

# **Workplace Safety and Insurance Appeals Tribunal**

## **Business Plan**

**2022–2024**

### **Executive Summary**

#### **Overview of the WSIAT**

Established in 1985, 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.

October 1, 2021 marked the WSIAT’s 36<sup>th</sup> anniversary. Access to justice and quality adjudication is the driving force behind the WSIAT’s commitment to service excellence and building trust and integrity with our stakeholders.

The WSIAT’s adjudicative team is comprised of the Chair, Vice-Chairs, Members Representative of Workers and Members Representative of 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 87,000 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 reviews.

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, library services, procurement and the provision of legal services.

## Overview of the 2022 Business Plan

The challenges of COVID-19 were significant in 2020 and 2021 in that the WSIAT, like many organizations, was not equipped to have the majority of the agency's OICs and staff to work remotely. It took considerable resources to operationalize remote work. Similarly, a lot of effort was required to ensure that remote hearings could be conducted in a safe and secure manner, including the development of a dedicated website page for COVID-19 guidelines and best practice documents. Ongoing and regular technical support was necessary in 2020 and throughout 2021 to troubleshoot teleconference and videoconference hearing issues, both for the OICs and the hearing participants.

The WSIAT worked with the Public Sector Health and Safety Association to prepare for the gradual and safe resumption of in-person hearings, first in August 2020, and more recently, in September and October 2021.

The OICs have been working predominantly with electronic records since April 2020. This effort is consistent with the WSIAT's strategic objective to become a paperless organization. Teleconference and videoconference hearings will continue to the end of 2021 and into 2022. The WSIAT intends to continue offering digital hearing formats in the future, as well as in-person hearings, for appropriate cases. This is consistent with stakeholder preferences as determined in outreach surveys. Exceptions for accommodations under the *Ontario Human Rights Code* will continue as they did in 2020 and 2021.

The year 2022 will be a year in which the WSIAT builds upon the operational changes and innovative transformation the agency implemented in 2020 and 2021, as a result of the COVID-19 pandemic. It will also be a year of continuing to maintain the trust of WSIAT stakeholders through integrity, fairness and service excellence.

Information and Technology (I&T) 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.

In 2021, the WSIAT continued its commitment to a diverse, inclusive, accessible and healthy workplace by making continued investments in its Equity, Diversity and Inclusion (EDI) program. In 2022, the WSIAT will establish an EDI and Anti-Racism Department to begin to develop programs to ensure that these values are reflected in the WSIAT's operations, both as an employer and as a service provider.

Proactive case management is always a priority for the WSIAT. To the end of September 30, 2021, there has been a 37% increase in appeal volumes compared to the same period in 2020. Information from the WSIB suggests that the volume of appeals at the WSIB appeal level will continue to increase throughout 2022. As the WSIB addresses their growing inventory of appeal cases with additional recruitment of Appeals Resolution Officers and overtime opportunities, the WSIAT will continue to experience an ongoing increase in its own appeal volumes. It is therefore critical that the WSIAT continue to monitor the volume of

incoming appeals from the WSIB to ensure that resource allocation, OIC capacity and OIC productivity are sufficient to address this new demand.

Access to justice initiatives begun in 2021 will continue into 2022 to promote greater understanding of the WSIAT's adjudicative processes, regardless of representation. The planned modernization of the WSIAT's pre-hearing process in the fall of 2022 will serve to streamline the timeliness of the pre-hearing process, which will help to support the strategic objective of resolving appeals within 12 months from the time an appeal is filed to the time a final decision is released.

The WSIAT has a strong management, OIC and staff commitment to ensure it fulfills its mandate, responsibilities and business objectives in 2022. Although some challenges with COVID-19 remain, the WSIAT is confident that it can continue to manage its business and any unforeseen priorities in 2022 with discipline and fiscal prudence. The WSIAT is particularly committed and eager to continue its plans to modernize and transform into a more modern, sustainable and customer-centric public organization.

The WSIAT is pleased to provide the Ministry of Labour, Training and Skills Development (the "Ministry") with its plans for 2022 and the planning period of 2023-24.

## Achievements in 2021

The years 2020 and 2021 were unprecedented years for the WSIAT due to the global COVID-19 pandemic. In addition to persevering through the pandemic, the agency made significant strides in modernizing and digitizing its services while continuing to provide the necessary adjudicative and other services that are essential to Ontario workers, employers and representatives.

Considerable effort was also demonstrated by all of the WSIAT's departments in the management of the agency's operations. It is noteworthy that this work was successfully accomplished while dealing with the COVID-19 priorities, with very few additional resources.

The achievements realized in 2021 (and 2020) have laid the foundation for the year ahead as we look forward to 2022 and a future where the COVID-19 pandemic will be less of an issue.

The following are highlights of the WSIAT's 2021 achievements.

### **Working in a Digitized Environment**

#### *Digital Hearings*

Initially 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. Approximately 99.5% of OICs and staff were quickly equipped to work remotely to minimize disruption in services.

The agency's first priority was to ensure that it could continue to deliver justice through alternative hearing methods. The WSIAT implemented new practices and procedures to remotely adjudicate appeals through the written process, teleconference and videoconference. Alternative dispute resolution services were offered virtually for appropriate cases. The agency provided timely and regular communications (webinars for stakeholders and postings on the WSIAT's website) to keep stakeholders informed about the practice and procedural changes that were necessary to support remote services.

Zoom technology was introduced for 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 encrypted and hosted in Canada.

Enhancements to digital services and related practice and procedural documents were made throughout 2021 based on stakeholder feedback. For example, in September 2021, the WSIAT implemented the use of Zoom Audio for videoconference hearings and Zoom Audio Conference System for teleconference hearings. This change is improving the hearing experience for hearing participants.

#### *Electronic Case Materials*

The OICs began to work with electronic case records for the first time following the closure of WSIAT's offices on March 15, 2020. This was a new responsibility for the OICs, but they

readily accepted the challenge. In 2021, all case records were provided to the OICs electronically and this process will continue in 2022 and beyond.

Case Records continue to be available to representatives by encrypted USB keys, on request.

### *E-File / E-Share Services*

A new E-File service was launched in September 2020 to allow hearing participants to electronically file appeal-related documents and forms. At the end of December 2020, 1,120 e-filings were received through this application. This number has already been surpassed in 2021; by the end of September 30, 2021, 6,997 e-filings had been received.

In the summer of 2021, work began on a new digital service, E-Share. This application will allow the WSIAT to send appeal-related documents to hearing participants using a cloud-based, secure file sharing program. The E-Share application is being piloted with select volunteer stakeholders in November 2021, with full implementation planned for January 2022.

### **Equity Diversity and Inclusion (EDI) Program**

In 2020, the WSIAT Chair appointed an Associate Director of Equity, Diversity, and Inclusion (EDI) to lead the development of a multi-year EDI and Anti-Racism strategy for the WSIAT. In 2021, the WSIAT established mandatory performance goals for every employee and OIC to complete EDI training, and identify a personal goal to participate in an equity or inclusion initiative of their choice within the workplace or the community.

An EDI Communications Committee was established to lead the recognition and acknowledgment of EDI issues facing the WSIAT workforce and equity-seeking groups and communities. The WSIAT also designed an EDI competency building framework for leadership and employees and established a training plan to develop and promote allyship within the organization.

### **Caseload Management**

See WSIAT's Caseload Management Plan 2022-2022 for details.

### **Access to Justice**

The WSIAT's Access to Justice Working Group continued to develop resources to support understanding and meaningful participation, which will be supported by external outreach in early 2022. Some of their 2021 project deliverables included:

- Updates of Medical Discussion Papers, available on the WSIAT's external website.
- The Decision Database was returned to WSIAT website.
- Updated comprehensive procedural documents to support parties in utilizing alternative hearing methods as the COVID-19 pandemic continued to evolve.

## **Operational Effectiveness**

- Implemented a new, electronic self-serve HR system to manage staff attendance and payroll information.
- Conducted various staff recruitments, supported by a number of reviewed and re-assessed job descriptions.
- Ensured that corporate policies and procedural documents for the OICs and staff were up-to-date, clear and provided appropriate guidance as to how they should be applied (e.g. travelling outside the province).
- Introduced digital signatures to facilitate working in a remote paperless office environment.

## **Cost-saving Measures**

- Significantly reduced travel-related costs for in-person hearings by providing alternative hearing methods. Only five (5) in-person hearings were determined to warrant an in-person hearing due to the unique circumstances of each case. These hearings were / will be conducted in Toronto, in 2021, with the utmost health and safety measures in place.
- Decommissioned most in-office desktop phones.
- Reduced printing, mailing and courier costs by providing all OICs access to consolidated electronic case materials in preparation for hearings.
- Reduced printer lease and maintenance costs by decommissioning several printers since less need to print consolidated case materials.

## **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 WSIAT 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 WSIAT’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 WSIAT 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.

WSIAT staff in the Office of the Vice-Chair Registrar and Tribunal Counsel Office (“TCO”) lawyers use 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.

Tribunal Counsel Office (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. WSIAT 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 Early Intervention Program (dispute resolution and mediation), parties have the opportunity to submit a proposed resolution to the WSIAT 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 WSIAT 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 WSIAT 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 WSIAT 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

WSIAT OICs and staff 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.

WSIAT OICs and staff also participate in outreach initiatives and information sessions organized by or for stakeholder groups. To end of September 30, 2021, three (3) stakeholder information sessions were held and a fourth (4<sup>th</sup>) session is planned for the end of 2021 to keep stakeholders informed of WSIAT initiatives and operational changes. The WSIAT also provided twelve (12) training sessions to stakeholders in support of alternative remote hearings and other issues of interest (E-File; Zoom Audio Training for Hearings; Searching for WSIAT Decisions; Alternative Dispute Resolution).

Stakeholder feedback is also key to ensuring business needs are met. During the COVID-19 pandemic, surveys were sent to representatives following hearings 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 the summer of 2021, these surveys were made available on the WSIAT's website to allow the stakeholders to self-select when they wished to provide feedback following a hearing. A similar survey is also provided to the OICs for their feedback. The feedback is used to make ongoing enhancements to the teleconference and videoconference hearing processes.

The WSIAT continues its ongoing dialogue with the WSIB to facilitate administrative and procedural matters involving both agencies. A WSIB / WSIAT Quality Table was resurrected in 2021 to more formally and regularly address issues of mutual interest to both agencies. To end of September 30, 2021, four (4) Quality Table meetings were held with the WSIB, as well as several issue-specific meetings with various WSIB representatives.

The WSIAT's Chair and the WSIB's President and CEO met on three (3) occasions in 2021. The WSIAT's Chair presented an overview of the WSIAT's operations to the WSIB's Board of Directors on February 25, 2021.

The WSIAT also holds regular meetings and training sessions with its system partners, the Office of the Worker Adviser and the Office of the Employer Adviser.

## Environmental Scan – Factors Affecting WSIAT's Caseload

### COVID-19 Pandemic and Alternative Hearing Methods

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 availability; equipment) and personal circumstances. The WSIAT has put measures in place to assist parties and ensure they can actively participate in digital hearings. For example, throughout 2021, four IT Support Coordinators have been assisting hearing participants to log into



teleconference or videoconference hearings, often helping them to troubleshoot their technical problems.

In a recent stakeholder survey sent out in June 2021, 84% of 78 participants who responded indicated that they wish to continue with digital hearings, after the COVID-19 pandemic ends. Their reasons include: saves time/money/travel costs; clients are less stressed/intimidated/anxious when at home, than in a hearing room; electronic/remote hearings are better than converting hearings to written; and hearing type does not affect overall decision/outcome.

Reasons for not favouring digital hearings include: language barrier issues; clients can have anxiety and PTSD, and electronic hearings can aggravate their impairment; technology can be overwhelming, especially for aging clients; clients may not have a quiet place at home to conduct the hearing; and electronic hearings are less personal so clients may feel less heard.

Most respondents said it would be best to have both options, depending on the parties' preference and the complexity of the appeal.

### **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. WSIAT decisions are final; there is no right of appeal, other than a judicial review. 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 WSIAT 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. To the end of September 30, 2021, the WSIAT held seven (7) merit based competitions in a concerted effort to add to the OIC complement. Three (3) Vice-Chairs and two (2) Members have since been appointed with a number of qualified candidates under consideration. Recruitment efforts will continue throughout 2021 and into 2022.

### **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 WSIAT 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.

## **Caseload Trends**

The WSIAT continues to monitor legislative and other changes to determine any potential impact on the WSIAT'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 for 2022:

- The increase in appeals coming from the WSIB is anticipated to continue in the fourth quarter of 2021 and for most of 2022 due to:
  - an increase in appeals at the WSIB's internal appeal level that has resulted in a higher inventory and efforts by the WSIB's Appeal Services Division to clear out the inventory by hiring more Appeals Resolution Officers in 2021;
  - an increase in employer-initiated appeals at the WSIB's internal appeal level, which is expected to continue, and
  - an increase in employer participation in worker appeals at the WSIB's internal appeal level, which is expected to continue.

Other trends that may impact appeal volumes in 2022:

- As the time to hearing continues to decrease, Schedule 1 employers may consider whether cost consequences could arise from the outcome of an appeal at the WSIAT, 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. Schedule 1 employers may not have been initially aware of the impact of these changes to their premium infrastructure. However, as that impact is better understood, there will likely be greater interest by Schedule 1 employers to participate in the appeal process, at the WSIB and the WSIAT. Since there is already an increase in employer participation at the WSIB's internal appeal level, it is reasonable to assume that this participation will be experienced at the WSIAT in 2022.
- 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 continuing legal and medical training for the agency's staff and adjudicators.

## **Information and Technology Services**

Information and Technology (I&T) services are essential in supporting the WSIAT's ongoing modernization and digitization of case management processes and services. The WSIAT's Information & Technology Services (I&TS) Department has been under-staffed and behind in technology for several years. The WSIAT had been focusing on adjudication priorities, including the resolution of a significant backlog of new appeals from 2017-2019, so there

was less focus on I&T services.

In 2020, WSIAT priorities shifted to COVID-19 pressures and ensuring that the WSIAT could continue to provide critical services remotely. In 2021, the WSIAT created a multi-year Digital Tribunal Transformation Plan, which is aligned with the province's first digital and data strategy, *Building a Digital Ontario*, and ensures that the WSIAT's digital services are accessible, safe and reliable. Some of these initiatives will be realized in 2021 and some in 2022.

## **Strategic Directions, 2022–24**

The WSIAT'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.

Since the COVID-19 pandemic is still likely to be an issue in 2022, a lot of the WSIAT's work initiated in 2021 will continue into 2022. The focus will be to deliver excellence in adjudication and access to justice, while pursuing digitization and modernization with the view of long-term sustainability.

WSIAT strives to manage its operations within budgetary and staffing limits.

The objective for the 2022-24 planning period is to continue conducting the business of the agency in an efficient and sustainable manner, focusing on modernization and digitization, promoting services in a paperless environment, improving case management timeliness, strengthening the diversity culture, and driving an engaged, accountable and capable workforce.

## **The WSIAT's key objectives for 2022:**

### **Return to the Office and Resumption of In-person Hearings**

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. As COVID-19 restrictions ease, the WSIAT is planning to more actively return to the office and resume in-person hearings, including regional hearings.

The health and safety of OICs, staff and hearing participants remain the WSIAT's top priority.

Some staff members have been working on-site for most of 2021. Additional OICs and staff have been voluntarily working at the office since early summer. Effective November 29, 2021, the WSIAT's 'return to the office' plan will focus on the safe and gradual return of all staff to the office and limited resumption of in-person hearings in Toronto.

The future of work in 2022 and beyond will be monitored and addressed based on public health information, any direction from the Ontario Public Service and what plans are adopted by other like agencies and Tribunals.

## **Working in a Paperless Environment**

Although the WSIAT was successful in moving from a mostly paper-based environment before the COVID-19 pandemic to having its OICs and staff working completely with electronic materials in 2021, the agency is still not completely paperless. Most hearing participants continue to receive paper case records, with some receiving the information on a USB stick. Most hearing participants still fax their appeal materials and forms to the WSIAT despite the introduction of the E-File service in September 2020. In support of the Ontario government's ongoing plan to modernize and improve services for Ontarians, the WSIAT is working towards eliminating traditional fax lines in favour of simpler, more convenient digital options in 2022.

The WSIAT plans to continue its transition to a paperless environment in 2022, with further plans to enhance its digital services in 2022 and beyond (e.g. introduction of E-Share in January 2022). The WSIAT also intends to continue offering remote hearing formats in the future, but does not intend to make remote hearings mandatory. Five (5) in-person hearings will take place in 2021, with more in-person hearings planned for 2022. Regional hearings will also be scheduled in 2022, assuming appropriate safety measures can be met.

The ongoing transition to a paperless environment means that the WSIAT will continue to operate in both a digital and a paper-based environment for at least 2022. This requires added effort and resourcing in that the digitization and modernization efforts must be supported with additional resources while also having sufficient resources to maintain the day-to-day operations that include paper-based functions.

## **Modernization and Digitization**

Continue investment in modernization and digitization initiatives with a continued focus on processing efficiencies and access to justice.

The I&TS Department developed an ambitious three-year modernization plan in 2021. Six strategies drive the WSIAT's transformation to a Digital Tribunal with sixty underlying initiatives. The six strategies include Cloud Adoption, Access to Justice Online, Digital Workplace, Enhanced Security, Next generation of TriNet and Information Management.

A number of projects (planned and ongoing) support continuing agency transformation and modernization. Projects include:

- a) Undertake a gap analysis to expand digital services following the launch of the new E-Share application pilot.
- b) IT Infrastructure upgrade to mitigate I&IT risks and improve system reliability.
- c) WSIAT network segmentation to mitigate flat network infrastructure risks.
- d) Cloud Server transformation to modernize IT infrastructure and reduce costs; including developing a new hearing model to improve the reliability and security of the electronic hearing system that is built on cloud based technology.
- e) Microsoft 365 transformation to modernize IT services for the Tribunal.
- f) Distributed VPN to replace legacy remote access system and provide high availability.
- g) Intrusion prevention system to improve cyber security posture across the WSIAT.

## **Case Management**

In addition to actively managing appeals to timely disposition, the WSIAT will pursue the following four (4) case management targets in 2022:

1. Maintain an active inventory at 4,000 (+/-5%) to ensure timely disposition of appeals. The WSIAT will actively monitor and manage the incoming volume of appeals, particularly appeals coming from the WSIB, to prevent a backlog of cases occurring, as experienced in 2017-2019.
2. Ensure that the time to first offered hearing date remains under 8 months, subject to the impact of the anticipated increase in appeal volumes in 2022.
3. Ensure the median time to completion of an appeal is under 15 months. The long-term goal remains a median time to completion of 12 months.
4. Ensure that 90% of Final decisions are released within 120 days, or better.

Information about these targets is outlined in Appendix 1 of the WSIAT Caseload Management Plan, 2022-24.

## **Modernization of the Pre-Hearing Process**

The WSIAT plans to roll out a new pre-hearing process in the fall of 2022. The goal of the new process is to reduce pre-hearing processing timelines. Currently, appeal cases can sit in a “notice period” for up to two (2) years until the appellant is ready to proceed with the appeal. Some cases remain at the notice stage for the full two-year period until they either advance to a hearing or close due to inactivity by the appellant. This notice period can unnecessarily add a significant amount of time to an appeal. The new proposed pre-hearing process treats all cases as ready to proceed upon receipt of notice. Parties will be asked for more information up front and they will be encouraged to collect any new evidence as early in the process as possible. This will streamline the process and ensure that appeals that are ready to proceed advance to a hearing as soon as possible.

New forms and procedural documents for the proposed new pre-hearing process will be made available for consultation in the 2<sup>nd</sup> quarter of 2022.

It will take additional resources in 2022 in order to transition all of the old process cases into the new framework while maintaining overall service levels in the pre-hearing process.

## **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.

### *Professional Development and Review Program*

The WSIAT has a professional development and review plan for OIC appointees. 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.

### *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 WSIAT's adjudication to have access to a roster of experienced Vice-Chairs and Members in order to maintain the WSIAT's expertise and be able to train and mentor new appointees. With the Chair, the full-time adjudicator complement leads the WSIAT's efforts to maintain consistent decision-making.

### *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 WSIAT 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 WSIAT pursues staff training, such as conferences and educational programs sponsored by external organizations, online training tools, and in-house resources development.

## **Corporate Services/ Operational Effectiveness**

The WSIAT strives to manage its operations in an efficient and sustainable manner and will pursue the following initiatives in 2022:

- The WSIAT will leverage new teleconference and videoconference technology in support of access to justice and ongoing alternative hearing solutions post-COVID-19.
- 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 e-learning resources.
- The WSIAT will upgrade the existing accounting system to support electronic funds transfer.
- Further enhancements to the WSIAT's 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 2021, the Access to Justice Working Group continues to develop resources to support understanding and meaningful participation, which will be supported by external outreach in early 2022. A comprehensive access to justice/accessibility survey was provided to stakeholders in September 2021. The survey results will be used to inform ongoing work, including:

- Consideration of cultural competency in the context of service;
- Review of information relevant to adjudication and providing tools to parties to enhance meaningful participation;
- The development of resources specific for self-represented parties; and
- Consideration for additional support for the hearing participants during the appeal process.

The WSIAT is pleased to host the first Access to Justice Symposium on December 15, 2021.

## **Equity, Diversity and Inclusion**

The WSIAT believes that a culture of diversity helps to strengthen the quality and impact of an organization by bringing together multiple ideas and perspectives. This is why the WSIAT is committed to further enhancing the agency's EDI program in 2022 and beyond.

In 2022, the WSIAT plans to:

- Conduct an internal inclusion survey.
- Set strategic goals, metrics and key performance indicators (KPIs) for the EDI program.
- Finalize the inaugural Multi-Year EDI and Anti-Racism Strategy including EDI and Anti-Racism policy development, training, and program support.
- Develop an inclusive leadership competency framework.

## **Emergency Management Services**

The onset of the global pandemic emphasized the requirement for dedicated corporate resources to successfully pivot the client services of the agency, while safeguarding the health and safety of OICs, staff and stakeholders, during the COVID-19 pandemic and beyond. To enhance client services and support the period of transition, the WSIAT identified the need to separate reception and security duties, which had previously been delivered exclusively by security guards.

As in-person hearings resume, dedicated bilingual Customer Service Representatives (CSRs) will serve as hearing ambassadors and provide superior reception services to

WSIAT stakeholders and members of the public, while security guards will prioritize the performance of enhanced Emergency Management Services (EMS) duties, including responsibilities to further protect the health and safety of OICs, staff, stakeholders and visitors. In addition, the WSIAT has undertaken a review of the Emergency Management and Security Framework to support agency transformation and modernization. The review of the WSIAT's EMS framework included a comprehensive risk assessment and the identification of initiatives which have been prioritized for 2022 and require sufficient funding.

## **Retention and Information Management (RIM)**

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 and other business priorities delayed the project until 2021.

In 2021, RIM efforts focused on assessing how departments create and use records, including digital shared drive folders. Technical support was provided to one department to reorganize their digital records and perform a shared drive(s) cleanup.

In 2022, the RIM efforts will continue with additional departments.

## **Stakeholder Relations**

In 2022, the WSIAT will continue to focus on information sessions, outreach and training opportunities to strengthen stakeholder relations and support the agency's objectives toward continued excellence in access to justice.

The training sessions that were made available in 2021 were well received and attended, often with 40-50 participants in attendance per session. This demonstrates that there is interest and significant value in educating and supporting our communities of interest (workers, employers, representatives) on various issues relating to the appeals process and the WSIAT's operations.

The agency will continue to use digital technology in 2022 to facilitate outreach and training opportunities. As COVID-19 restrictions ease, in-person outreach may be possible, when safe to do so.

## **National Outlook**

In 2021, 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.



Two meetings were held in 2021 and two meetings are planned for 2022.

### **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 is not only important as the agency is modernizing and digitizing its processes and IT services while working in a remote environment, but also assists in expediting the appeal process and reducing appeal processing timelines. It also supports the WSIAT's long-term goal of resolving appeals within 12 months.

### **Human Resources**

The WSIAT's FTE requirement for 2021 was 170. This FTE count does not adequately reflect the additional FTEs that was and continues to be necessary to support the added work to address ongoing COVID-19 related challenges, and the WSIAT's 2022 plans for digitization and modernization, caseload management to prevent a potential backlog of appeals due to the ongoing increase in appeal volumes, and other key business objectives (e.g. strengthening our diversity culture; enhancing security and safety measures; enhancing corporate risk management; and driving the agency's commitment to ensuring sufficient levels of staff recruitment and retention).

The 2022 FTE requirement is 205 FTEs. The additional resources will allow the WSIAT to deliver on business objectives in 2022 and into 2023 because some initiatives are multi-year projects. It will also allow the WSIAT to better resource several departments that have been under resourced for several years due to more pressing priorities (e.g. the 2017-2019 appeal backlog).

Adequate, proactive and timely management of the WSIAT's resources will help the WSIAT to meet its business objectives, deliver exceptional customer service, increase efficiency and productivity, and mitigate any risks around talent acquisition and retention.

**Workplace Safety & Insurance Appeals Tribunal**  
**2022 Budget Summary**

Description	2021 Approved Budget	2021 Forecast	2022 Approved Budget	2023 Projections	2024 Projection
<b>Salaries and Benefits</b>					
Salaries and Wages	15,282,832	15,311,118	17,695,573	18,424,772	18,609,370
Employee Benefits	3,444,261	3,264,151	3,709,512	3,960,400	4,010,400
<b>Total Salaries and Benefits</b>	<b>18,727,093</b>	<b>18,575,270</b>	<b>21,405,085</b>	<b>22,385,172</b>	<b>22,619,770</b>
<b>Other Direct Operating Expenses</b>					
Transportation and Communication	977,000	409,110	597,500	597,500	597,500
Services	7,317,849	6,636,064	7,406,849	7,476,849	7,496,849
Supplies and Equipment	1,141,011	1,186,019	1,107,000	757,000	757,000
<b>Total ODOE</b>	<b>9,435,860</b>	<b>8,231,193</b>	<b>9,111,349</b>	<b>8,831,349</b>	<b>8,851,349</b>
<b>Operating Expenditures before WSIB</b>	<b>28,162,953</b>	<b>26,806,463</b>	<b>30,516,434</b>	<b>31,216,521</b>	<b>31,471,119</b>
WSIB Services	530,000	620,000	620,000	620,000	620,000
<b>Total Base Operating Budget</b>	<b>28,692,953</b>	<b>27,426,463</b>	<b>31,136,434</b>	<b>31,836,521</b>	<b>32,091,119</b>
One-time Severance	125,000	125,000	125,000	125,000	125,000
Less: Revenue	(12,000)	0	(12,000)	0	0
<b>Total Operating Budget</b>	<b>28,805,953</b>	<b>27,551,463</b>	<b>31,249,434</b>	<b>31,961,521</b>	<b>32,216,119</b>
Capital Expenditures	500,000	10,000	500,000	0	0
<b>Totals</b>	<b>29,305,953</b>	<b>27,561,463</b>	<b>31,749,434</b>	<b>31,961,521</b>	<b>32,216,119</b>

# WSIAT Caseload Management Plan, 2022-24

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## Caseload update: Status to the end of September 30, 2021

The WSIAT had an active inventory of just under 4,000 cases into the COVID-19 pandemic. At the beginning of 2020 until the closure of WSIAT offices, effective March 15, 2020, the WSIAT was still actively working towards reducing its appeal disposition timelines to 12 months. However, the emergence of COVID-19 impacted daily operations, a number of appeal-related processes (e.g. in-person hearings) and productivity.

For example, by the end of 2020, the WSIAT had a small COVID-19 related inventory at the hearing scheduling stage that was being addressed through the provision of alternative hearing methods (remote teleconference and videoconference) and written hearings. Alternative dispute resolution methods were offered in appropriate cases. The inventory was created because the WSIAT had to plan and implement remote work processes and procedural documents. First, initial work was required in early 2020 to equip Order in Council (OIC) appointees and staff to work remotely. Digital hearings were then offered by teleconference in April 2020 and by videoconference in June 2020. Appeals addressed through the Early Intervention Program resumed for appropriate cases. The provision of digital hearings allowed the WSIAT to ensure access to justice for Ontario workers and employers while respecting and supporting public health measures.

For 2021, the WSIAT continued to primarily operate remotely. Initially, in 2020, the hearing participants preferred the WSIAT to address their appeals by the written hearing process or by teleconference. Some hearings were determined by either the Vice-Chair Registrar or the Hearing Vice-Chair/Panel to be unsuitable for alternative hearing methods. As representatives became more familiar with videoconference technology, there was greater interest in hearings by videoconference. The inventory at the hearing scheduling stage was eliminated by the end of the first quarter in 2021.

A recent stakeholder survey found that 84% of the survey respondents would like to continue with alternative hearing methods after the COVID-19 pandemic restrictions have been lifted. The WSIAT intends to continue to offer alternative hearing methods in the future, as well as in-person hearings.

Like many organizations, the WSIAT faced a number of challenges due to the COVID-19 pandemic that has continued in 2021. However, through considerable effort and collaboration, the WSIAT rallied and successfully transitioned to remote work and remote services. We focused on access to justice, timely case management, achieving our targets and making enhancements to our digital platforms. These efforts positioned us well to deliver exceptional client service and achieve the majority of our 2021 business commitments.

The WSIAT is pleased to report the following caseload trends and results.

### Appeals Initiated (New and Reactivated)

- The volume of appeals initiated to the end of September 30, 2021 totaled 2,559, of which 2,210 were new appeals from WSIB decisions, and 349 were reactivated cases when appellants advised they were ready to proceed to hearing following a period of inactive status.
- For the same period in 2020, appeals totaled 1,871, of which 1,596 were new appeals from WSIB decisions and 275 were reactivated from Inactive status.
- The volume of appeals initiated, both new and reactivated, in 2021 is 37% higher than in the same period in 2020.
- The 2021 increase in appeal volumes may be due in part to some delay in initiating appeals in 2020 due to the COVID-19 pandemic. In the first few months of the pandemic, stakeholders may have needed time to organize their practices around remote work. Similarly, the WSIAT and the WSIB also had to develop practices and procedures for remote work. These necessary efforts may have delayed the usual flow of initiating and adjudicating claims and appeals.
- Another reason for the increase in appeal volumes may be due to the impact of the suspended limitation periods and processing timelines until September 11, 2020. Once the suspension was lifted, the parties moved forward with their appeals, resulting in an influx of incoming cases in the latter part of 2020 and into 2021.
- The WSIB's Appeals Services Division responded to the influx of appeal cases coming to them by temporary recruitment of additional Appeals Resolution Officers and offering overtime opportunities to the permanent Appeals Resolution Officers. Understandably, this resulted in increased disposition of appeal cases that are appealable to the WSIAT.
- In 2020, appeals initiated (from WSIB decisions and WSIAT reactivations from Inactive status) totaled 2,383; in 2019, appeals initiated totaled 2,656.

### Decisions Issued

- To the end of September 30, 2021, Final and Interim decisions totaled 1,465, of which 1,397 were Final decisions and 68 were Interim decisions.
- In 2020, Final and Interim decisions totaled 1,864; in 2019, Final and Interim decisions totaled 2,685.

## Final Decisions Released Within 120 Days

- To the end of September 30, 2021, WSIAT adjudicators released 93% of Final decisions within 120 days compared to 89% for the same period in 2020.
- The 93% result exceeds the set target of 90% of Final decisions released within 120 days and demonstrates that the WSIAT is successfully keeping up with the increase in new appeal volumes. It also demonstrates that the WSIAT adjudicators are successfully working electronically, both in terms of reviewing electronic case records and conducting teleconference and videoconference hearings.
- In 2020, 90% of Final decisions were released within 120 days; in 2019, 87% were released within 120 days.

## Caseload Inventory

- To the end of September 30, 2021, the caseload inventory totaled 3,977 compared to 3,877 for the same period in 2020.
- The set target for the caseload inventory is 4,000 (+/-5%). The inventory of 3,977 is within the set target. Considerable adjudicative effort was made to maintain the inventory within the target range, despite the significant increase in incoming appeals in 2021.
- At the end of 2020, the caseload inventory totaled 3,750; at the end of 2019, the caseload inventory totaled 3,926.

## Hearings

- Hearings are broadly categorized as Oral hearings and Written hearings. Oral hearings include in-person, teleconference and videoconference. Written hearings include hearings by written submissions from the parties and by proposed resolutions achieved through the Early Intervention Program (i.e. alternative dispute resolution for single party appeals and mediation for two party appeals).
- To ensure ongoing access to justice following the cancellation of in-person hearings in March 2020, the WSIAT offered alternative hearing methods to prevent undue delay in having their matters resolved by the WSIAT while public health restrictions were in place. The WSIAT resumed oral hearings by remote teleconference in April 2020 and by remote videoconference in June 2020.
- The WSIAT adopted the *COVID-19 Interim Practice Guideline: Objections to Alternative Hearing Methods*, which set out factors to consider in addressing objections to alternative hearing methods.
- To the end of September 30, 2021, hearings totaled 1,675; comprised of 1,164 Oral hearings and 511 Written hearings.

- The 1,675 hearings conducted to end of September 30, 2021 is a 30% increase in total hearings for the same period in 2020 (1,291).
- At the end of 2020, hearings totaled 1,745; at the end of 2019, hearings totaled 2,587.
- In a small number of cases, the Vice-Chair Registrar or the Hearing Vice Chair/ Panel determined that a remote hearing was not appropriate, taking into account the *COVID-19 Interim Practice Guideline: Objections to Alternative Hearing Methods*. Due to ongoing COVID-19 health restrictions and the fourth wave of the pandemic, the WSIAT conducted two in-person hearings in October 2021 and three more in-person hearings are scheduled to take place by the end of 2021. The in-person hearings are being heard in Toronto, while safe regional hearing locations are being explored. One in-person hearing took place in August, 2020.

### Time to Hearings

- The WSIAT continues to successfully reduce the median time to first offered hearing.
- To the end of September 30, 2021, the median time to first offered hearing was 6.9 months. In the same period in 2020, the median time to first offered hearing was 7.5 months.
- At the end of 2020, the median time to first offered hearing was 7.8 months; at the end of 2019, 9.7 months.

### Dispositions

- Dispositions include appeals that have been resolved either by a Final or an Interim Decision, moved to the Inactive status, or the appeal has been withdrawn or abandoned by the appellant.
- To the end of September 30, 2021, dispositions totaled 2,331, comprised of 2,020 cases closed and 311 cases made Inactive.
- 2,331 dispositions indicate a 22% increase in dispositions in 2021 compared to the same period in 2020 (1,918).
- At the end of 2020, dispositions totaled 2,559; at the end of 2019, dispositions totaled 3,631.

## Dispositions – Time to Completion

- The completion timeframe, expressed as the median age in months, encompasses the period from the date the appeal started, to the date of the disposition (case closed or made Inactive).
- To the end of September 30, 2021, this median age timeframe was 15.8 months. In the same period in 2020, this median age was 15.4 months. The slight increase is due to more oral hearings conducted in 2021 compared to 2020. Oral hearings take longer to schedule and adjudicate than the written hearing process.
- At the end of 2020, this median age timeframe was 15.4 months; at the end of 2019, 18.2 months.

## Vice-Chair and Member Recruitment

- Four new Vice-Chairs and one new Member were recruited since we submitted our 2021 Business Plan. One in December 2020, two in September, 2021 and one in early October. Two part-time Members were also converted to full-time status in the same period.
- The WSIAT is currently recruiting both full-time and part-time OIC appointees to address our increased inventory of appeals and ensure we maintain a sufficient complement of knowledgeable and experienced adjudicators to meet our high service standards and to safeguard against the natural attrition of the OIC roster, including current and future vacancies anticipated in 2022.
- The OIC complement is listed in Appendix B.

## Vice-Chair Retention

- The exceptional circumstance provision of the Management Board of Cabinet Agencies & Appointments Directive will continue to be used in 2022-2024, on a limited case-by-case basis, when expertise and experience cannot be readily replaced.

## Professional Development

- The WSIAT conducts in-depth orientation sessions and training for new OIC appointees and continues professional development for all OICs. The OICs are trained on a wide selection of legal and 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 issues.
- The WSIAT also provides several in-house and external professional development opportunities for staff. Examples of these opportunities include the Society of Ontario

Adjudicators and Regulators (SOAR) courses and conferences, cultural competency workshops, COVID-related health and safety on-line courses offered through Lifespeak, professional designation courses and various leadership and management courses.

#### **Appendix Charts:**

1. Appendix A – Performance Measurement Reporting (quadrants)
2. Appendix B – OIC Complement summary totals, 2019 through 2021
3. Appendix C – 5-Year Annual Performance Charts

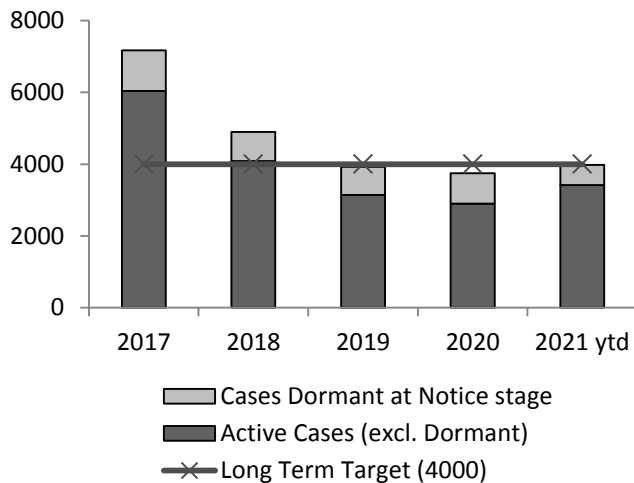


## Appendix A

### Performance Measurement Reporting (quadrants)

#### Key Activity: Adjudicating Workplace Safety and Insurance Appeals

##### 1. Caseload Inventory



##### WSIAT Contribution

- The WSIAT 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 WSIAT's program is to process and consider appeals from final decisions of the WSIB and decide other matters assigned to it by the WSIAT in a manner consistent with the rules of natural justice.

##### What does the graph show?

- The caseload inventory (including both active and dormant cases) has increased modestly during 2021. This reflects the WSIAT's successful case management approaches, despite the COVID-19 challenges and working remotely since March, 2020.

##### 2021 Commitment and Actual YTD

- Caseload (including active and dormant cases) within range of 4,000 (+/- 5%).
- The WSIAT has met this target. As of September 30, 2021, the caseload inventory was 3,970.

##### 2022 Commitment

- Caseload (including active and dormant cases) within range of 4,000 (+/- 5%).

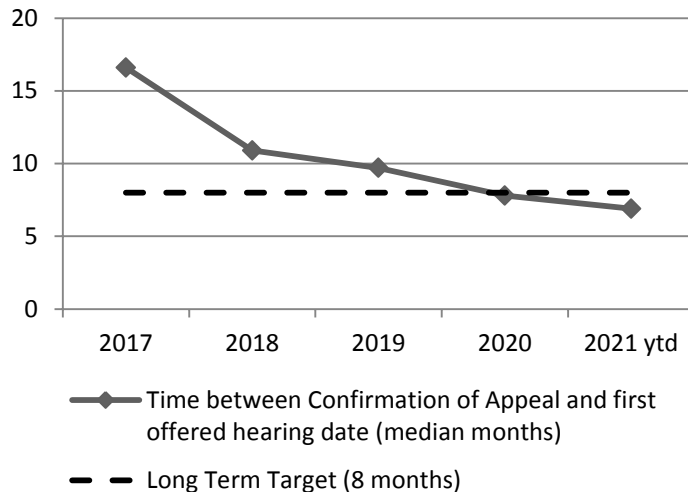
##### Long-term Target

- Caseload inventory at 4,000 (+/- 5%).\*

\* The caseload inventory is dependent on several factors: volume of incoming appeals; availability of parties to move appeals to resolution; and OIC resources and productivity. Although the volume of incoming appeals is anticipated to continue to increase in 2022, the WSIAT is committed to maintaining the 4,000 (+/-5%) inventory in 2022 and beyond to ensure timely resolution of appeals and no backlogs.

## Key Activity: Adjudicating Workplace Safety and Insurance Appeals

### 2. Time to First Offered Hearing Date (median)



#### WSIAT Contribution

- The WSIAT 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 WSIAT's 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?

- Median time to first offered hearing has continued to decrease, despite the significant increase in incoming appeal volumes.
- Measured from the time an appeal is confirmed hearing ready to the first offered hearing date.

#### 2021 Commitment and Actual YTD

- Median time to first offered hearing under 9 months.
- The WSIAT has met this target. To end of September 30, 2021, the median time to first offered hearing was 6.9 months.

#### 2022 Commitment

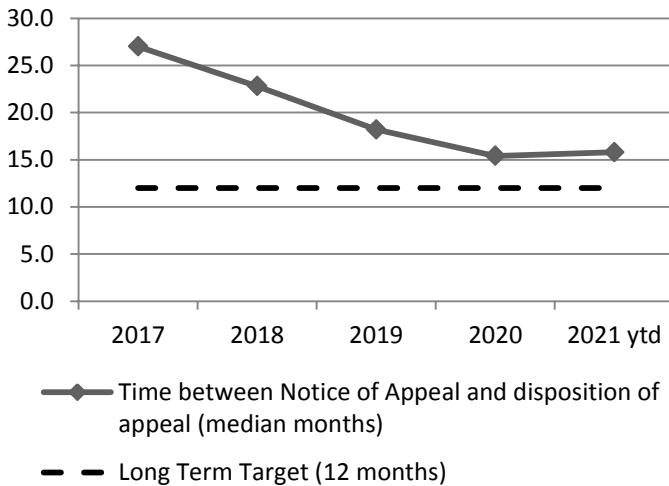
- Remote hearings will continue in 2022, with more in-person hearings to be scheduled as health and safety restrictions ease.
- Median time to first offered hearing of 8 months, subject to the impact of the anticipated increase in appeal volumes in 2022.

#### Long-term Target

- Same as for 2022.

## Key Activity: Adjudicating Workplace Safety and Insurance Appeals

### 3. Timely Completion of Appeals)



#### WSIAT Contribution

- The WSIAT provides high quality adjudication and reasoned decisions in a high volume environment.
- The WSIAT's appeal strategy focuses 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 WSIAT's 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?

- Median time to completion increased modestly in 2021.
- Measured from the date when the appeal is initiated to the date the appeal is disposed (closed or made inactive).

#### 2021 Commitment and Actual YTD

- Median time to completion target under 16 months.
- The WSIAT has met this target. To end of September 30, 2021, the median time to completion was 15.8 months. (This is a significant improvement from 27 months in 2017.)

#### 2022 Commitment

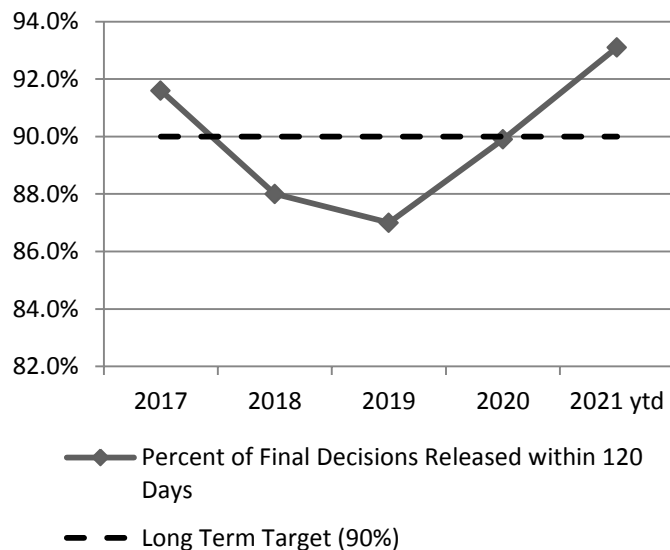
- The median time to completion under 15 months.

#### Long-term Target

- Long-term goal is to achieve median time to completion of 12 months.

## Key Activity: Adjudicating Workplace Safety and Insurance Appeals

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



#### WSIAT Contribution

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

#### Program Spending Measured

- As the final level of appeal for workplace safety and insurance matters in Ontario, the WSIAT's 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 Final decision is released.

#### 2021 Commitment and Actual YTD

- The WSIAT has met the target. As of September 30, 2021, 93.1% of Final decisions were released within 120 days.

#### 2021 Commitment

- Release 90% of Final decisions within 120 days.

#### Long-term Target

- Continue release of 90% of Final decisions within 120 days, or better.

## Appendix B

### Vice-Chair Complement

Period	New Vice-Chairs appointed	Total Vice-Chair roster - end of period
January to September 2021	2	47
January to December 2020	8	48
January to December 2019	1	51

### Complement of Members Representative of Workers and Employers Complement

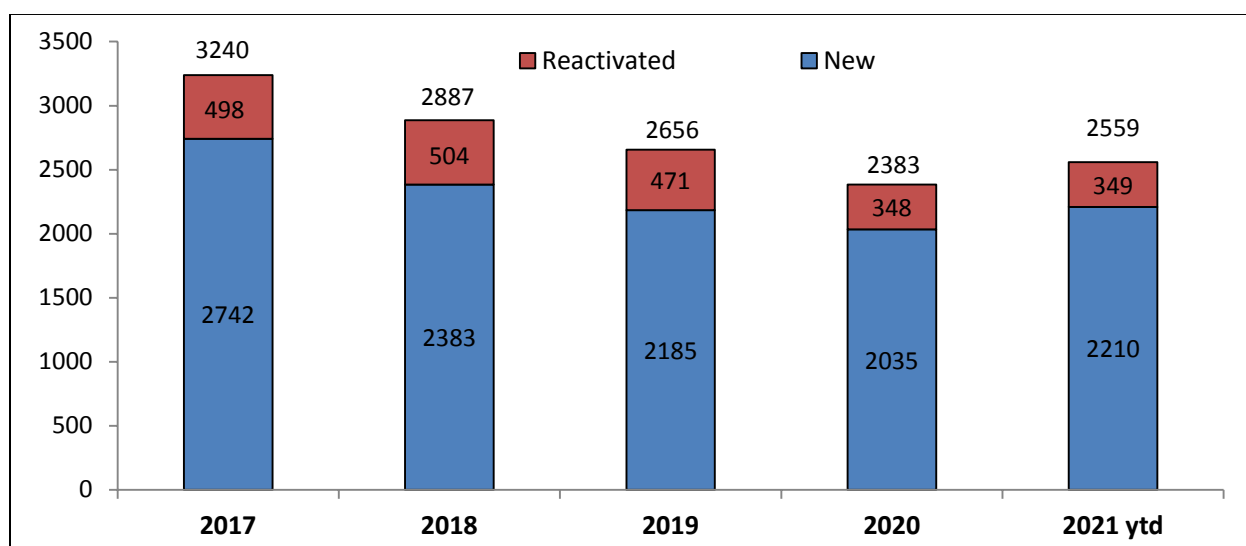
Period	New Members appointed	Total Member roster - end of period
January to September 2021	1	21
January to December 2020	1	23
January to September 2019	1	32

**Note: 2 part-time Members were converted to full-time Members in 2021.**

## Appendix C

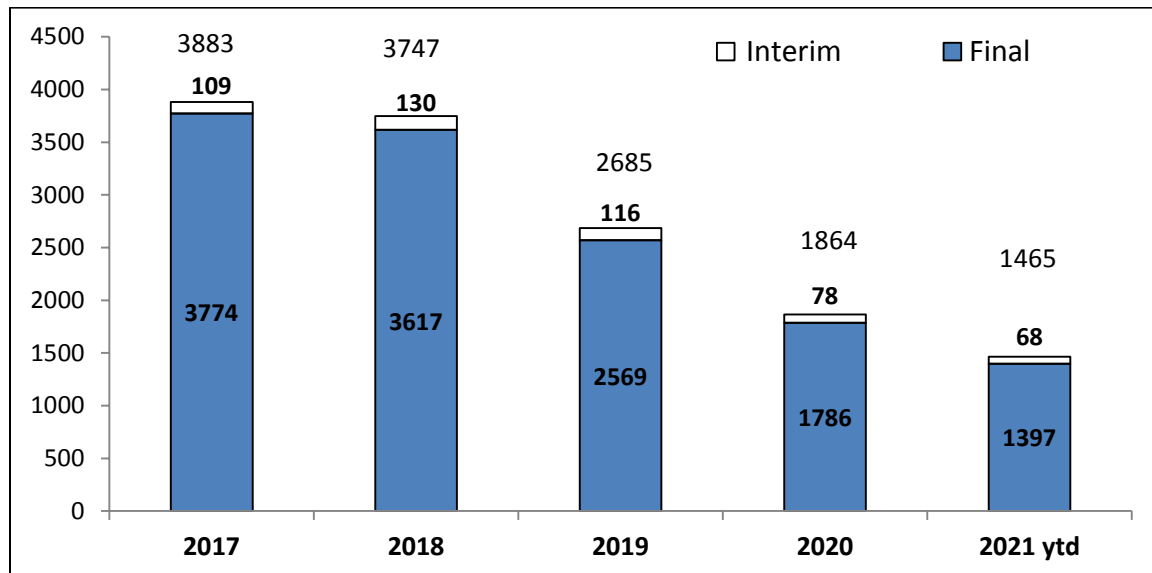
### 5-Year Annual Performance Charts

#### 1. Appeals Initiated



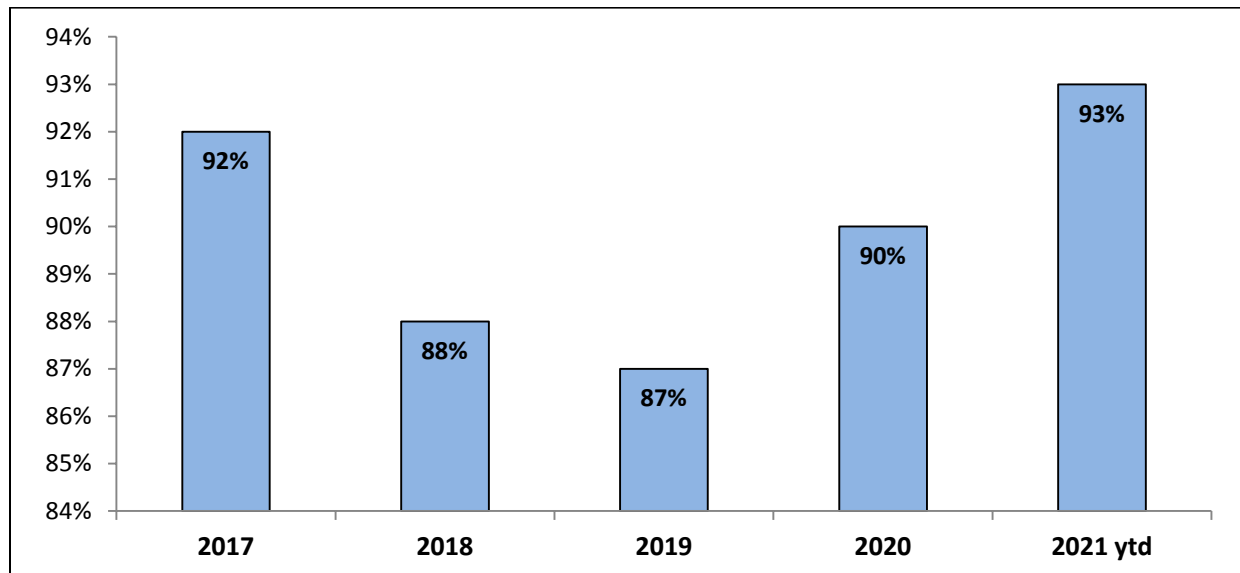
Year	New	Reactivated	Total
2017	2742	498	3240
2018	2383	504	2887
2019	2185	471	2656
2020	2035	348	2383
2021 ytd	2210	349	2559

## 2. Decisions Issued per Year



Year	Final	Interim	Total Decisions
2017	3774	109	3883
2018	3617	130	3747
2019	2569	116	2685
2020	1786	78	1864
2021 ytd	1397	68	1465

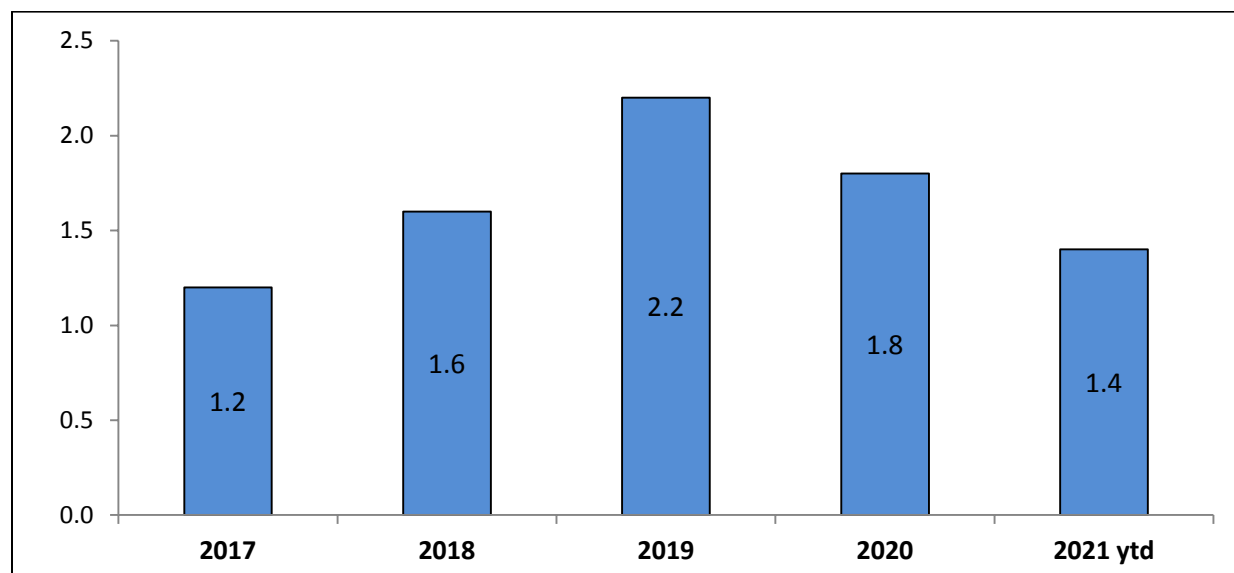
### 3. Final Decisions Percent Released Within 120 Days



Year Final decision released	Percent within 120 days
2017	92%
2018	88%
2019	87%
2020	90%
2021 ytd	93%

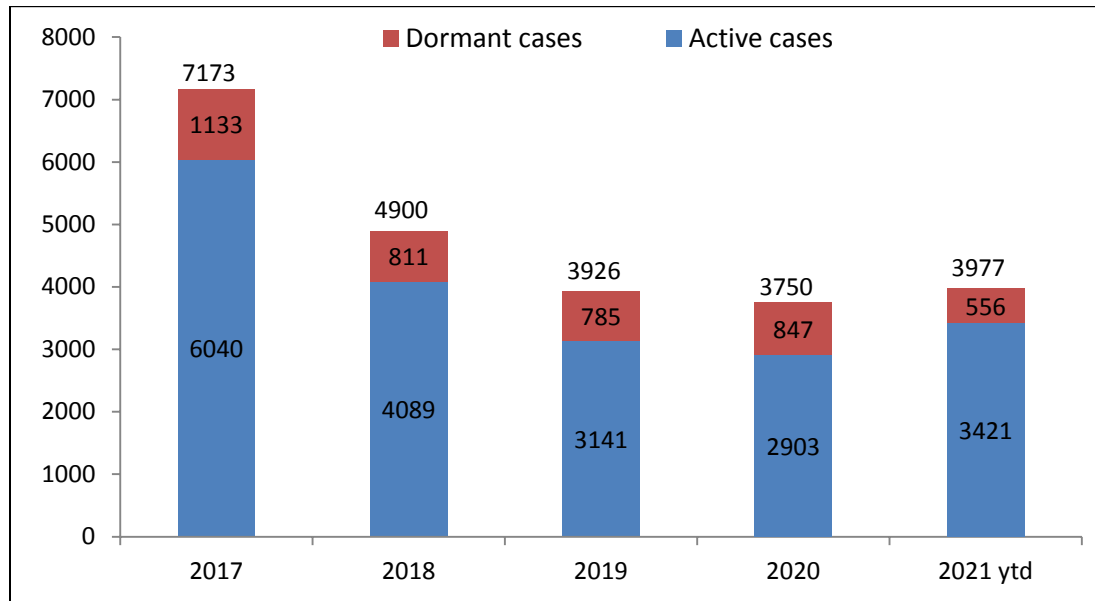


#### 4. Median Age in Months to the Final Decisions Released Date



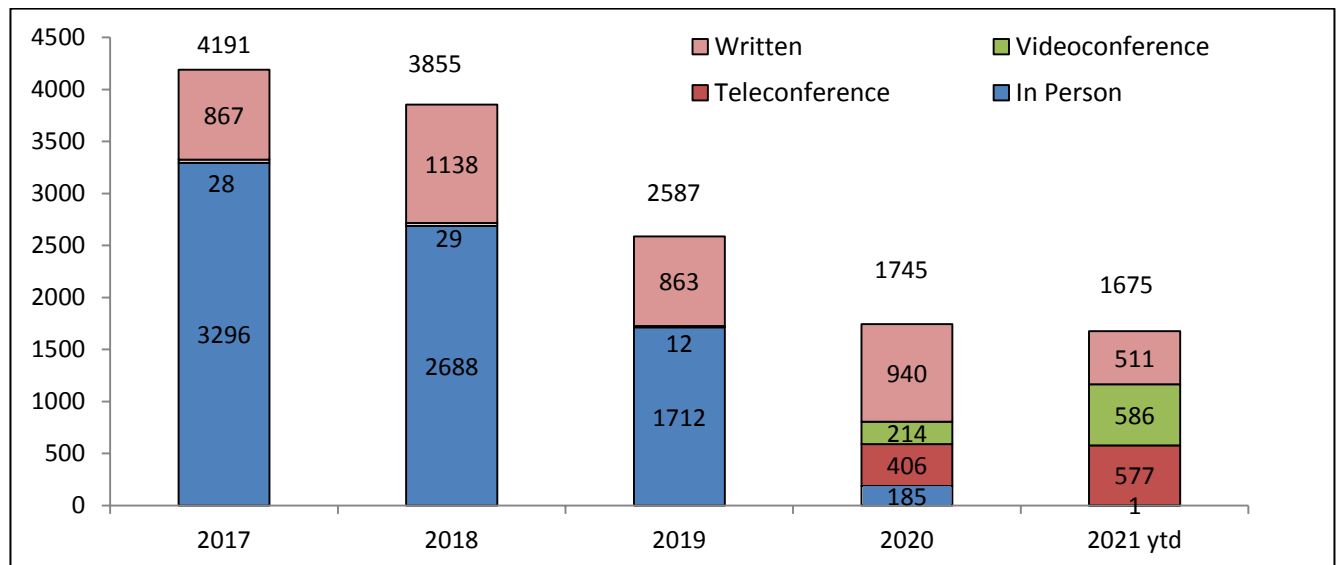
Year Final decision released	Median age in months
2017	1.2
2018	1.6
2019	2.2
2020	1.8
2021 ytd	1.4

## 5. Caseload Inventory



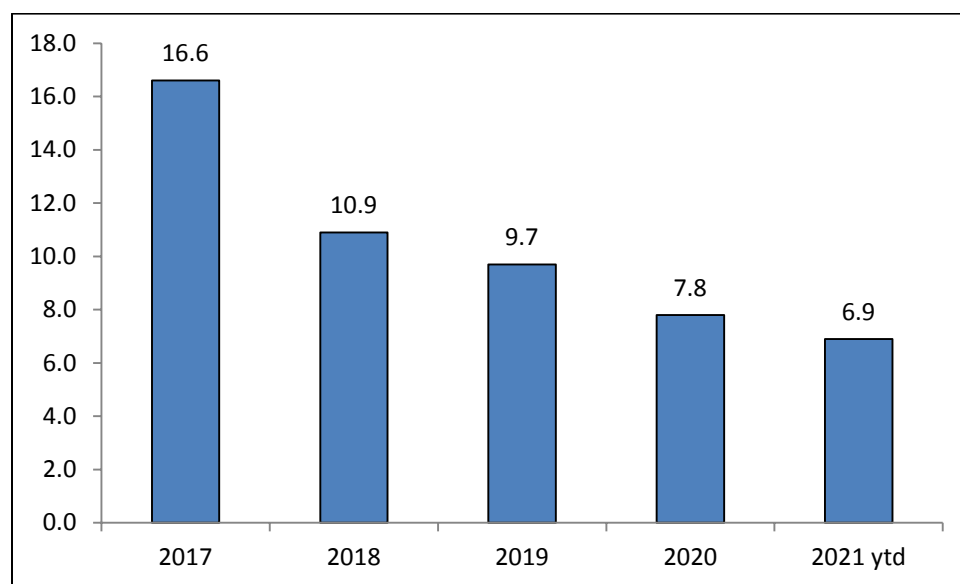
Year	Active cases	Dormant cases	Total cases
2017	6040	1133	7173
2018	4089	811	4900
2019	3141	785	3926
2020	2903	847	3750
2021 ytd	3421	556	3977

## 6. Hearings by Hearing Type



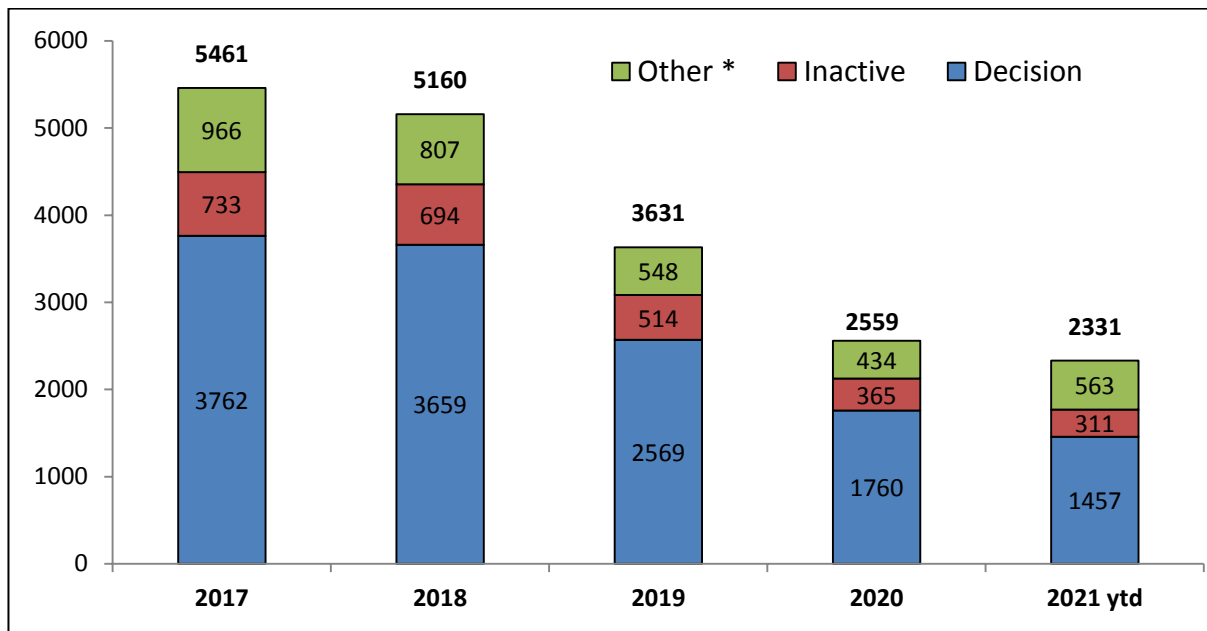
Year	In Person	Teleconference	Videoconference	Written	Total
2017	3296	0	28	867	4191
2018	2688	0	29	1138	3855
2019	1712	0	12	863	2587
2020	185	406	214	940	1745
2021 ytd	1	577	586	511	1675

## 7. Median Age in Months to the First Offered Hearing Date



Year heard	Median age (months)
2017	16.6
2018	10.9
2019	9.7
2020	7.8
2021 ytd	6.9

## 8. Appeal Dispositions by Disposition Type

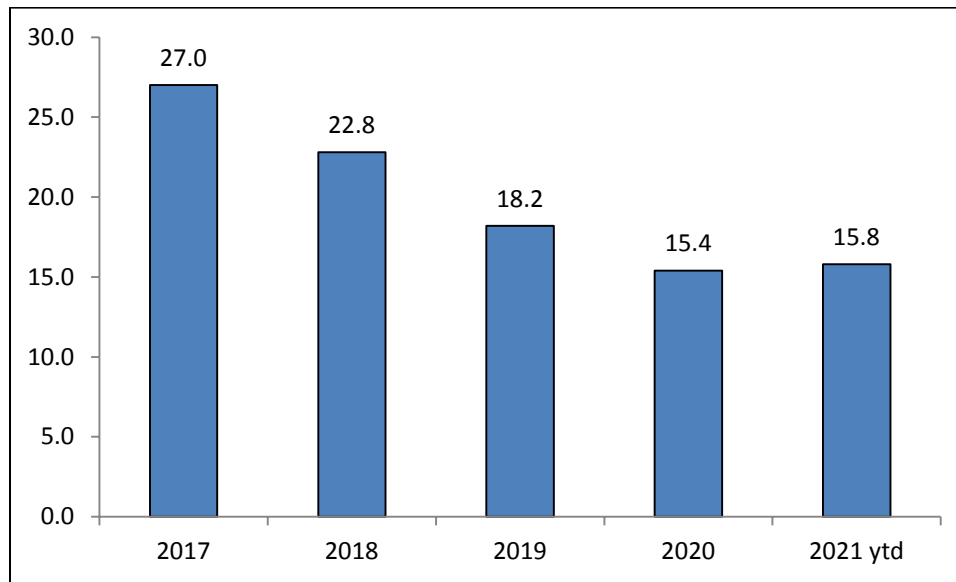


Other\* closed dispositions include appeals that are withdrawn or abandoned.

Year	Decision	Inactive	Other *	Total
2017	3762	733	966	5461
2018	3659	694	807	5160
2019	2569	514	548	3631
2020	1760	365	434	2559
2021 ytd	1457	311	563	2331

\* Other Closed dispositions include Withdrawals, Abandonment

## 9. Median Age in Months from the Notice of Appeal to Disposition



Year of Disposition	Median age (months)
2017	27.0
2018	22.8
2019	18.2
2020	15.4
2021 ytd	15.8