	26	10	2	-80%
Final Decision - Positive	0	1	0	0	0%
Final Decision - Negative	1	0	0	0	0%
Withdrawal of Application	12	0	0	0	0%
No Further Contact	0	2	0	0	0%
Withdraw Service	7	2	1	1	0%
Total	79	31	11	2	-82%

Figure 13: Representation Outcomes



Caseload Inventory

The table below shows the total caseload inventory for the program on March 31, 2023. 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 program tend to have fewer open cases than in the workplace insurance program.

This statistic represents a point in time snapshot on March 31, 2023. While the representation numbers are the same, the new requests and intakes have increased significantly over the previous year. Again, this is likely due to the gradual return to workplaces as we continue to move into the post-pandemic era.

Figure 14: Total Caseload Inventory on March 31, 2022

File Status	2018	2019	2020	2021	2022	2023	Annual Change
New request	46	55	64	11	5	37	640%
Intake	18	36	18	0	6	17	183%
Representation	29	46	18	7	2	2	0%
Total	93	137	137	17	13	56	330%

Client Satisfaction Levels

In, 2022-2023, 50% 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 2022-2023, the OHSRP continued to develop a comprehensive outreach program aimed at educating the general public about health and safety reprisals. There was also a clear focus on efforts to work with system partners to improve communications and ensure appropriate referrals for workers within the occupational health and safety system. This work continued into 2022-2023. Program staff will be holding two information sessions with MPP constituency staff. These sessions will largely centre on the reprisals mandate. It will also inform 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.

Total Remuneration for Appointee

Reporting of Appointee Remuneration		
Appointee	Total Annual Remuneration	Per Diem Remuneration Rate
Pauline Niles	\$26, 257.50	\$225.00 / day

APPENDIX A – FINANCIAL REPORT FOR THE FISCAL YEAR 2022-2023

Figures are in \$000.0

ACCOUNT	2022-23 Expenditure Estimates	2022-23 In-year Board Approvals	2022-23 Year-end Budget*	2022-23 Year-end Actuals**	Variance to Final Budget	% Variance
Salaries & Wages	8,370.6	(300.0)	8,070.6	7,557.6	513.0	6.4%
Benefits	1,883.7	-	1,883.7	2,250.4	(366.7)	-19.5%
Other Direct Operating Expenses (ODOE)						
Transportation & Communication	296.0	-	296.0	99.2	196.8	66.5%
Services (incl. Office Leases)	1,864.4	-	1,864.4	1,858.3	6.1	0.3%
Supplies & Equipment	100.0	-	100.0	76.3	23.7	23.7%
Total ODOE	2,260.4	-	2,260.4	2,033.8	226.6	10.0%
Grand Total	12,514.7	(300.0)	12,214.7	11,841.8	372.9	3.1%
OWA Lease - Services	1,035.6	-	1,035.6	1,014.8	20.8	2.0%

* 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

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
9th 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

Webmail Contact:

owaweb@ontario.ca

Health and Safety Reprisals:

1-855-659-7744 (Toll Free)