

Q2 2021

QUARTERLY PRODUCTION AND ACTIVITY REPORT

April 1 to June 30, 2021



Workplace Safety and Insurance
Appeals Tribunal

Tribunal d'appel de la sécurité professionnelle et de
l'assurance contre les accidents du travail

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Overview

The Workplace Safety and Insurance Appeals Tribunal (WSIAT) is the final level of appeal for workplace safety and insurance matters. As an adjudicative agency in Ontario's administrative justice system, the WSIAT is committed to improving the timeliness and efficiency of its processes, while maintaining the high standards of impartiality, independence, and adjudicative excellence that the WSIAT's stakeholders expect and deserve.

During the ongoing COVID-19 pandemic, in-person hearings are not taking place and alternative hearing methods (teleconference, videoconference, alternative dispute resolution, and written) continue to be offered. As we begin to plan for the gradual and safe return to the office and the very limited resumption of in-person hearings starting in September 2021, we look forward to continuing to serve our clients, both in person and digitally.

In Q2 2021, the volume of new appeals increased by 54% (782) compared to Q2 2020 (508). For the period January 1, 2021 to June 30, 2021, the volume of new appeals increased by 43% (1,558) compared to the same period in 2020 (1,090). This is a significant increase. The incoming volume of new appeals will continue to be monitored closely to ensure that the WSIAT is sufficiently resourced to meet the increasing workload.

Other key production and activity highlights in Q2 2021:

- 523 total decisions were issued, comprised of 497 Final decisions and 26 Interim decisions. Total decisions issued in Q2 2021 were 20% higher than in Q2 2020 (435). This increase in decision output demonstrates that the WSIAT is successfully responding to the significant increase in the volume of incoming appeals.
- 627 hearings were conducted in Q2 2021 compared to 330 hearings in Q2 2020, which is a 90% increase. This difference is due to the impacts of the COVID-19 pandemic in 2020 and the transition from in-person hearings to digital hearings.
- The median age timeframe to first offered hearing was lower; 6.4 months in Q2 2021 compared to 7.5 months in Q2 2020.
- The median age timeframe from date of Notice of Appeal to completion of the appeal was slightly higher; 16.4 months in Q2 2021 compared to 15.7 months in Q2 2020. This is due primarily to a higher proportion of oral hearings to written appeal processes conducted in Q2 2021 compared to Q2 2020. Oral hearings in general take longer to schedule and the decision-writing process may take longer.

- 93% of final decisions were released within 120 days compared to 89% in Q2 2020.
- The median age timeframe to final decisions released was 1.3 months compared to 2.5 months in Q2 2020. The shorter time to decision release is reflective of the WSIAT's successful adaptation to working with electronic materials in a paperless environment.
- The Early Intervention Program (EIP) addresses appeals through dispute resolution (single-party) and mediation (two-party) services. In Q2 2021, 52 Proposed Resolutions were assigned for review by a Vice-Chair and the EIP staff closed 21 appeals pre hearing. In Q2 2020, 43 Proposed Resolutions were assigned for review by a Vice-Chair and 16 appeals were closed pre hearing.

The WSIAT continues to evaluate its digital hearings process to determine whether improvements can be made to enhance the hearing experience for hearing participants. Work commenced in Q2 2021 to allow the use of Zoom Audio for videoconference hearings and Zoom Audio Conference System for teleconference hearings. This new feature was tested over the summer months and full implementation is currently underway. The WSIAT intends to continue to offer digital hearing formats after the COVID-19 pandemic restrictions have been lifted, as well as in-person hearings.

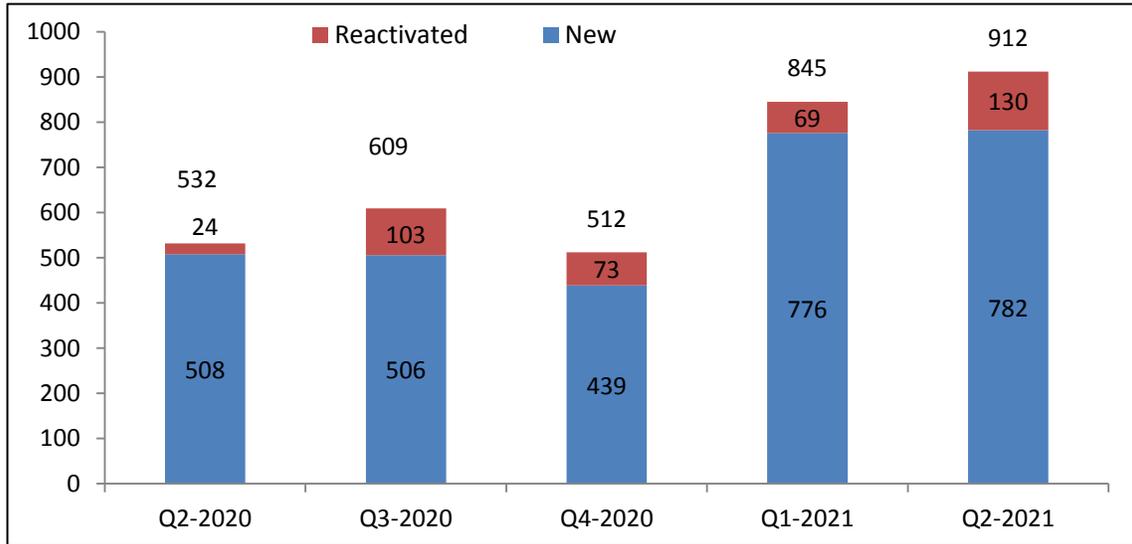
If there are questions about timelines in a particular case, please contact the WSIAT's Call Centre at 416-314-8800.

Case Management Summary

Appeals Started – New and Reactivated

In Q2 2021, 912 appeals were initiated: 782 new appeals were received and 130 appeals were reactivated from the Inactive caseload inventory. This is a 71% increase compared to the 532 appeals initiated in Q2 2020 (508 new appeals and 24 reactivated appeals). The volume of new appeals alone accounted for a 54% increase in Q2 2021 compared to Q2 2020.

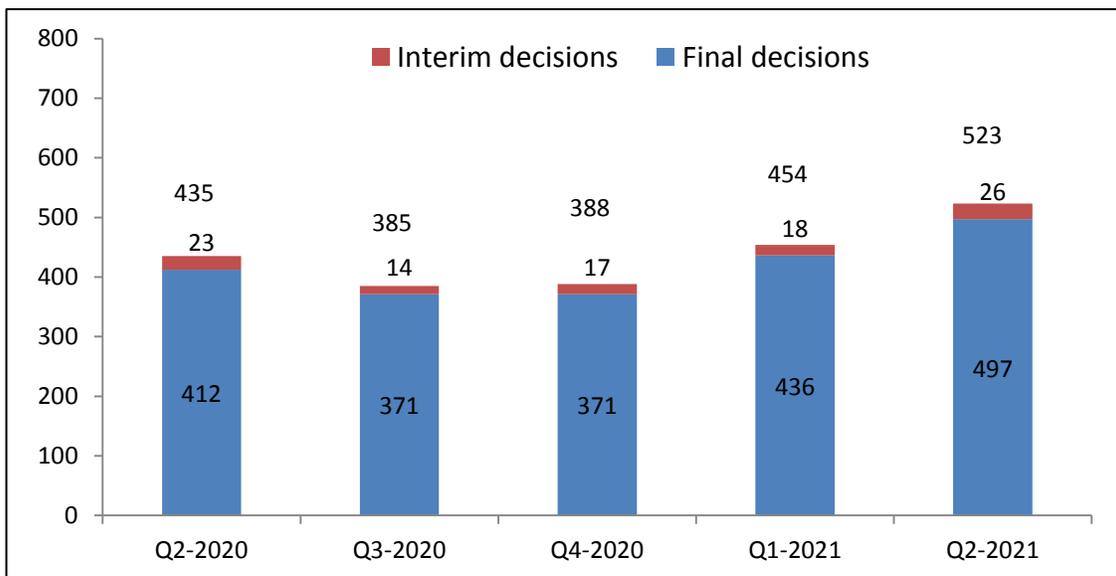
Appeals Initiated per Quarter



Decisions Issued

In Q2 2021, 523 decisions were issued: 497 Final decisions and 26 Interim decisions. Total decisions issued in Q2 2021 were 20% higher than in Q2 2020 (435).

Decisions Issued per Quarter



Note: Decisions issued from a Reconsideration request are excluded in the above decision totals. In Q2 2021, 30 Reconsideration decisions were issued.

Timeliness of Decisions Issued

In Q2 2021, 93% of final decisions were released within 120 days compared to 89% in Q2 2020. This exceeds the 2021 target of 90% of final decisions to be released within 120 days.

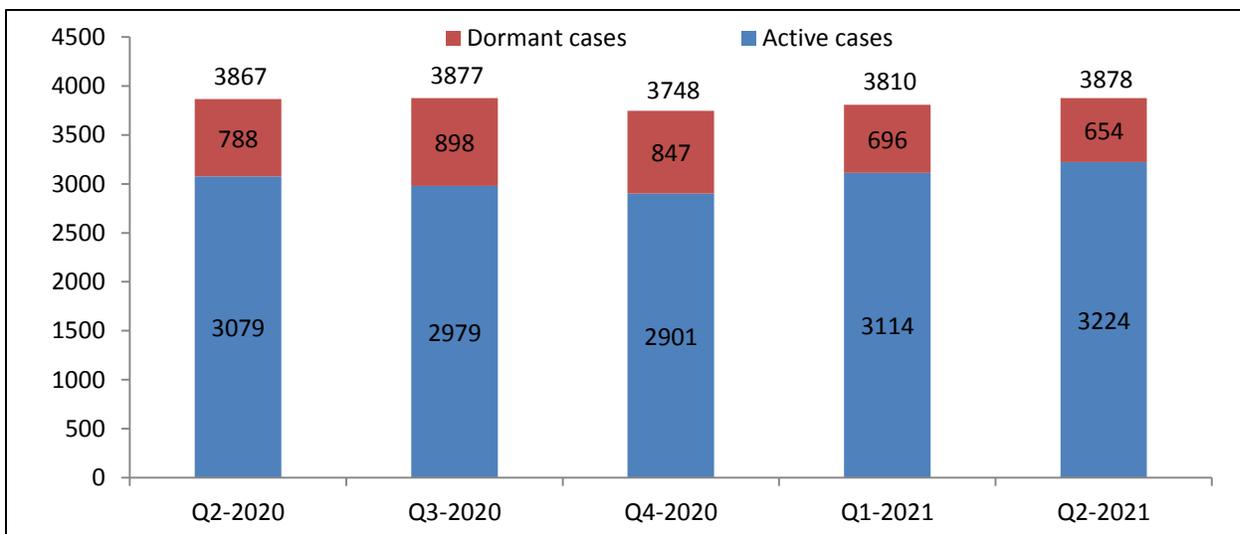
Caseload Inventory – Active and Dormant Appeals

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 that is still in the “Notice” stage and is waiting for the appellant to take an action so the appeal can be advanced to the next stage in processing (i.e. filing a Notice of Appeal, Readiness form, or Confirmation of Appeal form).

The Active caseload inventory at the end of Q2 2021 totaled 3,878 cases compared to 3,867 cases at the end of Q2 2020. This is within the 2021 target to maintain an active inventory of less than 4,000 +/- 5% cases. The slightly higher Active caseload inventory at the end of Q2 2021 compared to Q2 2020 is due to the higher volume of incoming new appeals.

Active and Dormant Inventory at the end of each Quarter



Caseload Inventory – Inactive Appeals

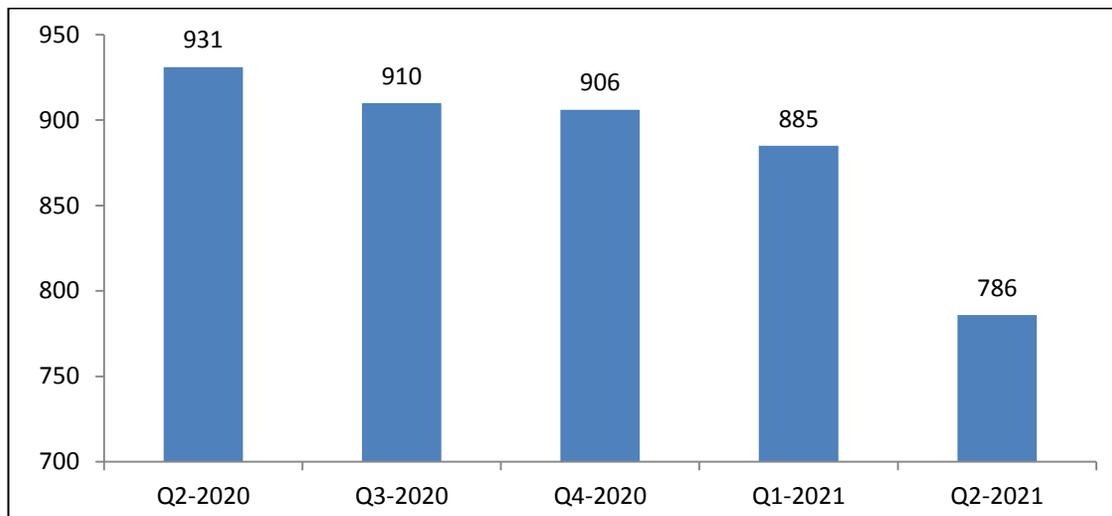
An appeal may be disposed of as an “Inactive” appeal following the appellant’s submission of their completed Confirmation of Appeal (COA) form, when the appeal is not ready to proceed to a hearing. The most common reasons for an Inactive disposition are to allow an appellant to obtain additional medical reports or other relevant evidence; retain a representative; or

obtain a final ruling from the Workplace Safety and Insurance Board (WSIB) related to an issue before the WSIAT.

The WSIAT follows up on Inactive appeals to determine if the appellants are taking the necessary steps in order to advance their appeals. Inactive appeals may be permanently closed as Abandoned after a one year period. Two follow-up communications are always sent to the appellant advising of the possibility of closure due to inactivity.

The Inactive appeals inventory at the end of Q2 2021 is comprised of cases that were made Inactive in Q2 2021, as well as those cases remaining Inactive from the prior period. At the end of Q2 2021, there were 786 appeals in the Inactive appeals inventory compared to 931 appeals in the Inactive appeals inventory at the end of Q2 2020.

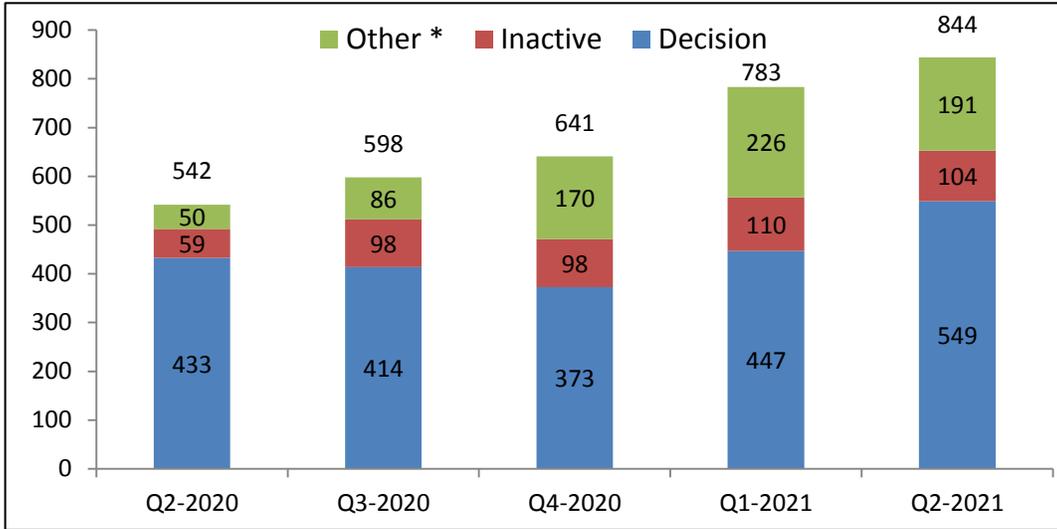
Inactive Appeals Inventory at the end of each Quarter



Dispositions

In Q2 2021, there were 844 dispositions, comprised of 549 closed dispositions arising from Final decisions, 191 closed dispositions by abandonment or withdrawal of the case, and 104 cases moved to Inactive status. Total dispositions in Q2 2021 (844) were 56% higher than total dispositions in Q2 2020 (542).

Dispositions per Quarter

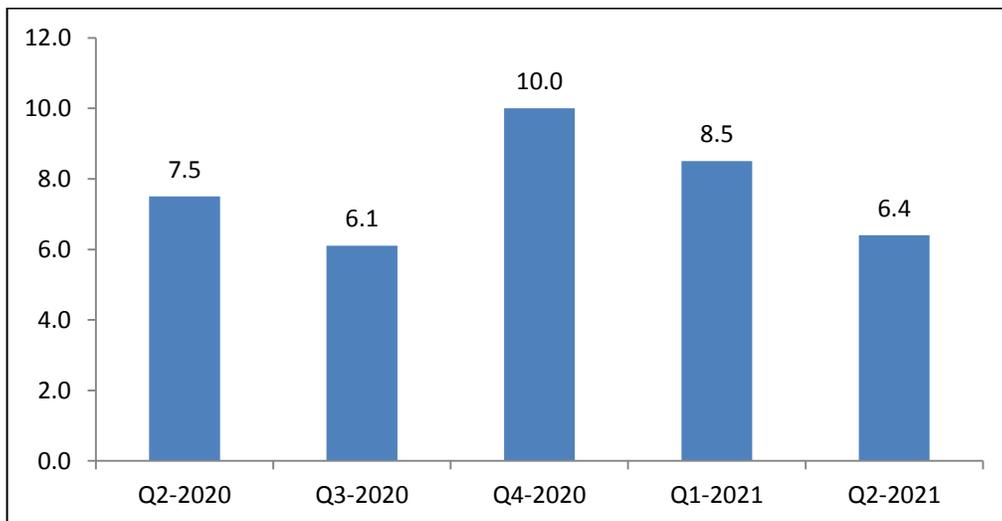


Note: * Other closed dispositions include appeals Withdrawn or Abandoned. Dispositions arising from decisions may not equal the number of decisions released in a year due to administrative processes at the quarter end that preclude the appeal from being disposed of immediately following the decision.

Median Age Timeframe – First Offered Hearing Date

The timeframe “First Offered Hearing Date” encompasses the period from the date the WSIAT received the appellant’s completed COA form, indicating their readiness for hearing, to the hearing date first offered to the parties. In Q2 2021, this median age timeframe was 6.4 months, compared to 7.5 months in Q2 2020.

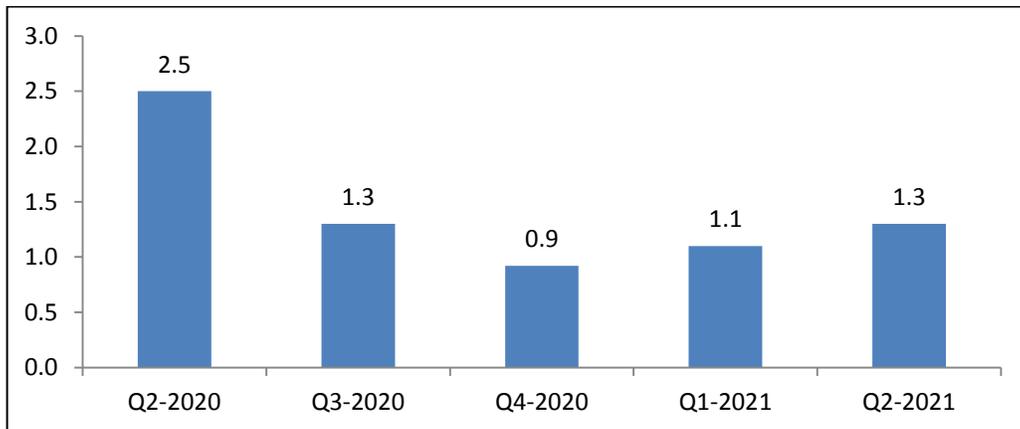
Median Age in Months to the First Offered Hearing Date



Median Age Timeframe – Final Decisions Released

The timeframe “Final Decisions Released” encompasses the period from the date the Vice-Chair was last ready to write the Final decision, to the date the Final decision was released. In Q2 2021, the median age timeframe was 1.3 months, compared to 2.5 months in Q2 2020.

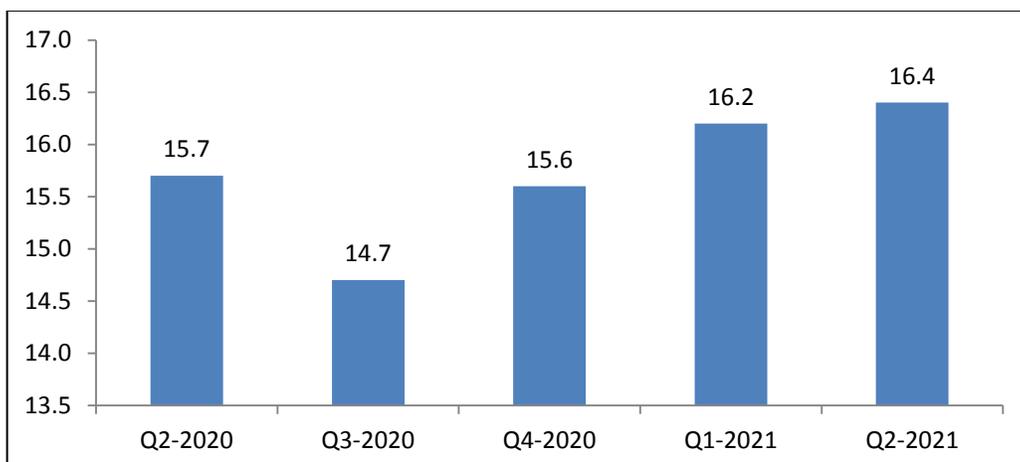
Median Age in Months to the Final Decisions Released Date



Median Age Timeframe – Notice of Appeal to Dispositions

The timeframe “Notice of Appeal to Dispositions” (NOA) encompasses the period from the date the appeal started (the NOA date), to the date of the disposition. In Q2 2021, the median age timeframe was 16.4 months, compared to 15.7 months in Q2 2020. This slight increase is due to more oral hearings conducted in Q2 2021, which take more time to schedule and adjudicate compared to written hearings. Due to the unexpectedly large spike in incoming appeals, the Tribunal also experienced a staffing shortfall that impacted case record preparation. The resourcing issue has been addressed.

Median Age in Months from Notice of Appeal to Dispositions

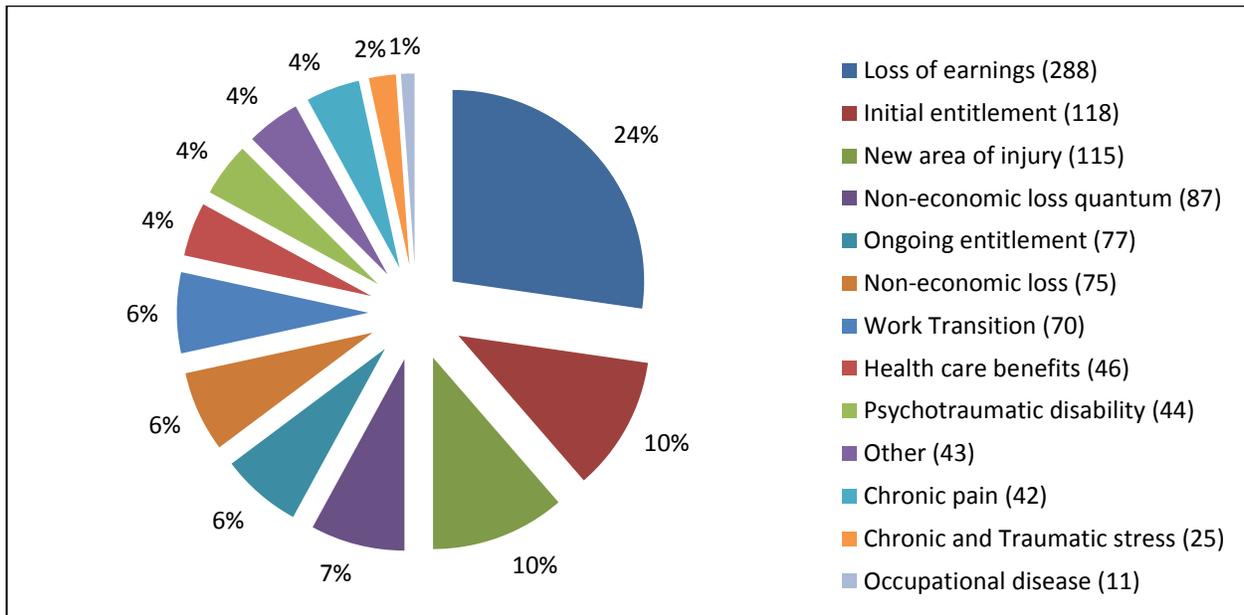


Appeal Issue Type

A WSIAT appeal may involve more than one issue arising from the decision(s) that the appellant is appealing.

The pie chart below presents the volume and the percentage of the issues that were most frequently appealed in the decisions issued in Q2 2021. Issue percentage does not fluctuate significantly from quarter to quarter.

Issues Most Frequently Appealed in Decisions Issued in Q2 2021

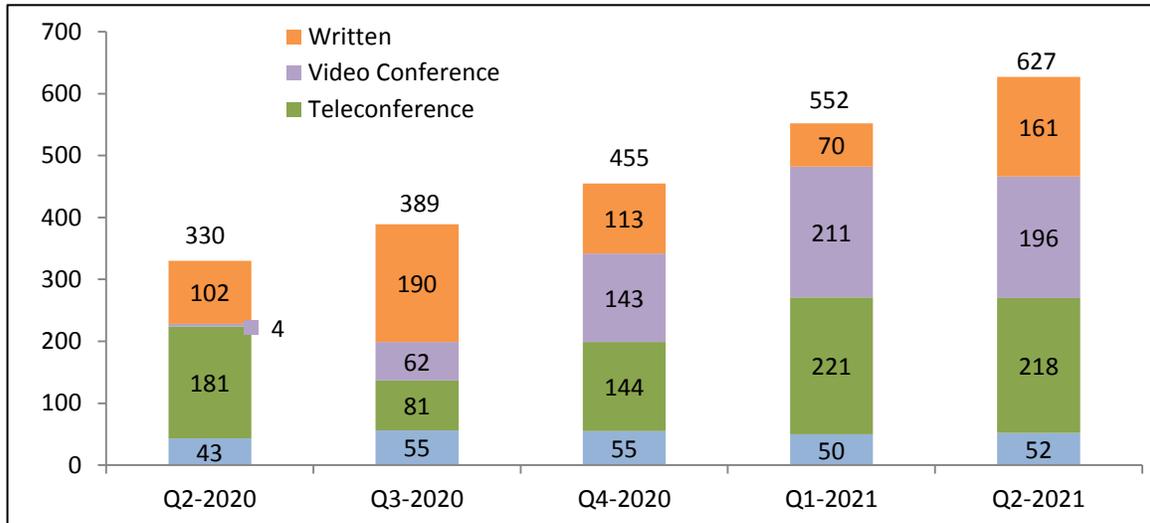


Hearing Method

Five hearing methods are available to resolve an appeal: In Person; Teleconference, Videoconference, Written, and Proposed Resolution (through the Early Intervention Program (EIP)).

In Q2 2021, the WSIAT held a total of 627 hearings, which was 90% higher than the number of hearings conducted in Q2 2020 (330). Due to the COVID-19 pandemic, the WSIAT transitioned from in-person hearings to digital hearings, beginning in Q2 2020.

Hearings by Hearing Type in each Quarter



Note: Reconsideration reviews by a Vice-Chair or Panel are excluded from the above hearing type presentation.

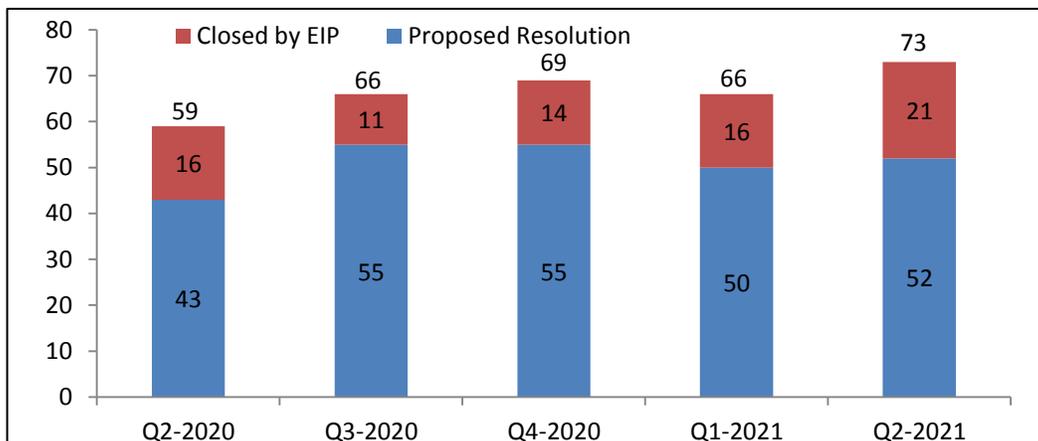
Note: 1 in-person hearing was held in Q3 2020. It does not appear on the Q3 2020 bar due to its low value relative to the other hearing type categories but is included in the total hearings in Q3 2020.

Early Intervention Program

The Early Intervention Program (EIP) offers alternative dispute resolutions (ADR) for single-party appeals and mediations for two-party appeals, without the need for a formal oral hearing.

In Q2 2021, 52 Proposed Resolutions were assigned for review by a Vice-Chair and the EIP staff closed 21 appeals pre hearing. In Q2 2020, 43 Proposed Resolutions were assigned for review by a Vice-Chair and 16 were closed pre hearing.

Early Intervention Program Production in each Quarter



OIC Adjudicator Roster

At the end of Q2 2021, the adjudicator roster was composed of 16 full-time Vice-Chairs; 29 part-time Vice-Chairs; 4 full-time Members and 17 part-time Members. At the end of Q2 2020, the adjudicator roster was composed of 17 full-time Vice-Chairs; 30 part-time Vice-Chairs; 5 full-time Members and 18 part-time Members.

During Q2 2021, three OIC appointments expired; two were renewed. There were no new OIC appointments in Q2 2021. The WSIAT is currently recruiting OICs to address attrition in the OIC roster, as well as the increase in incoming appeals.

Glossary of Terms

Active caseload

The active caseload is comprised of appeals in progress at any stage of processing, including pre-hearing, post-hearing, and decision writing stages.

Appeal

The process that occurs when a request is received from the appellant asking the WSIAT to review the appellant's objection to a WSIB decision(s) in a specific claim.

Confirmation of Appeal (COA)

The COA is the form submitted by the appellant affirming their readiness to proceed with their appeal to a hearing.

Dormant

A dormant appeal is an appeal at the Notice Stage where the appellant has not taken the next step to advance their appeal (such as filing their NOA, Readiness form, or COA form) so the appeal cannot proceed. The appellant has up to two years to file a COA to advance their appeal. If an appellant does not file the form by the required time limit, the case is closed as Abandoned.

Disposition

Disposition by Closure means the WSIAT has resolved the appeal either by a Final Decision or the appeal has been withdrawn or abandoned by the appellant. Dispositions can also include cases moved to Inactive status.

First Offered Hearing Date

A hearing date offered to the parties by the WSIAT's Scheduling department. If the date offered is rejected, the parties are provided with an alternative date that must be accepted.

Inactive

A disposition category in which active processing of an appeal is stopped due to the absence of critical information required by the WSIAT to adjudicate the case. When an appeal is made Inactive it is added to the Inactive caseload inventory, where it remains until it is reactivated by request from the appellant, or permanently closed by the WSIAT. The appellant has up to one year to indicate readiness to proceed with an Inactive appeal.

Median Age

It is the middle ranked value in an ordered set of numbers to determine the “median” age of an appeal timeframe process.

Notice of Appeal (NOA)

The NOA form is submitted by the appellant notifying the WSIAT of their intention to appeal a final decision from the WSIB.

Reactivated Case

An appeal returned to Active status from the Inactive status.