

Workplace Safety and Insurance Appeals Tribunal

Business Plan

2021-23

Executive Summary

Overview of WSIAT

The Workplace Safety and Insurance Appeals Tribunal (the “WSIAT” or “Tribunal”) is a specialized, independent adjudicative agency within the Ontario administrative justice system which has exclusive jurisdiction to hear appeals from final decisions of the Workplace Safety and Insurance Board (the “WSIB” or “Board”). The WSIAT also has exclusive and original jurisdiction to determine whether a right of action has been taken away.

The WSIAT’s adjudicative team is comprised of the Chair, Vice-Chairs and Members Representative of Workers and Employers who are Order in Council (OIC) appointees. Appointees are recruited through the Public Appointments Secretariat, in consultation with the Chair, in order to secure knowledgeable and experienced decision-makers.

Appeals and applications before the WSIAT may be heard by the WSIAT Chair, a Vice-Chair sitting alone, a tripartite panel consisting of the Chair or a Vice-Chair, an Employer Member and a Worker Member, or a five-member panel consisting of the Chair and two Vice-Chairs, or three Vice-Chairs, an Employer Member and a Worker Member.

Adjudicators issue written and anonymized decisions in all appeals and applications, providing reasons for the outcome of an appeal. All of the WSIAT’s over 83,000 decisions are available to the public.

The WSIAT’s adjudication is supported by a dedicated team of staff and lawyers whose roles may include processing appeals and applications, attending hearings to provide legal submissions and/or question witnesses, and assisting in post-hearing investigations. A team of lawyers may also provide draft decision review.

The WSIAT is a non-board governed public body and is responsible for its own administration and operations, including human resources and labour relations, information and technology, administration including emergency management and security, finance, procurement and the provision of legal services.

Overview of 2021-23 Business Plan

2021 will be a year of continued transformation and modernization with an ongoing focus on creating efficiencies in appeal processing, digitization, and access to justice.

It will be a year in which the WSIAT continues to adapt to a new remote working environment, and builds upon the operational changes and innovative transformation the agency implemented in 2020 as a result of the COVID-19 pandemic. Planned modernization initiatives were successfully expedited during COVID-19.

Information and Technology (IT) services are essential in supporting the WSIAT's ongoing modernization and digitization of case management processes and services. As the WSIAT enters a new digital phase, there will be continued focus on making processing more efficient, including the review and upgrade of the existing information and technology infrastructure, and reduced appeal resolution timelines, within a cost-effective framework that leverages technology and information management.

Agency renewal and modernization will be achieved through efficient and sustainable operation, excellence in adjudication, and stakeholder relations.

In 2020, the WSIAT focused on bringing awareness to the topics of cultural competency and inclusion. In 2021, the WSIAT is looking to build on this awareness by bringing equity and diversity to the forefront.

The Tribunal is pleased to provide the Ministry of Labour, Training and Skills Development (the "Ministry") with its plans for 2021 and the planning period of 2022-23.

Achievements, 2020

In March 2020, the WSIAT suspended in-person hearings and on-site services to support the province-wide effort to stop the spread of COVID-19, with 99.5% of staff and OICs equipped to work remotely from home. During this unprecedented time, the WSIAT quickly adapted to continue to deliver justice through alternative hearing methods, including teleconference, videoconference, in writing, and alternative dispute resolution.

The Tribunal operated at reduced levels up until May 26, 2020, when it gradually re-opened its mailroom and print shop, and introduced a limited number of on-site staff to perform essential services that can only be performed in the physical office, for example, mail room and print shop services.

The WSIAT's efforts in the delivery of alternative hearing methods and the creation of comprehensive practice documents to support parties in the return to oral hearings and in-person hearings during COVID-19 have been recognized within the administrative justice system. Tribunal staff and OICs have been invited to share best practices for alternative hearing methods with organizations such as the Council of Canadian Administrative Tribunals, the Canadian Human Rights Tribunal, and stakeholder groups.

Notwithstanding the operational challenges faced in the second and third quarters of 2020, the Tribunal has seen a modest decrease in its caseload inventory (active and dormant appeals) and is meeting its 2020 commitments of maintaining a caseload inventory within the range of 4000 (+/- 5%) and reducing the time to hearing and case resolution for injured workers and employers in Ontario.

With an active roster of adjudicators and fewer incoming appeals from the WSIB, the WSIAT reduced its active inventory to 3,880 at September 30, 2020 from 3,927 at the end of 2019. The time to first offered hearing date was reduced from 9.8 months in 2019 to 7.8 months (at September 30, 2020).

a) Caseload: Positive Trends

- Caseload inventory continued to decline.
- Median time to first offered hearing date continued to decline.

b) Modernization

- 99.5% of staff and OICs were equipped to work remotely from home and conduct remote hearings in an electronic and paperless environment.
- A new e-filing service was launched that allows parties to e-file appeal or application-related documents, including WSIB decisions, documentary evidence, written submissions, and hearing-related receipts. Parties may also complete and e-file WSIAT forms.

- Zoom technology was introduced for remote videoconference hearings. A number of measures were taken to ensure privacy and security of the new technology including disablement of certain features. The data is also encrypted and hosted in Canada.
- The Ontario Public Service Audio Conferencing System is being used to support teleconference hearings and the audio portion of videoconference hearings. Hearing recordings are also secured through the Ontario Public Service Audio Conferencing System.
- Electronic case materials are now available to all OICs. OICs are working almost exclusively with electronic records and eventually representatives will be expected to transition to using electronic records. Case Records are currently available to representatives who express an interest.
- Enhancements were made to the existing case management system and internal OIC portal to support remote hearings and working in an electronic environment, including the creation of fillable electronic forms.
- The Ian J. Strachan Conference Centre and the Ron Ellis Hearing Centre have been equipped to support the gradual return to in-person hearings and alternate hearing methods during COVID-19, in line with the Province's Framework for Reopening.

c) Cost-saving Measures

- Conscientious adherence to applicable cost-saving measures in effect within the Ontario public sector.
- Reduction in printing and courier costs by providing all OICs access to consolidated electronic case materials in preparation for hearings.

d) Access to Justice

- Updating the external website to make it easier to navigate (includes a website compliance review pursuant to AODA requirements).
- Education and outreach for representatives including training for staff and OICs.
- Cultural competency training and creation of resource materials for staff and OICs.
- Use of alternative hearing methods during COVID-19 in order to fulfill the WSIAT's statutory mandate to hear and address matters within its jurisdiction (teleconference, videoconference, written submissions, or alternative dispute resolution).
- Generated comprehensive documents to support parties in the return to remote oral hearings and in-person hearings during COVID-19 including best practices, information sheets, adjudication updates, guidelines and policies.

Mandate and Mission Statement

WSIAT Mandate

The Workplace Safety and Insurance Appeals Tribunal hears and decides appeals from final decisions of the Workplace Safety and Insurance Board and such other matters as are assigned under the *Workplace Safety and Insurance Act, 1997* (the “WSIA”).

Mission Statement

As an Adjudicative Agency within the Ontario administrative justice system, the Tribunal seeks to provide quality adjudication in workplace safety and insurance appeals in accordance with the principles of natural justice on a fair and timely basis. Its legislative interpretations should provide workers, employers, the Board, government, and the public with a well-reasoned commentary on legislation in the workplace safety and insurance system.

Programs and Activities

Appeals Adjudication

The Tribunal’s primary function is to issue final decisions in workplace safety and insurance system matters relating to worker benefits issues and employer/revenue issues. While the Tribunal uses a variety of mechanisms to resolve appeals and applications, the majority of its adjudication is conducted in a written or oral hearing format. It is primarily a hearings-based adjudication process. The WSIAT provides leadership to the workplace safety and insurance community through its expertise and interpretation of law and policy.

Tribunal staff in the Office of the Vice-Chair Registrar and Tribunal Counsel Office (“TCO”) lawyers utilize a variety of dispute resolution mechanisms to dispose of appeals without a hearing whenever possible and appropriate. Staff and TCO lawyer pre-hearing work includes proactively identifying and addressing jurisdictional issues, notifying the Board and parties of record of an appeal, preparing the appeal record, and coordinating the collection of evidence and submissions.

TCO lawyers also make written and oral submissions on legal and procedural issues and attend hearings to provide neutral legal assistance as part of the WSIAT’s promotion of the meaningful participation of all parties, regardless of representation.

Appeals and applications can proceed in writing as well as orally. Pursuant to recent amendments to the *WSIA*, a five member panel can be designated to hear novel or significant appeals and applications. Tribunal hearings take place in Toronto and in regional centres throughout the Province of Ontario. Adjudicators issue written, anonymized, and public decisions and can receive assistance with decision-writing and other legal issues from lawyers in the Office of Counsel to the Chair.

Within the agency’s mediation stream, parties have the opportunity to submit a proposed resolution to the Tribunal for review and to participate in an early intervention program.

Section 16 of the *WSIA* provides that an agreement between a worker and his or her employer to waive or forego any benefits to which the person is or may become entitled to under the Act is void. Accordingly, Vice-Chairs and/or Panels of the Tribunal review mediated resolutions to determine whether they are consistent with law and policy. Resolutions are confirmed by written decision in order to be implemented by the WSIB.

Corporate Services

The Tribunal is separate from the WSIB and the Ministry in recognition of its adjudicative independence. Appeals adjudication is supported by departments providing the following key functions: human resources and administration; finance; appeal support services (records, mail and printing); and information and technology services. WSIAT lawyers provide legal support for these administrative and operational functions.

Shared Services

The Tribunal provides services on behalf of the Ontario Labour Relations Board and the Pay Equity Hearings Tribunal pursuant to a Shared Service Agreement. These services consist of photocopying, incoming and outgoing mail processing, and the operation of the Ontario Workplace Tribunals Library.

Activities Involving Stakeholder Groups

Tribunal staff and OICs regularly lead and participate in conferences and educational programs sponsored by external organizations, such as the Ontario Bar Association, the Council of Canadian Administrative Tribunals, and the Society of Ontario Adjudicators and Regulators (SOAR), both as speakers and attendees. These programs address legal and procedural issues, and provide outreach opportunities to a wide range of stakeholders.

Tribunal staff and OICs also participate in outreach initiatives and information sessions organized by or for stakeholder groups. Four (4) stakeholder information sessions were held in the first three quarters of 2020 to keep stakeholders informed of Tribunal operations, particularly during the COVID-19 pandemic. The WSIAT has also provided training on new technologies to stakeholders in support of alternative remote hearings and new electronic filing services. Additional sessions are planned for the remainder of the year.

Stakeholder feedback is also key to ensuring business needs are met. During the COVID-19 pandemic, surveys were sent to representatives to gain feedback on the WSIAT's new teleconference and videoconference hearing formats in order to improve the experience and ensure proceedings are consistent with the principles of natural justice, fairness, and access to justice.

In 2017, the Tribunal established an Outreach Council consisting of practitioners in the area of workplace safety and insurance who frequently appear before the Tribunal. This group provides the WSIAT with the opportunity to obtain valuable stakeholder feedback about pressing issues in a timely fashion. The WSIAT has also established regular meetings and training with its two system partners, the Office of the Worker Adviser and the Office of the Employer Adviser.

The Tribunal is reviewing the structure of its long standing Advisory Group, whose membership includes representatives from the worker and employer communities, and a

representative of the WSIB. Currently, the group provides updates and context on sector developments and input in the appointment of new medical assessors.

The Tribunal continues dialogue with the WSIB to facilitate administrative and procedural matters involving both agencies.

Environmental Scan – Factors Affecting Caseload

COVID-19 Pandemic

Reduced levels of on-site operations affected a number of Tribunal appeal processes including the ability to effectively schedule and conduct hearings, as well as the ability to receive and send appeal-related documents.

The gradual re-opening of the WSIAT's mailroom/print shop and the launch of the new e-filing system have lessened some of these pressures, however, receiving and sending appeal-related documentation remains an issue for some parties. New technology for sending and receiving documentation is required in order to ensure we can continue to provide access to justice.

Alternative hearing methods are in place but not all parties have the ability to participate in teleconference or videoconference hearings due to access issues (internet, equipment) and personal circumstances. The Tribunal has put measures in place to assist parties and ensure they can actively participate in oral proceedings but this takes time and results in scheduling delays.

Ongoing COVID-19 limitations to on-site operations and the ability of workers and employers to actively participate in appeal processes could have an impact on caseload inventory and processing timelines.

The closure of many workplaces and fewer hours worked across the province during the early phase of the COVID-19 pandemic has also resulted in fewer injury claims at the Board. The Board reported 37% fewer Schedule 1 claims in the second quarter of 2020 than it did in 2019. Claim volumes started to increase with the gradual reopening of businesses and the Board expects this trend to continue as more businesses resume operations.

As noted above, the WSIAT is committed to maintaining a caseload inventory within the range of 4000 (+/- 5%) and reducing the time to hearing and case resolution for injured workers and employers in Ontario.

The WSIAT continues to actively monitor COVID-19 developments and follow guidance provided by the Ministry of Health, the Chief Medical Officer of Health, and other public health officials when making operational decisions.

Changing complement of OIC appointees

OIC resources are a critical component for the WSIAT to meet and maintain caseload demands and provide quality adjudication in accordance with the principles of natural justice. Tribunal decisions are final; there is no right of appeal. Accordingly, expertise and experience in the adjudicator roster is essential.

Experienced adjudicators are required to hear complex appeals and applications and are also instrumental in mentoring new adjudicators through training and professional development initiatives. Experienced adjudicators also help support the WSIAT's goals through the leadership of and participation in special projects aimed at promoting excellence in adjudication and access to justice which includes modernization initiatives and COVID-19 efforts.

The OIC complement fluctuates due to natural attrition, retirement, non-reappointment, and the ten year rule. These factors present challenges to maintaining a core group of full-time and part-time experienced adjudicators with specialized expertise in the area of workplace safety and insurance law.

The agency continues to monitor the OIC complement and caseload trends in order to assess recruitment needs with an objective of maintaining an experienced and agile roster of OICs. In 2020, the Tribunal held four (4) merit based competitions in a concerted effort to add to the OIC complement. Seven new Vice-Chairs were recruited and trained in 2020. Recruitment efforts will continue into 2021.

Appeal Volumes and Timeliness

Throughout 2020, the Tribunal continued to work towards reducing the active inventory and the time to first offered hearing across the province.

Despite operational challenges related to COVID-19, the Tribunal remained at a steady state. The year to date intake of new appeals from WSIB decisions remained the same as in 2019 and the caseload inventory of active and dormant appeals continued to decline.

The following targets were achieved:

- The caseload inventory of active and dormant appeals was reduced from 3,927 at the end of 2019 to 3,880 at September 30, 2020.
- Year to date (at September 30, 2020), the median time to first offered hearing date is 7.8 months. This is a decrease from 9.8 months in 2019 and 11.5 months in 2018.
- The time to disposition continued to trend downward towards 15.5 months, compared to 18.2 months in 2019 and 22.8 months in 2018.
- 89% of final decisions were released within 120 days which surpasses our 2020 commitment of 85%.

The Tribunal will continue to monitor the number of incoming appeals from the WSIB and communicate about issues that contribute to the effective administration of the system. We will also be looking at resource allocations, OIC capacity, OIC productivity and training.

Broader Public Sector (BPS) status

The WSIAT is funded by the insurance fund administered by the WSIB and contributed to by most Ontario employers. The Tribunal is administratively independent and responsible for its own operational decisions including human resources and labour relations, administration, legal services, finance, procurement, and information and technology services.

Issue and Caseload Trends

The Tribunal continues to monitor legislative and other changes to determine any potential impact on the Tribunal's caseload, including the complexity of appeals and applications and required adjudicator and staff complements, in the short and long term.

Outlook on caseload inventory and hearings during COVID-19:

- A potential increase in appeals coming from the Board is anticipated in the fourth quarter of 2020 and the first half of 2021 in light of (1) the resumption of limitation periods and procedural timelines that were suspended in the second and third quarters of 2020 and the potential for more appeals to be filed; and (2) a reported inventory of approximately 800 appeals at the appeals level of the Board while ARO recruitment efforts were in place. 20 AROs have since been recruited.
- The WSIAT continues to focus on alternative dispute resolution (ADR), and alternative hearing methods, including teleconference, videoconference and hybrid hearings, as well as written hearings, to provide access to justice. The agency is also looking at expanding in-person hearings to the regional centres where possible. These hearings would be provided on a limited basis while COVID-19 public health restrictions remain in place.

Other trends being followed:

- As the time to hearing continues to decrease, Schedule 1 employers will more often need to consider whether cost consequences could arise from the outcome of an appeal at the Tribunal, which may lead to more participation during the appeal process.
- The potential impact of the introduction of the WSIB's new Rate Framework which came into effect on January 1, 2020.
- The amendments to the WSIA related to mental stress and associated updates to policy at the WSIB are key substantive issues for the system to address; this has been the subject of legal and medical training for the agency's staff and adjudicators.

Base Budget Funding

The Tribunal seeks one-time funding to support ongoing digitization and modernization initiatives which include upgrading the Information and Technology infrastructure in order to meet existing and future organizational needs, and undertake three (3) leasehold improvement projects.

Strategic Directions, 2021-23

The Tribunal's primary goal is excellence in adjudication, which is achieved through reasoned decisions and fair processes, developed and implemented in accordance with the principles of natural justice.

The objective for the 2021-23 planning period is to continue conducting the business of the agency in an efficient and sustainable manner, focused on modernization and improving timeliness.

The key objectives for 2021 are:

- to ensure that the time to first offered hearing date remains under 8 months across the province;
- to continue investment in modernization and digitization initiatives with a continued focus on processing efficiencies and access to justice;
- to build on cultural competence and inclusion awareness by bringing equity and diversity to the forefront; and
- to assess the Tribunal's organizational framework while continuing to be responsive to applicable cost-saving measures currently in place within the Ontario public sector.

Risks

- a) OIC Complement: Excellence in Adjudication, Enhancing Decision Quality (Strategic and Workforce Risk)
- b) Timelines to Hearing, Active Caseload (Operational Risk)

Excellence in Adjudication, including enhancing decision quality

Excellence in adjudication is achieved in several ways. Key areas include: the professional development and review program for adjudicators; developing the full-time OIC roster; and OIC and staff training.

- a) Professional Development and Review Program

In 2018, the WSIAT implemented a professional development and review plan for our OIC adjudicators. This program provides feedback pertaining to OIC work in a systematic manner and supports individual and group development. The program to date has been successful. The agency continues to look at enhancing the program with an objective of

maximizing individual growth through targeted training and mentoring on complex issues and advanced case management strategies.

b) Full-Time Adjudicators

Training for complex issues and complex case management is supported by the work of the Tribunal's full-time adjudicator roster. As set out above, it is critical to the Tribunal's adjudication to have access to a roster of experienced Vice-Chairs and Members in order to maintain the Tribunal's expertise and be able to train and mentor new appointees. With the Chair, the full-time adjudicator complement leads the Tribunal's efforts to maintain consistent decision-making.

c) OIC and staff training

The workplace safety and insurance system is a specialized area of the law. For that reason, the agency develops and presents the majority of its own training, including organizing foundational and topical legal and medical training. The Tribunal continues to explore small group training formats for medical topics and also provides opportunities for OIC and staff attendance at external conferences addressing specialized medical topics. Ongoing efforts to identify similar training opportunities will continue in this planning period.

Training is also a key component of developing newer adjudicators to hear progressively complex issues.

There are different avenues through which the Tribunal pursues staff training, such as conferences and educational programs sponsored by external organizations, online training tools, and in-house resources development.

Modernization

Ongoing investments in technologies and case management processes have made it possible for the WSIAT to quickly transition and adapt to a new remote working environment while COVID-19 pandemic restrictions remain in effect in 2020. Throughout 2020 and the COVID-19 pandemic, the WSIAT has been able to leverage existing technology and implement new processes to allow both staff and OICs to access casework within the Tribunal's customized case management system as electronic files; conduct remote hearings using new teleconference and videoconference technologies; and launch a new e-filing service that allows parties to e-file appeal or application-related documents.

The WSIAT has a number of projects (planned and ongoing) to support continuing agency transformation and modernization. Projects include:

- a) Assess and upgrade the agency's IT infrastructure to support modernization and digitization initiatives.
- b) Expand customer-centric services. The agency will assess the new e-filing platform and look for ways of expanding and streamlining service delivery.
- c) Access to electronic case materials. The WSIAT expanded its 2020 pilot project in response to alternative remote hearing demands during the COVID-19 pandemic. The agency will continue providing electronic case materials to OIC adjudicators, and

will look at different ways of providing electronic case materials to parties (such as encrypted email). The Tribunal currently provides case materials on encrypted USB keys to representatives on request. This initiative not only supports the electronic hearing project but will result in printing and courier cost savings.

- d) In support of making the transition to a truly paperless environment, the WSIAT has begun the process of leveraging existing space (the Ron Ellis Hearing Centre) and technology to create an electronic hearing room. The creation of an electronic hearing centre will bring the WSIAT in line with other leading Canadian workers' compensation tribunals.
- e) The WSIAT is pursuing a pre-hearing process review with an objective of resolving appeals within 12 months from the time an appeal is filed to the time a final decision is released. This project will include examining ways to simplify the process and reduce timelines through workflow movement such as reduced response timelines, the expedited appeals stream, and a new scheduling model pilot project.
- f) The WSIAT will leverage new teleconference and videoconference technology in support of access to justice and ongoing alternative hearing solutions post-COVID-19.
- g) The WSIAT will look at updating and expanding on-line services for staff including the launch of an Employee Self-Serve and Managers Portal and enhanced learning resources.
- h) Upgrading the existing accounting system to support electronic funds transfer.
- i) Corporate review including an assessment of the organizational structure and a review of the Emergency Management and Security Framework.

Access to justice

The Access to Justice Working Group was established in late 2019 to review the WSIAT's processes and adjudication with the goal of ensuring that all parties are able to understand the WSIAT's adjudicative processes and can meaningfully participate in WSIAT's proceedings, regardless of representation. In 2020, the agency began exploring ways to promote access to justice such as the review of the external website and education and outreach. In the coming year, the agency will focus on:

- Maximizing the provision of procedural and substantive information through the review of existing information and the creation of new material.
- The promotion of proportionality and meaningful participation in the adjudication process.
- Ongoing education and outreach.
- Plain-language review of external documents.
- Whole person adjudication.

Equity, Diversity and Inclusion

Throughout 2020, the WSIAT has focused on bringing awareness to adjudicators and staff on the topics of cultural competence and inclusive adjudication. The WSIAT is looking to build on this awareness in 2021 by bringing equity and diversity to the forefront.

Retention and Information Management

Retention and information management is critical for public sector organizations. For knowledge and information management systems to be effective, an institutional approach must be adopted.

The agency began a review of its existing retention and information management protocols in 2020 with a particular focus on non appeal-related documents. COVID-19 demands have delayed the project which is expected to resume in 2021.

A broader long-term area of focus will include the Tribunal's approach to the provision of information to stakeholders.

Stakeholder Relations

This planning period will continue to focus on access to justice and information sharing. The Tribunal plans to continue to provide information sessions to the workplace safety and insurance community in 2021 and 2022-23.

The Advisory Group and Outreach Council are helpful sources of feedback and perspective from practitioners in the workplace safety and insurance area. Information sessions, outreach and training opportunities are planned to strengthen stakeholder relations during this period and support the agency's objectives toward continued excellence in access to justice and modernization.

In 2020, the agency implemented new Zoom technology that enabled access to Tribunal adjudicators and stakeholders. The agency will continue to use this technology as a remote alternative hearing method and to facilitate outreach and training opportunities.

National Outlook

In 2020, the WSIAT continued to exchange ideas and share best practices with the Council of Canadian Workers' Compensation Appeals Tribunals (WCATs) on issues of mutual interest, including operations and best practices during COVID-19. Other areas of information-sharing include case law developments, adjudicative practices, and progress toward offering paperless hearings.

Reduce time to hearing and case resolution

- During 2021, the agency will work to reduce the time to first offered hearing date to 7.5 months or less across the province.
- During 2022-023, the agency will focus on reducing the time to first offered hearing date further (7 months or less).

- During this planning period, the agency will continue to move toward a target of resolving appeals within 12 months from the time an appeal is filed to the time a final decision is released.

WSIB Electronic file transfer

Pursuant to section 125(4) of the *WSIA*, the WSIB has a legislative requirement to provide its record (claim files, firm files) to the WSIAT once it has been notified by the WSIAT that an appeal has been filed. In order to create efficiency in the sharing of this information, the WSIAT is seeking access to the WSIB's new portal solution.

Providing the WSIAT with access to the portal would reduce touch points and provide a one point of contact self-serve option for obtaining Board documents and information. This direct portal access is especially important as the agency is modernizing and digitizing its processes and IT services and continues working in a remote environment. Direct access to claim files and claim information would also assist in reducing appeal processing timelines and resolving appeals within 12 months.

Human Resources

The agency's FTE requirement for 2021 is 170, which does not include any additional FTEs to support caseload reduction efforts as in previous years.

WSIAT
October 2020

Workplace Safety & Insurance Appeals Tribunal
2021 BUDGET REQUEST and FTE PLAN (Summary)
(in \$000's)

RPTB01 revised 2019

Type of Expense	2019 ACTUALS	2020 Approved Budget	2020 Year- end Forecast	2021 Request	2022 Projection	2023 Projection
OPERATING EXPENSES						
Salaries and Wages	13,610	14,676	14,042	14,774	14,757	14,759
Employee Benefits	3,038	3,392	3,019	3,445	3,455	3,538
OTHER DIRECT OPERATING EXPENSES						
Transportation and Communication						
Transportation and Communication	831	977	420	977	977	977
Services	7,165	7,563	5,365	7,318	7,429	7,344
Supplies and Equipment	630	577	1,072	672	697	697
Total ODOE	8,626	9,117	6,857	8,967	9,103	9,018
Sub-total Operating Expenditures	25,274	27,185	23,918	27,185	27,315	27,315
Services - WSIB	555	530	560	530	530	530
Total Base Operating Budget	25,829	27,715	24,478	27,715	27,845	27,845
ONE-TIME EXPENSES						
Allowance for Severance Payment	160	125	291	125	125	125
Temporary Funding to offset operational pressures	0	0	0	0	150	150
Total One-time Operating Funding	160	125	291	125	275	275
Revenue	(42)	(12)	(12)	(12)	(12)	(12)
GRAND OPERATING TOTAL	25,947	27,828	24,757	27,828	28,108	28,108
Capital Expenditures						
Acquisition of Capital Assets	0	130	0	500	150	150
GRAND CAPITAL AND OPERATING TOTAL	25,947	27,958	24,757	28,328	28,258	28,258
Services - Per Diem	3,831	4,000	2,360	3,765	3,781	3,766
Year	2021	2022	2023	N/A	N/A	N/A
Full-Time Equivalents (FTEs)	170	170	170	N/A	N/A	N/A

WSIAT Caseload Management Plan, 2021-23

Caseload update: Status to September 30, 2020

The Tribunal is pleased to report on positive program trends:

Caseload Inventory

- The caseload inventory (active and dormant cases) declined during 2020. As of September 30, 2020, the inventory was 3,880 cases compared to 3,927 cases at the end of 2019 and 4,902 at the end of 2018.
- Although the reduction in the 2020 caseload inventory is modest, the inventory could have easily increased during the COVID-19 pandemic, if not for the Tribunal's considerable efforts to continue to provide service despite a significant reduction of on-site services since March 2020.

New Intake of Appeals

- Incoming appeals as of September 30, 2020 totaled 1873; of these, 1598 were appeals from WSIB decisions, and 275 were from appellants advising they were ready to proceed to hearing following a period of inactive status.
- There were 2656 incoming appeals in 2019 and 2888 in 2018.

Timeline to Hearings

- The median time to first offered hearing continues to decline. As of September 30, 2020, the median time to first offered hearing was 7.8 months compared to 9.8 months in 2019 and 11.5 months in 2018.
- The average "All-In" time to completion age has improved to 15.4 months from 18.2 months in 2019 and 22.8 months in 2018.

Access to Justice during the COVID-19 Pandemic

- In order to ensure ongoing access to justice following the cancellation of in-person hearings in March 2020, the Tribunal resumed oral hearings by way of teleconference. From April 20 – September 30, 2020, 264 remote teleconference hearings were conducted. Remote teleconference hearings will continue to be scheduled for the remainder of 2020 and into 2021.
- The first remote videoconference hearing took place on June 15, 2020. From June 15 – September 30, 2020, 68 remote videoconference hearings were conducted and 136 are currently scheduled for the period of October 1, 2020 – January 2, 2021.

- The Tribunal began a limited and gradual resumption of in-person hearings at the Toronto office effective August 13, 2020.

Vice-Chair Complement

Period	New Vice-Chair Appointed	Total Vice-Chair roster – end of period
January to December 2018	3	66
January to December 2019	1	51
January to December 2020	7	48

Complement of Members Representative of Workers and Employers

Period	New Members Appointed	Total Member roster – end of period
January to December 2018	8	32
January to December 2019	1	32
January to December 2020	0	22

Vice-Chairs Releasing Final Decisions

Production Measure	2018				2019				2020		
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3
Caseload Inventory (Active and Dormant)	6458	5814	5336	4902	4581	4401	4092	3927	3880	3872	3880
Number of Vice-Chairs Releasing Final Decisions	66	69	68	65	62	60	55	56	54	48	46
Total Final Decisions Released	960	964	856	837	699	630	602	638	632	412	371
Average Released per Vice-Chair	14.5	14.0	12.6	12.9	11.3	10.5	110.9	11.4	11.7	8.6	8.1

- As of September 30, 2020, Tribunal adjudicators released 89.2% of their final decisions within 120 days.
- Part-time Vice-Chairs represent 64% of the total Vice-Chair roster.

Vice-Chair and Member Recruitment

- Seven new Vice-Chairs (VCs) were recruited in the first three quarters of 2020 and a new cohort of Vice-Chairs and Member Representatives is anticipated in the last quarter of the year.
- The Tribunal anticipates recruiting both full-time and part-time appointees in 2021.

Vice-Chair Retention

- The exceptional circumstance provision will continue to be used in 2021, on a limited case-by-case basis, when expertise and experience cannot be readily replaced.

Professional Development

- Ensure 2nd and 3rd term appointees are trained on a wide selection of medical issues, including complex issues, and are equipped with complex case management skills. Other training opportunities include small group sessions and broader group discussions on pertinent topical issues.

Process Review

- Review existing processes and workflow.
- Implement improvements that simplify processes and reduce timelines.

Appendix Charts as of September 30, 2020

1. Performance Measurement Reporting (quadrants)

WSIAT
October 2020

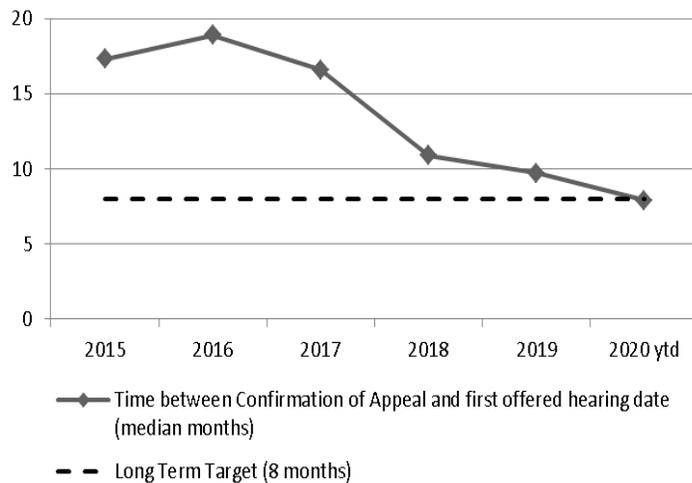
Appendix 1:

Performance Measurement Reporting (quadrants)

Key Activity: Adjudicating Workplace Safety and Insurance Appeals																													
1. Caseload Inventory																													
<table border="1" style="margin-top: 10px; width: 100%; border-collapse: collapse;"> <caption>Caseload Inventory Data (Estimated from Chart)</caption> <thead> <tr> <th>Year</th> <th>Active Cases</th> <th>Cases Dormant at Notice stage</th> <th>Total Caseload Inventory</th> </tr> </thead> <tbody> <tr> <td>2015</td> <td>9,500</td> <td>1,300</td> <td>10,800</td> </tr> <tr> <td>2016</td> <td>8,200</td> <td>1,200</td> <td>9,400</td> </tr> <tr> <td>2017</td> <td>6,000</td> <td>1,000</td> <td>7,000</td> </tr> <tr> <td>2018</td> <td>4,500</td> <td>1,000</td> <td>5,500</td> </tr> <tr> <td>2019</td> <td>3,200</td> <td>1,000</td> <td>4,200</td> </tr> <tr> <td>2020 ytd</td> <td>3,000</td> <td>880</td> <td>3,880</td> </tr> </tbody> </table>	Year	Active Cases	Cases Dormant at Notice stage	Total Caseload Inventory	2015	9,500	1,300	10,800	2016	8,200	1,200	9,400	2017	6,000	1,000	7,000	2018	4,500	1,000	5,500	2019	3,200	1,000	4,200	2020 ytd	3,000	880	3,880	<p><u>Tribunal Contribution</u></p> <ul style="list-style-type: none"> The Tribunal provides high quality adjudication and reasoned decisions in a high volume environment. <p><u>Program Spending Measured</u></p> <ul style="list-style-type: none"> As the final level of appeal for workplace safety and insurance matters in Ontario, the Tribunal's sole program is to process and consider appeals from final decisions of the WSIB and decide other matters assigned to it by the WSIA in a manner consistent with the rules of natural justice.
Year	Active Cases	Cases Dormant at Notice stage	Total Caseload Inventory																										
2015	9,500	1,300	10,800																										
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2020 ytd	3,000	880	3,880																										
<p><u>What does the graph show?</u></p> <ul style="list-style-type: none"> The caseload inventory (including both active and dormant cases) has decreased modestly during 2020. <p><u>2020 Commitment and Actual YTD</u></p> <ul style="list-style-type: none"> Caseload (including active and dormant cases within range of 4,000 (+/- 5%). Target met: as of September 30, 2020, the caseload inventory was 3,880. 	<p><u>2021 Commitment</u></p> <ul style="list-style-type: none"> Caseload (including active and dormant cases within range of 4,000 (+/- 5%). <p><u>Long-term Target</u></p> <ul style="list-style-type: none"> Caseload inventory at 4,000 (+/- 5%).* <p>* The caseload inventory is dependent on several factors: volume of incoming appeals; availability of parties to move appeals to resolution; and OIC productivity. Long-term effects of the ongoing COVID-19 pandemic on the first two factors are difficult to predict and can impact OIC productivity. Consequently, the 2021 commitment and the long-term target will remain as it was for 2020.</p>																												

Key Activity: Adjudicating Workplace Safety and Insurance Appeals

2. Time to First Offered Hearing Date (median)



Tribunal Contribution

- The Tribunal provides high quality adjudication and reasoned decisions in a high volume environment.

Program Spending Measured

- As the final level of appeal for workplace safety and insurance matters in Ontario, the Tribunal's sole program is to process and consider appeals from final decisions of the WSIB and decide other matters assigned to it by the WSIA in a manner consistent with the rules of natural justice.

What does the graph show?

- Time to hearing has decreased following the decrease in the active inventory.
- Measured from the time an appeal is confirmed hearing ready to the first offered hearing date.

2020 Commitment and Actual YTD

- Time to first offered hearing date under 9 months across the province. Target met: as of September 30, 2020, the median time to first offered hearing date was 7.8 months.

2021 Commitment

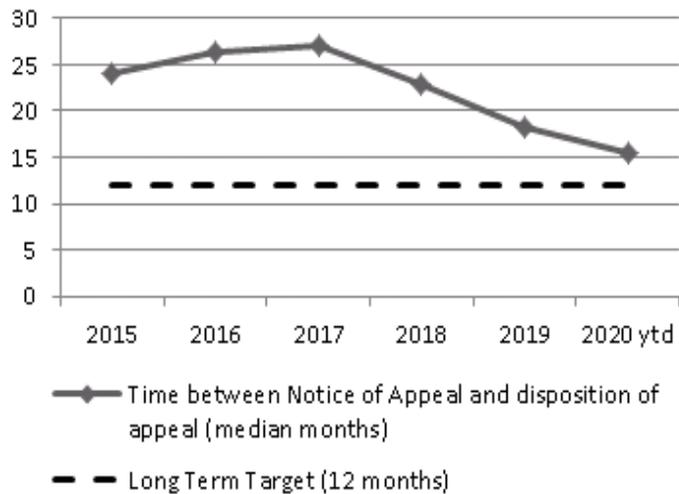
- The effects of the ongoing COVID-19 pandemic on the incoming volume of appeals and potential service disruptions are not yet known. However, the Tribunal will endeavor to ensure that the time to first offered hearing date will remain under 8 months across the province or possibly be closer to 7 months.

Long-term Target

- 2022: 7 months.

Key Activity: Adjudicating Workplace Safety and Insurance Appeals

3. Timely Completion of Appeals (“All-In” Age)



Tribunal Contribution

- The Tribunal provides high quality adjudication and reasoned decisions in a high volume environment.
- The Tribunal’s 2-part appeal strategy focuses Tribunal processing on appeals where the parties are ready to proceed.

Program Spending Measured

- As the final level of appeal for workplace safety and insurance matters in Ontario, the Tribunal’s sole program is to process and consider appeals from final decisions of the WSIB and decide other matters assigned to it by the WSIA in a manner consistent with the rules of natural justice.

What does the graph show?

- Time to hearing has continued to decrease following the decrease in the active inventory.
- Measured from the time an appeal is confirmed hearing ready to the first offered hearing date.

2020 Commitment and Actual YTD

- Average “All-In” age under 16 months. Target met: average “All-In” age has improved from 27 months in 2017 to 15.4 months YTD in 2020.

2021 Commitment

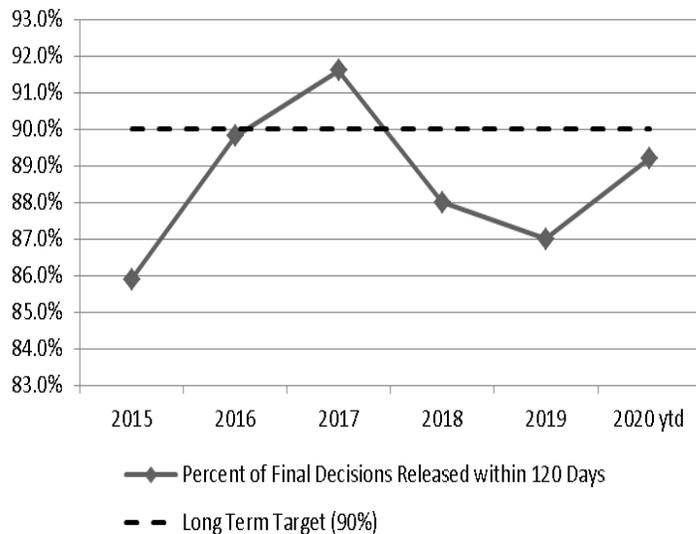
- Average “All-In” age under 15 months.

Long-term Target

- Long term goal is to achieve average “All-In” age of 12 months.

Key Activity: Adjudicating Workplace Safety and Insurance Appeals

4. Timeliness of Adjudication (% of Final Decisions Released Within 120 Days)



Tribunal Contribution

- The Tribunal focuses on adjudicator recruitment, training, and support as a means to reducing decision release time.
- The WSIA indicates that the Tribunal shall decide an appeal within 120 days after the hearing of an appeal ends or within such longer period as the Tribunal may permit.

Program Spending Measured

- As the final level of appeal for workplace safety and insurance matters in Ontario, the Tribunal's sole program is to process and consider appeals from final decisions of the WSIB and decide other matters assigned to it by the WSIA in a manner consistent with the rules of natural justice.

What does the graph show?

- Time to final decisions released is counted from the time the hearing is completed or a post-hearing submissions process is completed to the date the decision is released.
- Period average is 88.6%.

2020 Commitment and Actual YTD

- Release 85% of final decisions within 120 days. Target met: as of September 30, 2020, Tribunal adjudicators released 89.2% of their final decisions within 120 days.

2021 Commitment

- Release 90% of final decisions within 120 days.

Long-term Target

- 90% of final decisions released within 120 days.