

Workplace Safety and Insurance Appeals Tribunal

Business Plan

2023–2025

Executive Summary

Overview of the 2023 Business Plan

The operational challenges of COVID-19 were significant in 2020 and 2021 in that the Workplace Safety and Insurance Appeals Tribunal (WSIAT or Tribunal) was not equipped to have the majority of its Order in Council (OIC) adjudicators and employees work remotely. It took considerable effort and resources to operationalize remote work. Similarly, a lot of effort was required to ensure that remote hearings (teleconference and videoconference) could be conducted effectively, efficiently and securely. To support remote hearings, a dedicated website page for COVID-19 guidelines and best practice documents were developed and posted on the WSIAT's website.

Considerable effort and resources were also required to ensure the health and safety of those employees who were required to work at the WSIAT's Toronto office to provide essential services and for other onsite employees. Numerous workplace protocols were put in place and modified throughout 2020, 2021 and 2022 to ensure everyone's health and safety, including those stakeholders who required in-person hearings. The first in-person hearing was held in August 2021. A limited number of in-person hearings were also held in 2022.

The COVID-19 pandemic remains a global health issue in 2022 and it may continue to have impacts in 2023. The WSIAT has become a more agile organization and is better prepared to proactively deal with new challenges that may arise from changing public health conditions.

In 2022, the WSIAT continued to build upon its operational and modernization initiatives implemented in 2020 and 2021, primarily as a result of the COVID-19 pandemic. We made significant progress on our journey to building a more digitized and modernized agency. Our digital capabilities have been a powerful driver for alternative hearing methods and stakeholder engagement. It also allowed us to work remotely. The modernization and transformation of our IT infrastructure and information technology services will continue in 2023 and for several more years.

As important as our digital initiatives were, we also continued to focus on delivering expert and timely adjudication. Our focus was on the stakeholders that we served, ensuring that we were meeting or exceeding their service needs and expectations. We mobilized the power of our capabilities and talents to resolve appeals with excellence and timeliness,

improve case management metrics, particularly the median time to the first hearing and the total median time to close appeals, and provide access to justice, particularly for the unrepresented appellants.

Stakeholder communication, engagement and education were some of the WSIAT Chair's priorities in 2022 and will continue to be so in 2023. Regularly sharing information with stakeholders through written communications, virtual stakeholder outreach and training, and virtual stakeholder sessions helped to promote greater understanding of topical issues, important case law, and changes in WSIAT services or processes. These sessions were well attended and the feedback was positive.

Proactive case management is always a priority to ensure that the WSIAT can meet its service targets and avoid any future backlog of appeal cases. The WSIAT understands that the timely resolution of appeals is important to appellants (typically workers), who are often in financial difficulty. At the same time, the respondents (typically the injury employers), may be concerned about rising claim costs and delayed return to work efforts. To the end of September 2022, the WSIAT met its case management targets and this is expected to continue for the remainder of 2022. In 2023, the WSIAT plans to meet and possibly exceed those targets (see Appendix A and B of this report).

Access to justice initiatives will continue into 2023 to promote greater understanding of the WSIAT's adjudicative processes, regardless of representation. The planned implementation of the WSIAT's pre-hearing process, expected in July 2023, will serve to streamline the timeliness of the pre-hearing process and help to support the strategic objective of resolving appeals within 12 months, or better. Work is also under way to develop plain-language, user-centric and more culturally sensitive documents and forms to better support hearing participants.

OIC and employee recruitment, retention and development, and a continued commitment to a diverse, inclusive, accessible and healthy workplace were priorities in 2022. We implemented various initiatives, programs and engagement opportunities for OICs and employees to promote and drive an engaged and accountable workforce that strives to achieve business results with a focus on service excellence. The continued positive labour relations, including the ratification of a new Collective Agreement with OPSEU, Local 527 in October 2022, ensured stability in the employer / union relationship. In 2023, the WSIAT's senior management team and the Human Resources (HR) team will continue to develop important HR programs and tools that will positively drive the people experience at the WSIAT. Work has already begun on the development of a "Future of Work – Discussion Paper" that will examine current and future workforce trends and offer recommendations for how the WSIAT may benefit from new workforce planning, recruitment and retention strategies.

The WSIAT's 2023-2025 business plan outlines our 2022 accomplishments and our 2023 business goals and initiatives. We are proud of the accomplishments achieved in 2022 and look forward to increasing our efficiency and effectiveness in 2023. We know we are making a difference to the stakeholders who rely on our services and support.

We are excited to continue our important work to foster a better future that strengthens our service model and our human resources through greater innovation and transformation.

Overview of the WSIAT

Established in 1985, the WSIAT 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 is funded by the insurance fund administered by the WSIB and contributed to by most Ontario employers.

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. Some OIC appointees are full-time and some are part-time. OIC 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, a Worker Member and an Employer Member, or a five-member panel consisting of either the Chair and two Vice-Chairs or three Vice-Chairs, and a Worker Member and an Employer Member.

WSIAT adjudicators issue written and anonymized decisions in all appeals and applications, providing reasons for the outcome of an appeal. All of the WSIAT's decisions are available to the public.

The WSIAT's adjudication is supported by a dedicated team of employees 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 an independent, 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.

Mandate and Mission Statement

WSIAT Mandate

The WSIAT 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 WSIB, government, and the public with a well-reasoned commentary on legislation in the workplace safety and insurance system.

Programs

Appeals Adjudication

The WSIAT’s primary function is to issue final decisions in workplace safety and insurance system matters relating to entitlement to benefits for injured workers, return to work issues, employer/revenue issues. The WSIAT also has exclusive jurisdiction over right to sue applications under section 31 of the WSIA. While the WSIAT uses a variety of mechanisms to resolve appeals and applications, including alternative dispute resolution (ADR), 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.

The Office of the Counsel to the Chair (OCC) provides confidential and privileged legal advice to WSIAT adjudicators, employees and the Chair. The OCC is also active in developing knowledge management resources and providing orientation and ongoing professional development training.

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. During the pandemic, most oral hearings have been conducted remotely, through teleconference or videoconference. WSIAT hearings in person take place in Toronto and in regional centres throughout Ontario. Adjudicators issue written, anonymized, and public decisions.

Within the WSIAT'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 to be implemented by the WSIB.

Corporate Services

The WSIAT is separate from the WSIB and the MLITSD, 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. TCO lawyers may also assist unrepresented workers during the hearing process.

Shared Services

The WSIAT provides services on behalf of the Ontario Labour Relations Board (OLRB) and the Pay Equity Hearings Tribunal (PEHT) pursuant to a Shared Service Agreement. These shared 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 employees regularly lead and participate in conferences and educational programs sponsored by external organizations, such as the Ontario Bar Association (OBA), 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.

OICs and employees also participate in outreach initiatives and information sessions organized by or for stakeholder groups. These sessions are a welcome opportunity for the WSIAT to inform our stakeholders on important program and process issues.

In 2022, the WSIAT Chair held three stakeholder information sessions to update the stakeholders on key WSIAT initiatives, important case law, noteworthy decisions, and case management performance. These sessions were well attended (typically 130 -160 participants). The WSIAT also provided 11 training sessions to stakeholders on digital hearing practices, E-File services, Zoom audio training for hearings, and what representatives can do to better prepare their clients for a WSIAT hearing.

Stakeholder feedback is also key to ensuring service issues are met. Similar to the survey sent to the stakeholder community in 2021, the WSIAT again collected feedback in 2022 on the topics of remote hearings, stakeholder events, digital hearings, and e-Filing and e-Share services.

Ninety eight stakeholders completed the survey. The responses showed an increase in familiarity and comfort with videoconference hearings since 2021. There continued to be a shift in preference for videoconference hearings over teleconference hearings, with 90% of respondents interested in continuing with remote hearings once COVID-19 public health restrictions were lifted. The survey also indicated a growing interest in the use of the WSIAT's E-File and E-Share services.

The WSIAT continued its ongoing dialogue with the WSIB to facilitate administrative and procedural matters involving both agencies. A WSIB / WSIAT Quality Table was re-established in 2021 to more formally and regularly address issues of mutual interest to both agencies. In 2022, several meetings were held with Quality Table members to scope out issues requiring attention. Four specific topics will be addressed in Q4 2022 / Q1 2023 through three Quality Table working groups. These groups will review and put forward recommendations for an enhanced guideline relating to whole person adjudication; a method to allow the WSIAT to assume jurisdiction to address the substantive entitlement issue in the event that a 'time limit to claim' appeal is overturned by the WSIAT; a better process for identifying and filing documents that are not relevant to the appeal; and a new guideline for requesting a 'final decision' from the WSIB so that the WSIAT could proceed with additional issues relating to a particular appeal before the WSIAT.

The WSIAT's Chair and the WSIB's President and CEO meet on several occasions throughout the year to share agency updates.

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

Activities Involving Canadian WCATs

The WSIAT hosts two meetings annually with its national colleagues, the Canadian Workers' Compensation Appeals Tribunals (WCAT).

In 2022, the WSIAT will be hosting the first national WCAT Symposium. The virtual, free event will be over two days (November 8 and November 15) to showcase experienced panels and experts from across Canada. It will provide a learning opportunity to national tribunal adjudicators and interested employees about emerging trends and issues, important noteworthy decisions, and initiatives from various provincial and territorial WCATs.

Key Initiatives and Achievements in 2022

The work in 2022 was significant, especially noting that we were not able to fill all of our planned vacancies as quickly as we had hoped and the loss of some senior OICs and employees. There was continued focus and effort on proactive case management, improving appeal resolution timeliness, processing efficiencies, OIC and employee recruitment and retention, and strengthening the WSIAT's diversity culture.

The following are the WSIAT's key 2022 achievements, a direct result of our dedicated OICs and employees.

Caseload Management Performance

In 2022, the WSIAT continued to make progress on important case management metrics. Although the volume of appeals started (new and reactivated) was 7% less to the end of September 2022 compared to the same period in 2021, the volume of appeals has remained at higher levels in 2022 compared to the 2019-2020 experience. This is because there was a 39% appeal volume increase in 2021 over 2020.

Despite the challenges of a cyclical and unpredictable volume of incoming appeals, the WSIAT successfully managed to reduce the median time to first offered hearing (4.5 months to the end of September in 2022 compared to 6.6 months in the same period in 2021). A more significant achievement related to a reduction in the median time to close appeals. For the period to the end of September 2022, the median time decreased to 12.6 months compared to 15.9 months in the same period in 2021. This positive result supports the WSIAT's strategic goal of closing appeals in 12 months or better.

The table below presents a summary of the key production metrics for 2022 and 2021. More detailed information about these and other metrics is provided in Appendix A and B.

Production metrics	Year to date Production		
	2022 (end of September)	2021 (end of September)	% Change
Appeals started (New and Reactivated)	2,392	2,559	7% ▼
Decisions issued	1457	1465	1% ▼
Hearings conducted	1,566	1,674	6% ▼
Median age timeframe (months):			
First offered hearing date ¹	4.5	6.6	32% ▼
Final decision released ²	1.8	1.4	.04% ▲
Appeals Closed ³	12.6	15.9	21% ▼
Final decisions released within 120 days	89%	93%	4% ▼

Notes:

1. First offered hearing date - from the date the appeal was made ready to proceed to a hearing, to the date of the first hearing date offered to the parties.
2. Final decision released - from the last date the Final decision was ready for decision writing, to the date the Final decision was released.
3. Appeals Closed - from the date the Notice of Appeal form was received to the date the appeal was closed, either by the release of a Final decision, a withdrawal, or abandonment by the appellant.

Working in a Digitized Environment

Digital (Teleconference and Videoconference) Hearings

Prior to the COVID-19 pandemic, the WSIAT resolved appeals through an in-person hearing or a written appeal process. At the start of the pandemic, the WSIAT initially offered written and teleconference hearings. Zoom technology was introduced for videoconference hearings in the summer of 2020. 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 and 2022 based on stakeholder feedback. For example, in 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. In 2022, the WSIAT changed the default hearing method from teleconference to videoconference, with the understanding that there will be a gradual increase in the availability of in-person hearings in 2023. Hearing participants can indicate their preference for the method of hearing that they believe is more appropriate for their appeal. The WSIAT determines the most appropriate method of hearing.

E-File and 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.

Work began on the second digital service, E-Share, in the summer of 2021. This application allows the WSIAT to send appeal-related documents to hearing participants using a cloud-based, secure file sharing program. The E-Share application was first piloted with select volunteer stakeholders in March 2022 and made generally available effective July 2022.

The usage of these two services is summarized in this table:

Task Type	2022 (end of September)	2021	2020
E-File	9088	8288	1119
E-Share	439	28	na
Send E-Share – Started	1804	na	na
Send E-Share – Completed	1730	na	na

Electronic Case Materials

The WSIAT's longer-term plan is to be a paperless work environment.

Case records continue to be available to hearing participants by paper copy. Representatives may choose to receive materials on encrypted USB keys, on request. This is because many of the WSIAT's stakeholders continue to work mostly in paper, are not well equipped to work electronically, or are not comfortable working electronically with any great regularity.

In 2022, the WSIAT continued to encourage stakeholders to register for the WSIAT's E-File and E-Share services. Stakeholders were provided with demonstrations of these services to show how easy it is to use these services. In 2023, the WSIAT plans to introduce an electronic approach to releasing appeal decisions.

The OICs began to work with electronic case records for the first time following the closure of WSIAT's offices in March 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. This process continued in 2022 and will be the permanent method for

reviewing case materials. The OICs now generally prefer electronic case records, although the quality of faxed materials that are often found in case records can be poor. The WSIAT continues to educate stakeholders on the importance of submitting quality case materials through modern digital submission formats.

Digitization and Modernization with the View of Long-Term Sustainability

The WSIAT's existing technology infrastructure has dated technology and most major components are end-of-life and need replacing. There is also a gap in required IT skill sets to move the WSIAT to new technologies. Since 2021, the WSIAT has been working to address these issues in order to move the agency to a more modern, customer-centric computing environment. The required work is significant and requires effort, resourcing, time, and investment.

In 2022, the WSIAT welcomed a new Information and Technology Services (ITS) director to provide leadership and accountability for IT modernization and transformation. Some of the key priorities that have been addressed in 2022 included a refresh of a two year technology roadmap and a records information management strategy; upgraded firewalls; upgraded Wi-Fi capability; VPN (plus additional endpoint security enhancements) rollout to OICs and employees; decommissioned Windows 7 and migration to Windows 10; data centre power business continuity plan; established helpdesk live agent phone assistance (+ toll free access); and upgrades to critical software. Regarding resourcing / IT skill sets, the ITS director worked on a people plan that included a comparator analysis of departmental positions and identification of skills gap analysis and a required training plan. Three critical senior IT positions have been filled and three more IT positions are expected to be filled by end of 2022 or early 2023.

Equity Diversity and Inclusion (EDI) Program

In 2020, the WSIAT Chair appointed a 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 Diversity and Anti-Racism Office (DAO) was created. The DAO's first priority in 2021 was to establish 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. The DAO also designed an EDI competency building framework for leadership and employees and established a training plan to develop and promote allyship within the organization.

In 2022, the DAO continued to build EDI awareness and competencies, and also helped to create a safe space at work for Black, Indigenous, and People of Colour (BIPOC) and equity seeking groups through various communications and training opportunities. Other accomplishments included:

- Mandatory EDI commitments in all OIC and employee performance plans;
- Four enterprise-wide educational events covering five topics: Holocaust Remembrance Day, Bell Let's Talk Day, Black History Month, and Pride and Indigenous Heritage Month;

- Over 55 communications on cultural and inclusion days of significance highlighting notable Canadians through history;
- Three training sessions on racism and mental health, how to be an ally and self-care;
- Launch of two EDI training certificates which are mandatory for all staff, OICs and managers (the DAO Certificate in Equity, Diversity and Inclusion consisting of 10 modules for staff, and the Inclusive Leadership Certificate consisting of 14 modules for managers); and
- Conducted Indigenous Service Delivery, Accessibility and EDI Gap analyses and presented findings and recommendations to senior management.

Access to Justice

The Access to Justice Working Group was established in 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.

The WSIAT's Access to Justice Working Group continued to develop resources to support understanding and meaningful participation in hearings. Some of their 2022 project deliverables included:

- Updated comprehensive procedural documents to support parties in utilizing alternative and in-person hearing methods as the COVID-19 pandemic continued to evolve; and
- Development of documents to support self-represented litigants.

Operational Effectiveness

Operational effectiveness is how the WSIAT works to stay within its approved budget and the efforts it makes to try to reduce costs where possible. By pursuing operational effectiveness, we drive continuous improvement, reduce risk and identify faster, simpler and more efficient ways of working and serving our stakeholders. In 2022, we

- Conducted various staff recruitments, supported by a number of reviewed and re-assessed job descriptions to ensure responsible use of our resources;
- Proactively worked to fill vacancies in 2022 so that there would be less reliance on temporary agency staff, which can be more expensive than contract or permanent hires;
- Ratified a new WSIAT-OPSEU Collective Agreement. The term of the new Collective Agreement is July 1, 2020 to June 30, 2023, and complies with the modernization legislation;
- Ensured that corporate policies and procedural documents for the OICs and employees were up-to-date, clear and provided appropriate guidance as to how they should be applied;
- Supported OIC and employee professional training and development (internal and external opportunities);

- Continued to reduce printing, mailing and courier costs by providing all OICs access to consolidated electronic case materials in preparation for hearings. Similarly, continued to promote the WSIAT's digital services to stakeholders so that they can send and/or receive electronic materials, instead of by regular mail or by facsimile; and
- Continued to reduce travel costs by offering digital hearings and limited in-person hearings.

Return to the Office / Resumption of In-person Hearings

The past two plus years have been somewhat challenging for the WSIAT's OICs and employees as they dealt with the COVID-19 pandemic, both professionally and personally. However, everyone pulled together to comply with public health restrictions, work hard, and support each other.

Throughout the pandemic, the WSIAT's Chair and senior management team stressed that the agency's priority is the health and safety of its OICs, employees and stakeholders. Consequently, they developed a phased return to office (RTO) plan and the resumption of in-person hearings that was gradual, coordinated, safe, and informed by Public Health information. Multiple health and safety measures were implemented and many remain in place to keep everyone safe.

Essential employees continued to work five days in the office after the closure of the WSIAT's offices in March 2020. They were supported by on-site, rotating management. Some OICs and employees worked one to two days in the office throughout 2021.

For 2022, the WSIAT's RTO plan was phased for all OICs and employees, noting that most had not been in the office for over two years. Currently, employees are working two, and some, three days in the office. OICs are not required to work in the office, but may choose to do so. Full-time OICs may be asked to conduct in-person hearings, subject to individual needs and circumstances.

In-person hearings were provided on an exceptional basis. To end of September 2022, six hearings were conducted; three additional hearings are expected to take place by end of 2022.

The WSIAT's strong workplace health and safety protocols, coupled with high vaccination rates, helped to ensure a safe return to the office and in-person hearings.

Environmental Scan for 2023 – Factors Affecting the WSIAT’s Caseload

Caseload Trends

Appeal volumes are generally cyclical and difficult to predict with any certainty. The WSIAT continues to regularly monitor and analyze caseload metrics, particularly the volume of new and reactivated appeals, to determine any potential impact on the WSIAT’s overall caseload, timeliness and resourcing. The WSIAT also reviews the WSIB’s quarterly case management reports, and shares its own quarterly case management reports with the WSIB. These reports assist both agencies to follow case management metrics and flag any potential impacts / risks to the overall adjudication of appeal cases.

The WSIAT’s outlook on caseload inventory for 2023 is as follows:

- The volume of appeals coming from the WSIB is anticipated to continue to be similar to the volume in 2022;
- The volume of reactivated appeals will be similar to the volume in 2022; and
- Economic uncertainty has been growing and is expected to continue to be an issue in 2023. This may impact appeal volumes if there are more disputed claims regarding suitable work, lay-offs or other return to work issues.

COVID-19 Pandemic and Alternative Hearing Methods

Although teleconference and videoconference hearing methods have been in place since 2020, not all parties have the ability to participate in these alternative hearing methods due to access issues (internet availability; equipment) and personal circumstances. Even experienced digital users require assistance when experiencing technical issues.

The WSIAT has put measures in place to assist parties and ensure they can actively participate in alternative hearings. Four (4) IT Support Coordinators are available to assist hearing participants to log into teleconference or videoconference hearings, often helping them to troubleshoot their technical problems. User-friendly instruction sheets were also made available on the WSIAT’s website.

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

Interestingly, in 2022, the WSIAT received few requests for in-person hearings, even though it has been communicated at stakeholder meetings that in-person hearings will be made more generally available. The WSIAT plans to continue to use videoconference hearings as the new hearing method default. Parties may request teleconference hearings or in-person hearings. It is anticipated that there will be a gradual increase in the availability of in-person hearings in 2023, subject to the WSIAT’s determination and any changes in public health restrictions.

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 actively monitors the OIC complement and caseload trends in order to assess recruitment needs with an objective of maintaining an experienced and agile roster of OICs.

The OIC adjudicator roster was increased in the first quarter of 2022 with the appointment of six Vice-Chairs and six Members (three Member Representatives of Workers and three Member Representatives of Employers). Recruitment efforts are anticipated to resume in the last quarter of 2022 and into 2023 in response to a fluctuating complement.

At the end of September 2022, the OIC adjudicator roster was composed of 15 full-time Vice-Chairs; 35 part-time Vice-Chairs; 6 full-time Members and 20 part-time Members.

Appendix C outlines the OIC adjudicator roster.

WSIAT's 2023-2025 Business Plan

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. The WSIAT strives to manage its operations within budgetary and staffing limits. Our stakeholders, quite appropriately, look for continued improvement in the quality and accessibility of the WSIAT's programs and services.

The significant initiatives undertaken in 2021 and 2022, in response to the COVID-19 pandemic, have driven positive results particularly in the digitization and modernization of our appeal processes and services. The WSIAT's 2023 business plan continues to build on the foundations that have been laid in the last two years.

Business Goals for 2023

The overarching approach for 2023 is to continue to develop our capabilities and workforce talents to better serve our stakeholders and conduct the agency's business in an efficient, effective and sustainable manner. Our business goals in 2023 will remain similar to our business goals in 2022, but the strategic direction will be to focus our efforts and initiatives in terms of how our stakeholders experience WSIAT programs and services. Specifically, our stakeholders should get the services and support they need and expect in a more accessible, personalized, culturally sensitive and convenient manner. Such services can be enhanced by the right technology. We therefore need to invest in the right technology for the future that will give us more options for digital services and ensure the security of the information we collect or share.

Consequently, we will organize our priorities and key work around five themes:

1. Make the WSIAT processes easier to understand and use. The processes should be culturally sensitive and accommodating.

- Plain language forms; letters; Practice Directions
- Ease of use of the WSIAT's website (e.g. completing and submitting digital forms directly on website; using other tools (iPhone) to submit forms; checking appeals status)
- Enhancements to the WSIAT's website information (e.g. more visual tools)
- OWL Library website redesign to be compliant with AODA legislation and enhanced security
- Stakeholder consultation on WSIAT's Practice Directions and forms
- Stakeholder education
- INFO Sheets in different languages about the appeal process

2. Close (resolve) appeals in 12 months* or better

(* Median time to completion of an appeal from the date of receipt of Notice of Appeal form until the appeal is closed by a final decision, or a withdrawal or abandonment by the appellant)

- Implement new pre-hearing process, planned for July 2023
- Maintain or improve case management metrics
- Proactively recruit OICs and employees to minimize work delays and disruptions
- Automate steps in taxonomy update to save OIC time

3. Building the future of post-pandemic access to justice

- Maintain default to videoconference hearings
- Refine criteria for in-person hearings
- Develop and improve cultural sensitivity in the provision of services
- Enhance the Whole Person Adjudication guidelines to provide greater clarity on the issue and to reduce the ping-pong effect with the WSIB

4. Transformation to fully paperless hearings and work environment

- Microsoft (MS) 365 rollout (new software as a service, productivity tools).
- Server/SAN upgrade (hardware and software) since the current technology is 5 years old and in need of replacement.
- Case management systems and other business applications enhancements to better support business processes, visual quality of appeal materials, data analytics, and the WSIAT's website information (AODA compliant)
- Continue to promote the WSIAT's E-File and E-Share services so that appeal materials can be shared electronically with hearing participants, instead of in paper copy or by fax. This will improve the timeliness of receiving and sending case materials as well as the visual quality of documents
- Records Information Management (RIM) revitalization

5. Our People

- Attract and retain engaged, accountable and skilled employees who deliver high quality, professional services to the WSIAT's stakeholders. We will accomplish this by being a model employer in Ontario.
- Refresh the WSIAT Articling Program for law students
- Develop a more formal Internship Program for students to attract young talent and to promote the WSIAT as an employer of choice
- Ensure organizational stability through succession management and professional development

Key Initiatives in 2023

Modernization of the Pre-Hearing Process

The WSIAT plans to implement a new pre-hearing process, planned for July 2023. 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 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 at the outset of their appeal 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.

The new pre-hearing process will be supplemented with seven new Practice Directions (guidelines) and seven revised forms.

Case Management

The WSIAT will continue to pursue the following four case management targets in 2023, in addition to improving all of its case management metrics:

- 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.
- Ensure that the median time to first offered hearing remains less than six months, subject to any unforeseen increase in appeal volumes in 2023.
- Ensure that the median time to the completion of appeals is 12 months, or better. This is an aspirational goal that the WSIAT has made considerable strides in achieving since 2021. It should be noted that this metric is subject to how quickly parties to an appeal (or their representatives) return the Confirmation of Appeal form once they are provided with the case materials. If the Confirmation of Appeal form is not returned in a timely manner, the additional time adds to the total time to close the appeal.
- Ensure that 90% of Final decisions are released within 120 days, or better.

Information about these targets is outlined in Appendix B.

Working in a Paperless Environment / Digitization of Services

The WSIAT will continue its transition to a paperless environment in 2023. Stakeholders will be encouraged to use the WSIAT's digital services (E-Share and E-File) as much as possible.

The WSIAT also intends to continue offering digital hearing formats in 2023, but does not intend to make them mandatory. In-person hearings will be increased, including some regional hearings, within public health and occupational health and safety guidelines.

New case management tools will be explored, including self-serve options. We will also continue to develop the WSIAT's business analytics capability and reporting.

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 another two to three years. 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.

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. 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.

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 largely 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 a roster of experienced Vice-Chairs and Members in order to maintain the WSIAT's expertise and to 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.

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 2023 and beyond.

Stakeholder Relations

In 2023, the WSIAT will continue to offer information and training opportunities to our stakeholders to raise awareness of rights, obligations and best practices regarding the appeals process. This work supports the agency's objectives toward continued excellence in access to justice.

The WSIAT has an external Advisory Group to provide a forum where information about the development of the WSIAT and its priorities are shared with major stakeholders in the workplace safety and insurance system. The Advisory Group consists of 20 members representing worker and employer groups or associations; the Office of the Worker Adviser; the Office of the Employer Adviser; the Ontario Bar Association, Workers' Compensation Section; and the WSIB. The WSIAT plans to meet with the Advisory Group twice a year to update them on key initiatives and case management outcomes and to seek input on planned initiatives.

National Outlook

In 2023, the WSIAT will continue to host meetings for the Council of Canadian Workers' Compensation Appeals Tribunals (WCATs) to share information on issues of mutual interest, including case law developments, adjudicative practices, and progress towards digital services.

Maintain Hybrid Work Model

The future of work in 2023 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.

It is anticipated that the WSIAT will maintain a hybrid work model throughout 2023.

Operational Efficiency

The WSIAT strives to manage its operations in an efficient and fiscally responsible manner. For 2023, each department has selected one activity / opportunity to improve on process efficiency, timeliness of action, or reduce costs.

The owner of 505 University Avenue has submitted a proposal to demolish the building and re-build a mixed-use 64-storey building. We do not expect this news to have any impact on the WSIAT's operations in the short-term (the current tenancy contract expires in October 2025). As we understand it, a proposal to demolish the building is the beginning of a process that may or may not result in city approval. However, any required capital projects for 505 University will be carefully evaluated to ensure fiscal prudence.

Human Resources Complement

OICs

As noted earlier in this document, at the end of September 2022, the OIC adjudicator roster was composed of 15 full-time Vice-Chairs; 35 part-time Vice-Chairs; 6 full-time Members and 20 part-time Members.

In 2023, the WSIAT plans to increase its full-time OIC roster by seven: three full-time Vice-Chairs, two Member Representatives of Employers and two Member Representatives of Workers.

The WSIAT's OIC roster is primarily comprised of part-time appointees. Part-time appointees often have limited availability due to competing obligations which leads to reduced productivity and impact timeliness. Part-time appointee assignments are also dependent on availability and caseload demands. OIC attrition is more common as a result. Full-time appointments promote greater OIC commitment and productivity.

The seven new full-time OIC positions will likely be filled by current part-time OIC appointees, allowing for the related reduction in part-time OIC per diems. Depending on the timing of the appointments for these seven new full-time OIC positions, the 2023 financial impact is expected to be approximately \$1.1M (salary and benefits) but this amount will be reduced by approximately \$500,000 to \$600,000 in reduced part-time OIC per diem costs. On a net basis, the total annual financial impact of this change is approximately \$500,000 to the WSIAT's operating budget. If some of the appointments occur later in 2023 or in 2024, this financial impact will be spread over 2023 and 2024.

Employees

The 2022 approved FTE complement is 205 FTEs, plus 3.5 FTEs that the WSIAT receives reimbursement for from the Labour Relations Board and the Pay Equity Hearings Tribunal as part of a co-location and shared service agreement. Therefore, the WSIAT considers 205 FTEs as its own approved human resources complement. This includes full-time Vice-Chairs and Members, but does not include part-time Vice-Chairs and Members. The part-time OIC roster is considered separately (see Appendix C for the OIC roster).

To end of September 2022, the WSIAT has 185 FTEs. Several more FTEs are expected to be filled by the end of 2022. The few remaining FTEs are expected to be filled in 2023.

Recruitment can be challenging, perhaps more so during an unprecedented and lingering pandemic. Despite our best efforts, some recruitment efforts took longer than planned. Attracting and securing top talent to create a sustainable talent pool necessary to support the WSIAT's business goals is a 2023 priority.

It should be noted that the 2022-2024 business plan outlined that fifteen (15) of the 35 new positions requested for 2022 would be temporary positions for a period of two (2) years (i.e. end of 2023). These temporary positions were required to support a number of transformational projects and initiatives that were multi-year. It was anticipated that as the work on these projects and initiatives completed, there would be less need for these resources. It was subsequently clarified with the MLITSD that the correct number of these temporary positions was 14.

Based on the extent and complexity of the required work to stabilize, modernize and eventually transform our IT infrastructure to a more digital and secure environment, we anticipate that our need for these temporary FTEs will continue beyond 2023. The IT modernization and transformation is expected to take a few years, made more challenging by supply chain issues. It is anticipated that the WSIAT's stakeholders will expect hybrid hearings (digital and in-person) going forward and this service requires IT technical support. The implementation of the new pre-hearing process in July 2023 will likely have ongoing challenges beyond 2023 as the existing appeal inventory is transitioned into the new pre-hearing process.

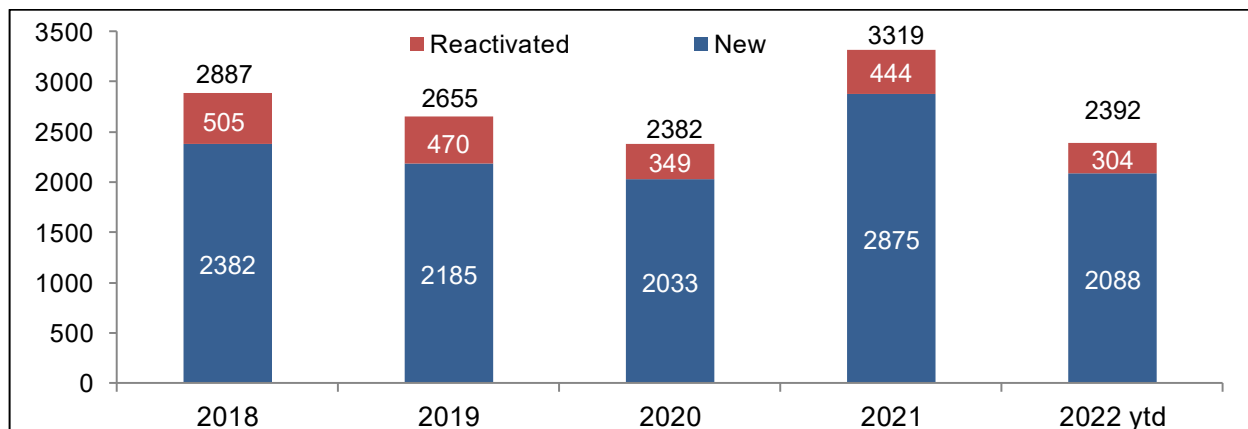
The pending 2024-2026 business plan will be a further opportunity for the WSIAT to articulate its FTE requirements beyond 2023.

Appendix A

5-Year Annual Case Management Performance Charts

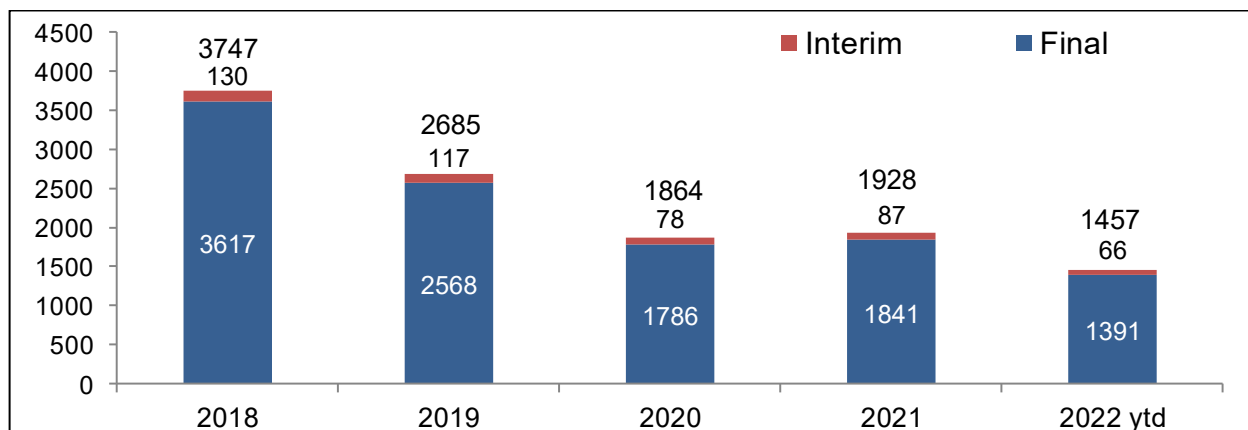
Note: Each chart in this Appendix presents annual performance totals for 2018 to 2021 and 9 months' performance totals for 2022 (from January 1st to September 30, 2022). The narrative below each chart summarizes 2022 performance and compares it to the same period in 2021. However, the 9 months' performance for 2021 is not shown on the chart.

1. Appeals Started – New and Reactivated



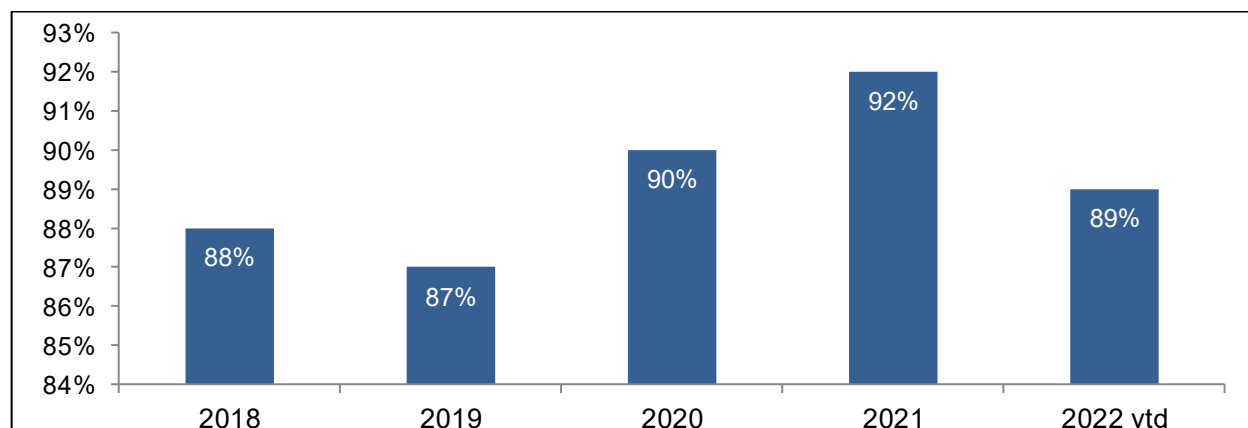
To the end of September 2022, there has been a 7% decrease in appeals started (2392 in 2022 vs. 2559 for the same period in 2021). Although there has been a decrease in appeals started, the volume of new appeals has remained at higher levels in 2022 compared to the 2019-2020 experience. The majority of appeals started are new appeals. Historically, appeal volumes tend to be cyclical, but based on the 2021 and 2022 experience, the WSIAT expects the appeal volume in 2023 to be similar to the 2022 volume.

2. Decisions Issued per Year



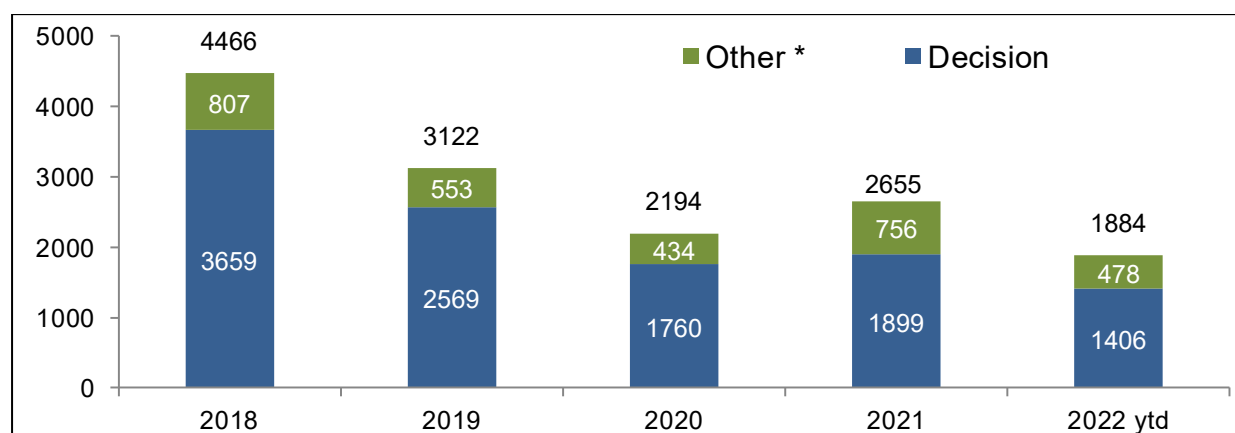
To the end of September 2022, there has been a 1% decrease in decisions issued (1457 in 2022 vs 1465 for the same period in 2021). The lower number of decisions issued is due in part to OIC attrition experienced in Q4 2021 and the first half of 2022 and the onboarding of new appointees in April and May of 2022. Newly appointed adjudicators must undergo extensive training before they are assigned appeal work and they gradually increase their caseload as they gain experience.

3. Final Decisions Percent Released Within 120 Days



To the end of September 2022, 89% of decisions were released within 120 days compared to 93% for the same period in 2021. The WSIAT's target for Final decisions released within 120 days is 90%. The WSIAT expects to meet or exceed this target by the end of 2022.

4. Appeals Closed

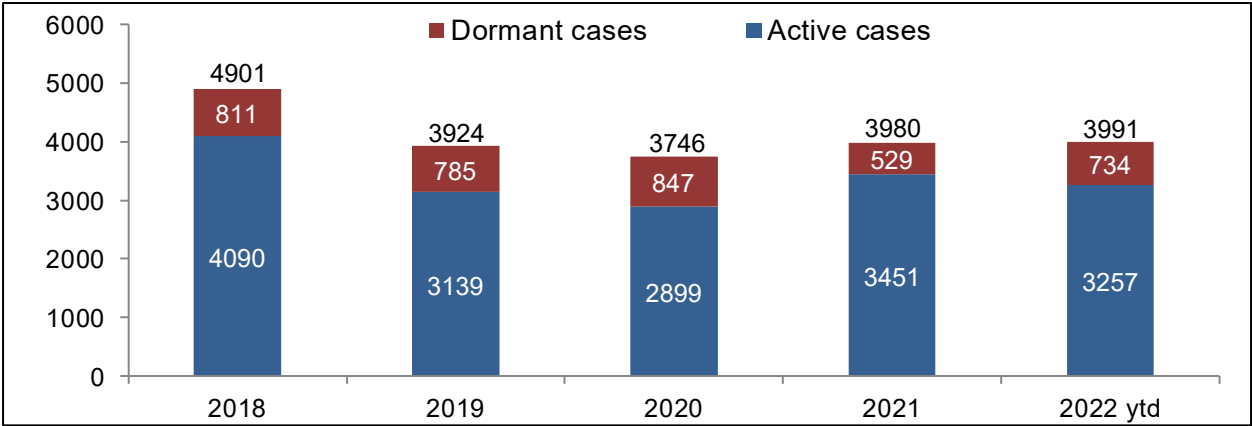


Other* - Withdrawals or Abandonment of the Appeal

An appeal may be closed either by the release of a Final decision, a withdrawal, or abandonment by the appellant.

By the end of September 2022, 1884 appeals were closed, comprised of 1406 by Final decision and 478 closures by a withdrawal or an abandonment of the appeal. Appeals closed in 2022 were 7% lower than in the same period in 2021, in which 2019 appeals were closed, comprised of 1456 by Final decision and 563 closures by withdrawal or an abandonment of the appeal.

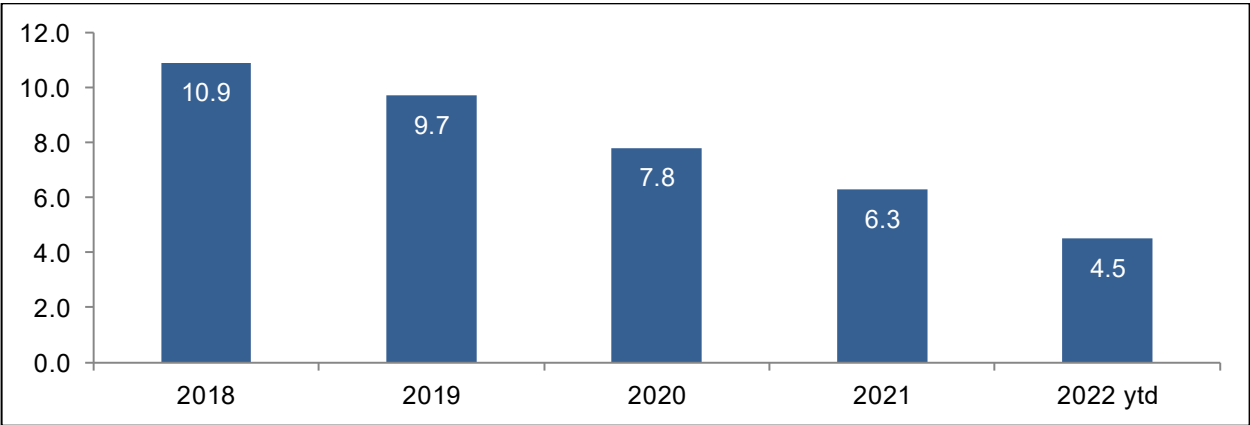
5. Active Caseload Inventory (Active and Dormant Cases)



An Active appeal is one that is in progress and actively being processed at any stage of an appeal, including pre-hearing, post-hearing, and decision writing stages. A Dormant appeal is one where the Notice of Appeal form has been received but the appellant is not ready to proceed to a hearing.

The Active caseload inventory at the end of September 2022 totaled 3,991 cases compared to 3,975 cases for the same period in 2021. The Dormant cases increased in 2022 compared to the same period in 2021 because more appellants are taking longer to indicate that they are ready to proceed to an appeal hearing. The Active caseload inventory remains within the 2022 target of maintaining an Active caseload inventory of less than 4,000 cases (+/- 5%).

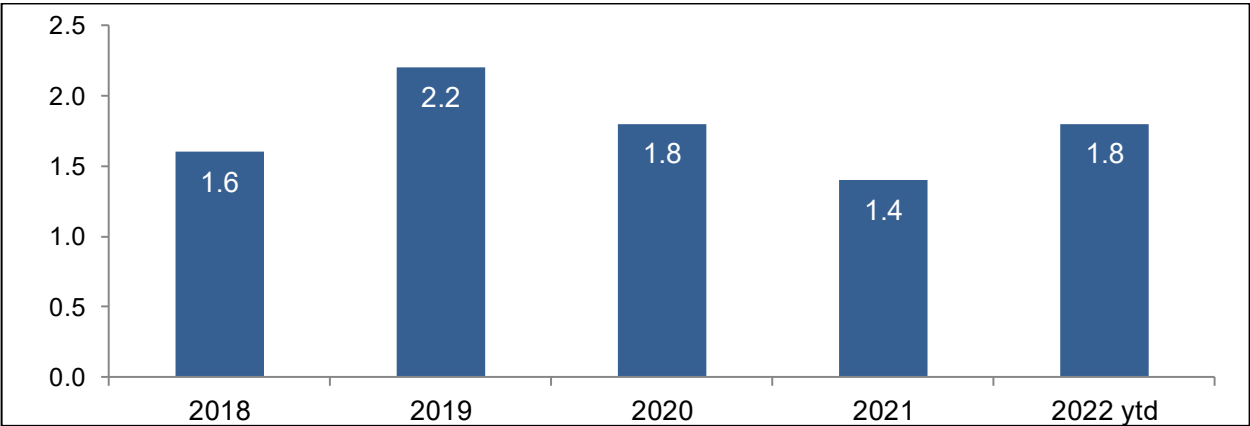
6. Median Age in Months to the First Offered Hearing Date



The median age timeframe to the First Offered Hearing Date encompasses the period from the date the WSIAT received the appellant’s completed Confirmation of Appeal form, indicating their readiness for hearing, to the hearing date first offered to the parties. This is a key metric in measuring the timeliness of the WSIAT’s service to stakeholders.

By the end of September 2022, the median age timeframe to the First Offered Hearing was 4.5 months, compared to 6.6 months for the same period in 2021 (a 32% decrease). This positive decrease is largely due to the ongoing acceptance of teleconference and videoconference hearings by the WSIAT’s stakeholders and the WSIAT’s focus on improving productivity in all aspects of its processing of appeals.

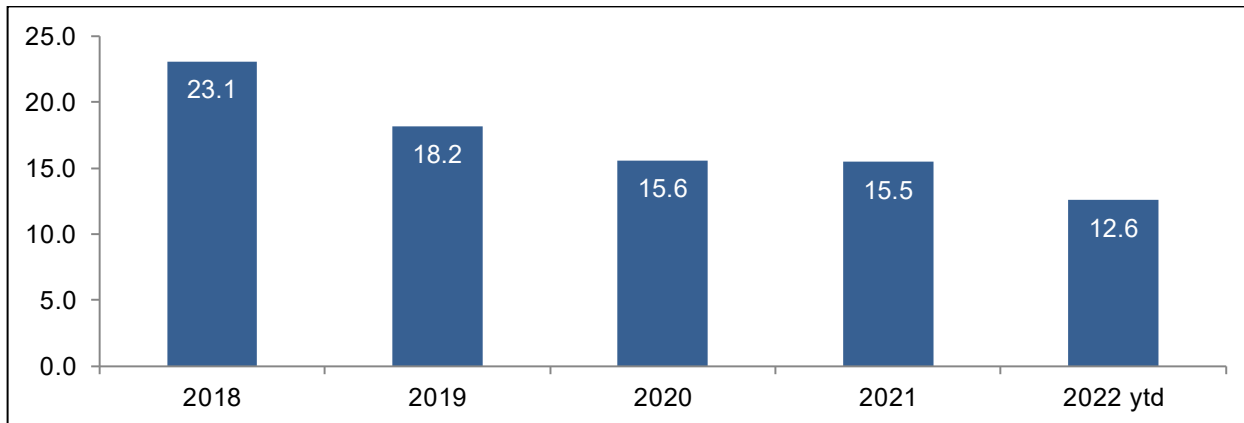
7. Median Age in Months to Final Decisions Released Date



The timeframe Final Decisions Released encompasses the period from the last date the Vice-Chair was ready to write the Final decision, to the date the Final decision was released.

By the end of September 2022, the median age timeframe to Final Decisions Released was 1.8 months compared to 1.7 months for the same period in 2021, a minor increase that is well below the statutory timeline of decision release within four months (120 days) of the hearing.

8. Median Age in Months to Appeals Closed

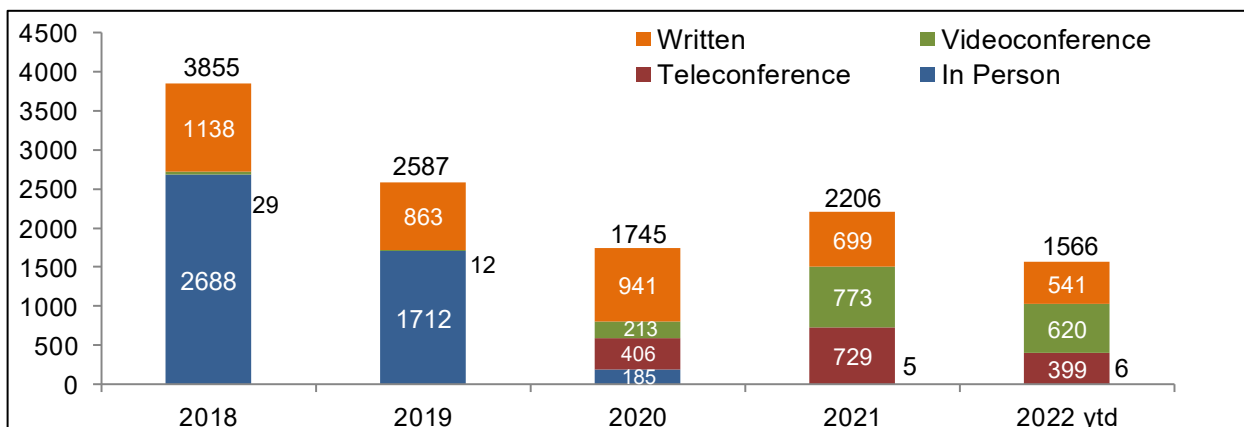


The median age timeframe for Appeals Closed encompasses the period from the date the Notice of Appeal form was received to the date the appeal was closed, either by the release of a Final decision, a withdrawal, or abandonment by the appellant.

To the end of September 2022, the median age timeframe for Appeals Closed was 12.6 months compared to 15.9 months for the same period in 2021 (a 21% decrease). This improvement indicates that the WSIAT's current process and resourcing is generally handling the rate of incoming appeals in a timely manner.

This is also a metric of the WSIAT's performance as the WSIAT's strategic goal is to process appeals within 12 months. This metric represents the WSIAT's overall performance, but it is also subject to how quickly parties to an appeal (or their representatives) return the Confirmation of Appeal form once they are provided with the case materials. This form tells the WSIAT that the party is ready to proceed to a hearing. If the Confirmation of Appeal form is not returned in a timely manner, the additional time adds to the total time to close the appeal.

9. Hearings by Hearing Type



Note: The bar segments for Videoconference hearings in 2018 and 2019, and In Person hearings in 2021 and 2022 are not visible due to their low totals relative to the other hearing types. However, their respective hearings totals appear beside the bar chart in the year when their total exceeded 0.

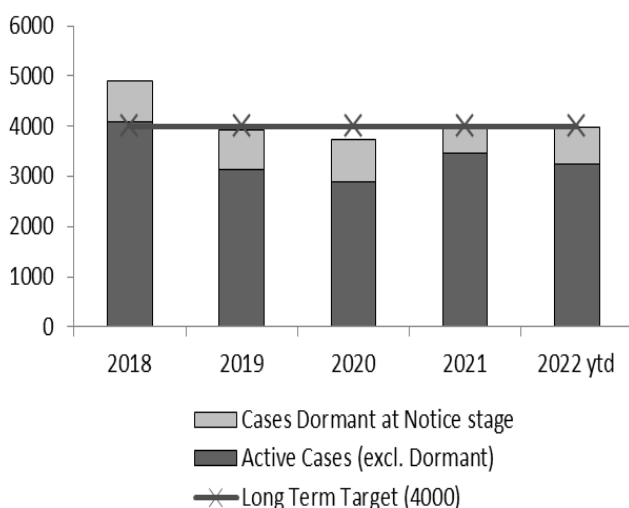
Four hearing methods are available to resolve an appeal: In Person, Teleconference, Videoconference, Written, and Proposed Resolution (Written through the Early Intervention Program (EIP)). To the end of September 2022, the number of total hearings conducted in 2022 was 1566 compared to 1674 for the same period in 2021. This 6% decrease is due in part to an increase in hearing adjournments (e.g. due to health issues of a hearing participant; discovery of outstanding issues that must be pursued with the WSIB; or new information required). While some adjournments are unavoidable, the WSIAT provides education and communication to stakeholders and representatives to convey that preventable adjournments should be minimized. Stakeholder cooperation is required to keep adjournments to a minimum.

Appendix B

Performance Measurement Reporting (quadrants)

Key Activity: Adjudicating Workplace Safety and Insurance Appeals and Applications

1. Active 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 minimally during 2022. This reflects the WSIAT's successful case management approaches, despite the COVID-19 challenges and working remotely since March, 2020.

2022 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, 2022, the caseload inventory was 3,991.

2023 Commitment

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

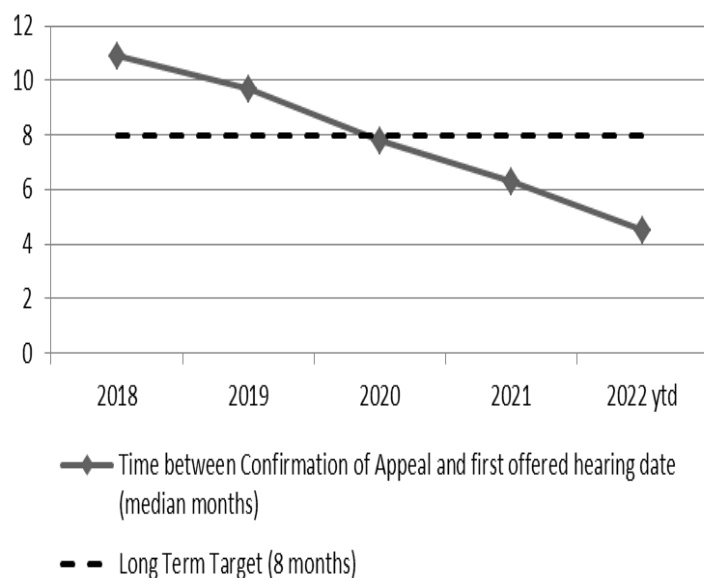
Long-term Target

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

* The caseload inventory is dependent on several factors: volume of new, incoming appeals; volume of reactivated appeals; availability of parties to move appeals to resolution; timeliness of pre-hearing processing and OIC resources and productivity. Although the volume of incoming appeals is anticipated to continue to increase in 2023 similar to the 2022 volume, 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 WSA 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 in 2021 and a modest decrease in 2022 (end of September).
- Measured from the time an appeal is confirmed hearing ready to the first offered hearing date.

2022 Commitment and Actual YTD

- Median time to first offered hearing less than 8 months.
- The WSIAT has exceeded this target. To end of September 30, 2022, the median time to first offered hearing was 4.5 months.

2023 Commitment

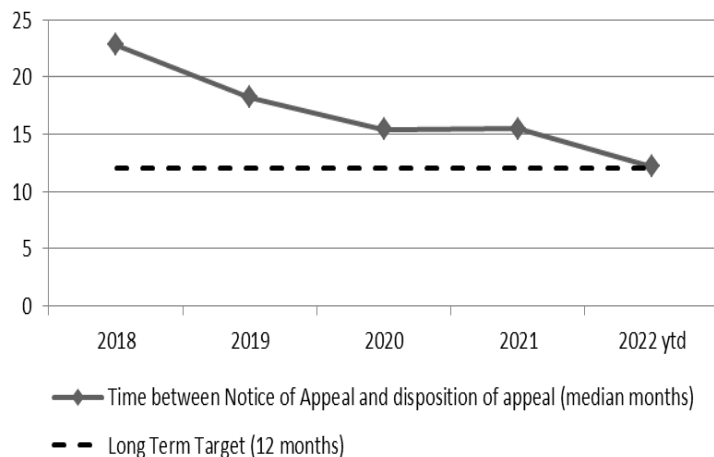
- Teleconference and videoconference hearings will continue in 2023, with videoconference hearings as the WSIAT's new default for hearings. It is anticipated that more in-person hearings will be scheduled in 2023 than in 2022, but this will depend on stakeholder interest for in-person hearings and public health information.
- Median time to first offered hearing less than 6 months, or better, subject to the impact of unanticipated increase in appeal volumes in 2023.

Long-term Target

- Same as for 2023.

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 has decreased in 2022 and has been the lowest for a number of years.
- Measured from the date when the appeal is initiated to the date the appeal is closed, either by a final decision, a withdrawal or abandonment by the appellant.

2022 Commitment and Actual YTD

- Median time to completion target under 15 months.
- The WSIAT has exceeded this target. To end of September 30, 2022, the median time to completion was 12.6 months. (This is a significant improvement from 27 months in 2017.)

2023 Commitment

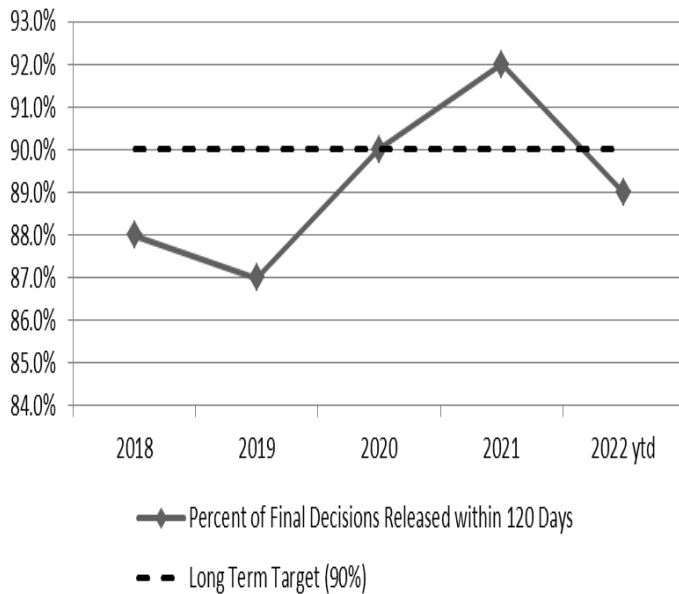
- The median time to completion is 12 months.

Long-term Target

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

Key Activity: Adjudicating Workplace Safety and Insurance Appeals

4. Timeliness of Decisions (% 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 measured from the time the hearing is completed or a post-hearing submissions process is completed, to the date the Final decision is released.

2022 Commitment and Actual YTD

- The WSIAT is slightly below the target. As of September 30, 2022, 89% of Final decisions were released within 120 days. It is expected that the target of 90% will be met or exceeded by end of 2022.

2023 Commitment

- Release 90% of Final decisions within 120 days.

Long-term Target

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

Note:

The WSIAT has the following expectations for decision release timelines, outlined in a guideline:

- Following an oral hearing: 120 days or less;
- For time extension appeals and access objections: 60 days or less; and
- Other types of decisions following a written appeal process: 90 days or less.

The Chair's office actively follows up on overdue decisions.

Appendix C

Total Adjudicator Roster

At the end of September 2022, the OIC adjudicator roster was composed of 15 full-time Vice-Chairs; 35 part-time Vice-Chairs; 6 full-time Members and 20 part-time Members.

At the end of September 2021, the OIC adjudicator roster was composed of 16 full-time Vice-Chairs; 30 part-time Vice-Chairs; 6 full-time Members and 15 part-time Members.

At the end of 2021, the OIC adjudicator roster was composed of 17 full-time Vice-Chairs; 30 part-time Vice-Chairs; 6 full-time Members and 14 part-time Members.

Complement of Vice-Chairs

Period	New Vice-Chairs appointed	Total Vice-Chair* roster - end of period
January to September 2022	6	50
January to December 2021	4	47
January to December 2020	8	48

*Total Vice-Chair roster – does not include the Chair, who is also an OIC appointment

Complement of Members Representative of Workers and Employers

Period	New Members appointed	Total Member roster - end of period
January to September 2022	6	26
January to December 2021	3	20
January to December 2020	1	23

Appendix D

Workplace Safety & Insurance Appeals Tribunal 2023 Budget Request Summary (amounts in \$000s)

Description	2022 Approved Budget	2023 Budget Request	2024 Budget Projection	2025 Budget Projection
Operating Expenses				
Salaries and Wages	17,696	20,015	20,583	21,103
Employee Benefits	3,710	4,323	4,661	4,779
Other Direct Operating Expenses				
Transportation and Communication	598	480	489	499
Services	7,407	6,702	6,976	7,132
Supplies and Equipment	1,107	1,140	1,214	1,264
Total ODOE	9,111	8,321	8,679	8,895
Total Operating Expenditures	30,516	32,659	33,923	34,777
WSIB Services	620	620	632	645
Total Expenditures	31,136	33,279	34,555	35,422
One time expenses - Severance	125	125	125	125
Total Expenditures after one time Expenditures	31,261	33,404	34,680	35,547
Revenues	(12)	0	0	0
Total Operating Budget	31,249	33,404	34,680	35,547
Capital Expenditures	500	200	0	0
Grand Capital and Operating Budget Total	31,749	33,604	34,680	35,547