

# Q2 2023

## QUARTERLY PRODUCTION AND ACTIVITY REPORT

**April 1 to June 30, 2023**



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.

Table 1, "Production Metrics Summary," presents Q2 (April – June) and year to date ending Q2 (January 02 – June 30) production metrics comparisons for 2023 and 2022.

Briefly, in Q2 2023, the volume of appeals initiated (687) was 15% lower than in Q2 2022 (813); hearings conducted in Q2 2023 (519) were 7% lower than in Q2 2022 (556); and total decisions released in Q2 2023 (469) were 3% lower than in Q2 2022 (484). The median age to the first offered hearing date (4.4 months) and the median age to close appeals (13.7 months) were slightly higher in Q2 2023 compared to Q2 2022. The Early Intervention Program (EIP) achieved a notable production gain, resolving 46% more appeals in Q2 2023 (82) compared to Q2 2022 (56).

It should be noted that quarterly production results often fluctuate from year to year. Although some of the metrics in Q2 2023 were slightly lower compared to Q2 2022, the year to date comparisons illustrate that the 2023 results were comparable to the 2022 results. The WSIAT expects similar performance for the remaining two quarters in 2023.

Parties and representatives are invited to take advantage of the WSIAT's E-File and E-Share services, which are secure and convenient ways to communicate with us about appeal-related matters while reducing the impacts on the environment related to paper production, mass printing, and shipping. Information about these services is located on the WSIAT's website.

We also invite our stakeholders to participate in the various WSIAT outreach and training sessions held throughout the year. Announcements about these sessions are posted on our website. If you wish to receive updates directly, please e-mail your request to: [event.coordinator@wst.gov.on.ca](mailto:event.coordinator@wst.gov.on.ca) to be added to the WSIAT's Stakeholder Distribution e-mail list.

**Table 1: Key Production Metrics Summary**

Production metrics	Second Quarter			Year to date		
	2023	2022	% Change	2023	2022	% Change
Appeals initiated (New and Reactivated)	<b>687</b>	<b>813</b>	<b>-15% ▼</b>	<b>1,538</b>	<b>1,639</b>	<b>-6% ▼</b>
Decisions issued	<b>469</b>	<b>484</b>	<b>-3% ▼</b>	<b>945</b>	<b>988</b>	<b>-4% ▼</b>
Hearings conducted	<b>519</b>	<b>556</b>	<b>-7% ▼</b>	<b>1,034</b>	<b>1,081</b>	<b>-4% ▼</b>
Median age (in months) to the first offered hearing date <sup>1</sup>	<b>4.4</b>	<b>4.1</b>	<b>7% ▲</b>	<b>4.3</b>	<b>4.6</b>	<b>-7% ▼</b>
Median age (in months) to the final decision issued <sup>2</sup>	<b>1.8</b>	<b>1.5</b>	<b>20% ▲</b>	<b>1.8</b>	<b>1.8</b>	<b>0% ~</b>
Median age (in months) to closing the appeal <sup>3</sup>	<b>13.7</b>	<b>12.3</b>	<b>11% ▲</b>	<b>12.9</b>	<b>12.4</b>	<b>4% ▲</b>
Final decisions released within 120 days	<b>90.5%</b>	<b>91.5%</b>	<b>-1.0% ▼</b>	<b>89.3%</b>	<b>89.7%</b>	<b>-0.4% ▼</b>
Early Intervention Program appeals resolved	<b>82</b>	<b>56</b>	<b>46% ▲</b>	<b>172</b>	<b>125</b>	<b>38% ▲</b>

Notes:

1. Median age (in months) to the 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. Median age (in months) to the final decision issued - from the last date the final decision was ready for decision writing, to the date the final decision was issued.
3. Median age (in months) to closing the appeal - 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 of the appeal by the appellant.

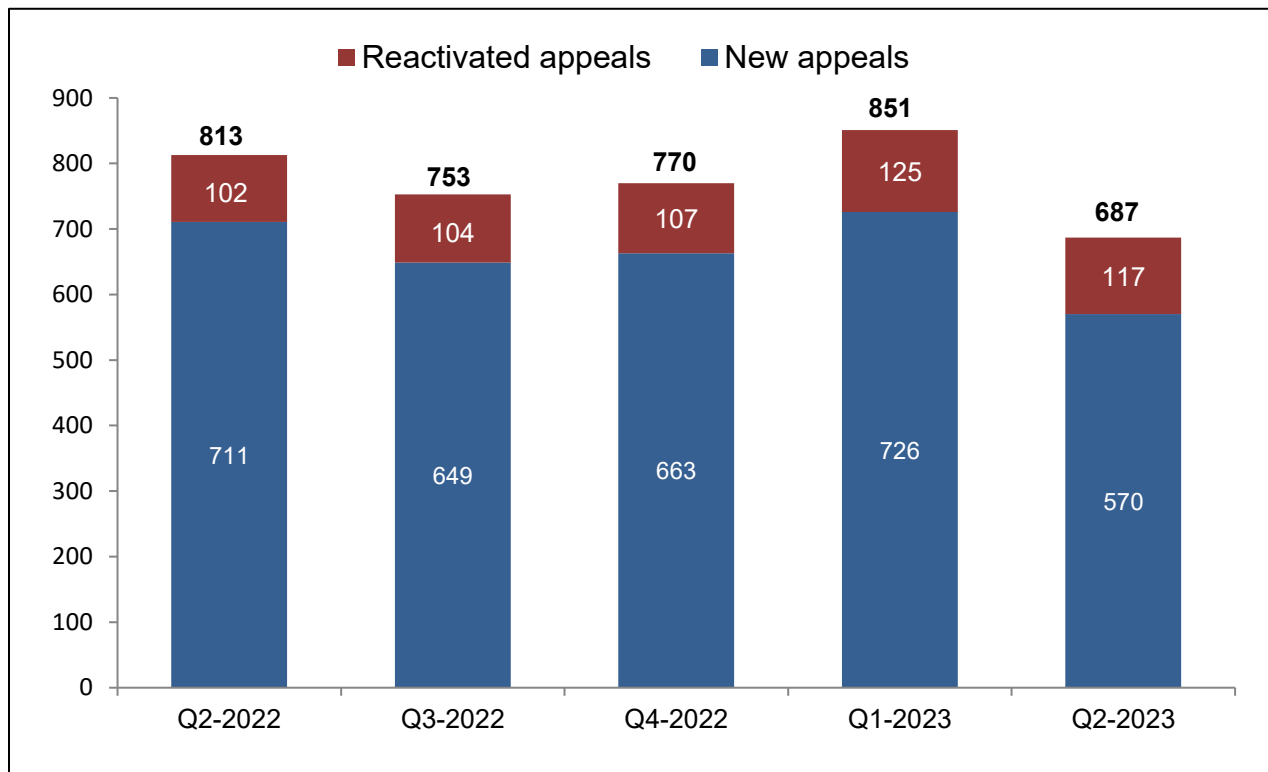
Questions about the information in this report should be directed to the WSIAT's Call Centre at 416-314-8800 or 1-888-618-8846, or via TTY at 416-314-1787, 8:30 a.m. to 5:00 p.m. Monday to Friday.

# Case Management Summary

## Appeals Started – New and Reactivated

- Appeals started in Q2 2023 totaled 687, comprised of 570 new appeals and 117 appeals reactivated from the inactive caseload inventory.
- Appeals started in Q2 2023 were 15% lower than appeals started in Q2 2022 (813).
- Appeals started year to date in 2023 (1,538) were 6% lower than appeals started year to date in 2022 (1,639).
- The volume of appeals started at the beginning of the calendar year is typically higher than in subsequent quarters. If the volume of new appeals continues to be similar for the remainder of 2023, the WSIAT anticipates a slightly lower annual volume (approximately 5%) of new appeals in 2023 than the volume of new appeals in 2022.

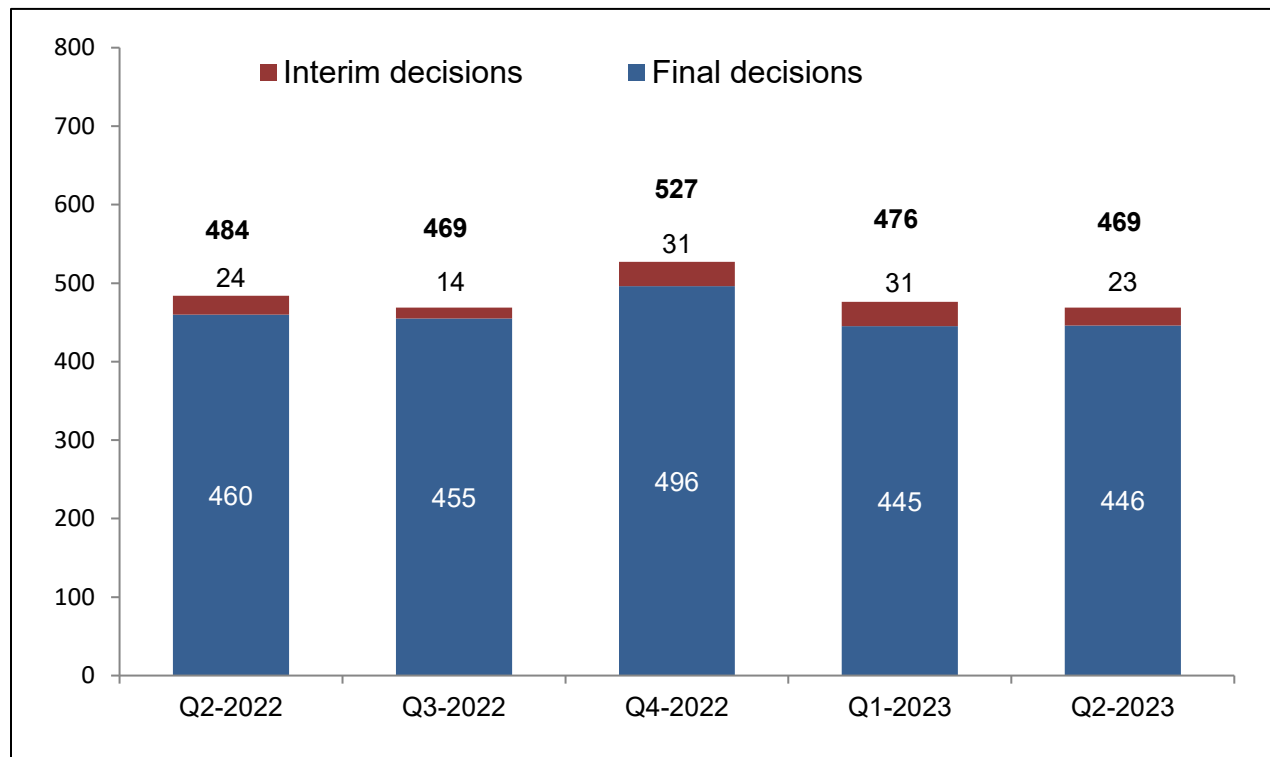
**Chart 1: Appeals Started per Quarter**



## Decisions Issued

- Decisions issued in Q2 2023 totaled 469, comprised of 446 final decisions and 23 interim decisions.
- Decisions issued in Q2 2023 were 3.1% lower than in Q2 2022 (484). This is a reasonable margin of fluctuation for quarterly performance.
- Decisions issued year to date in 2023 (945) were 4% lower compared to decisions issued year to date in 2022 (988).
- It is anticipated that decision production will increase in the next two quarters.

**Chart 2: Decisions Issued per Quarter**



Note: Decisions issued from a reconsideration request are excluded in the above decision totals. In Q2 2023, 30 decisions were issued from reconsideration requests. Year to date in 2023, 65 decisions were issued from reconsideration requests.

## Timeliness of Decisions Issued

Section 127 of the *Workplace Safety and Insurance Act, 1997* requires the WSIAT to issue decisions within 120 days of a hearing, or such longer time as the WSIAT may permit. The WSIAT's annual target is to issue 90% of final decisions within 120 days.

- In Q2 2023, 90.5% of final decisions were issued within 120 days. The year to date result was 89.3%.
- In Q2 2022, 91.5% of final decisions were issued within 120 days. The year to date result was 89.7%.

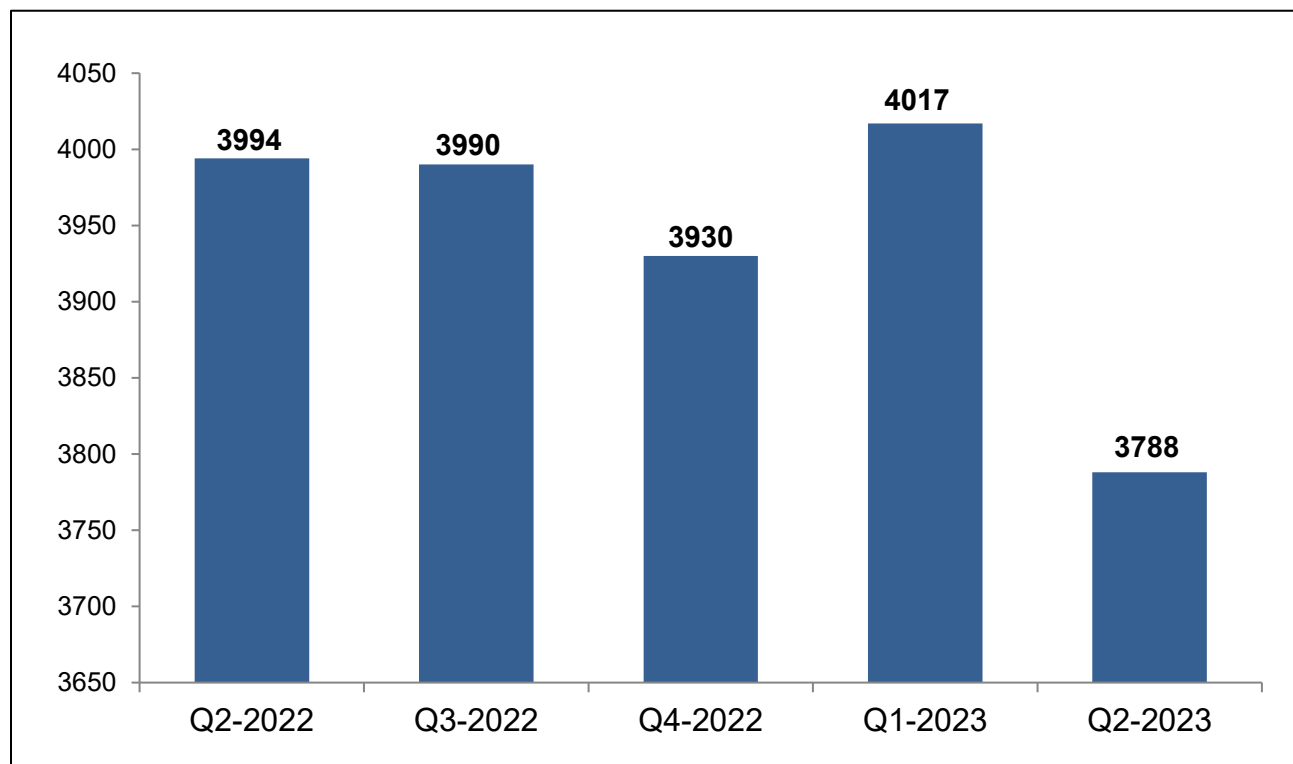
- Efforts continue to ensure final decisions are issued in a timely manner.

## Active Appeals Inventory

An active appeal is one that is being processed at any stage of an appeal, including pre-hearing, post-hearing and decision writing stages.

- The active caseload inventory at the end of Q2 2023 totaled 3,788 cases. This was within the WSIAT’s preferred target of 4,000 cases (+/- 5%).
- At the end of Q2 2022 the active caseload inventory totaled 3,994, which was 5.2% higher than Q2 2023.
- The slightly lower active appeals inventory at the end of Q2 2023 was due to the 6% lower appeal volume at the end of Q2 2023. It was also due to additional active cases moved to the inactive inventory because the cases were not ready to proceed to a hearing.
- The active appeals inventory is expected to remain within the preferred target of 4,000 cases (+/- 5%) throughout the year.

**Chart 3: Active Appeals Inventory**

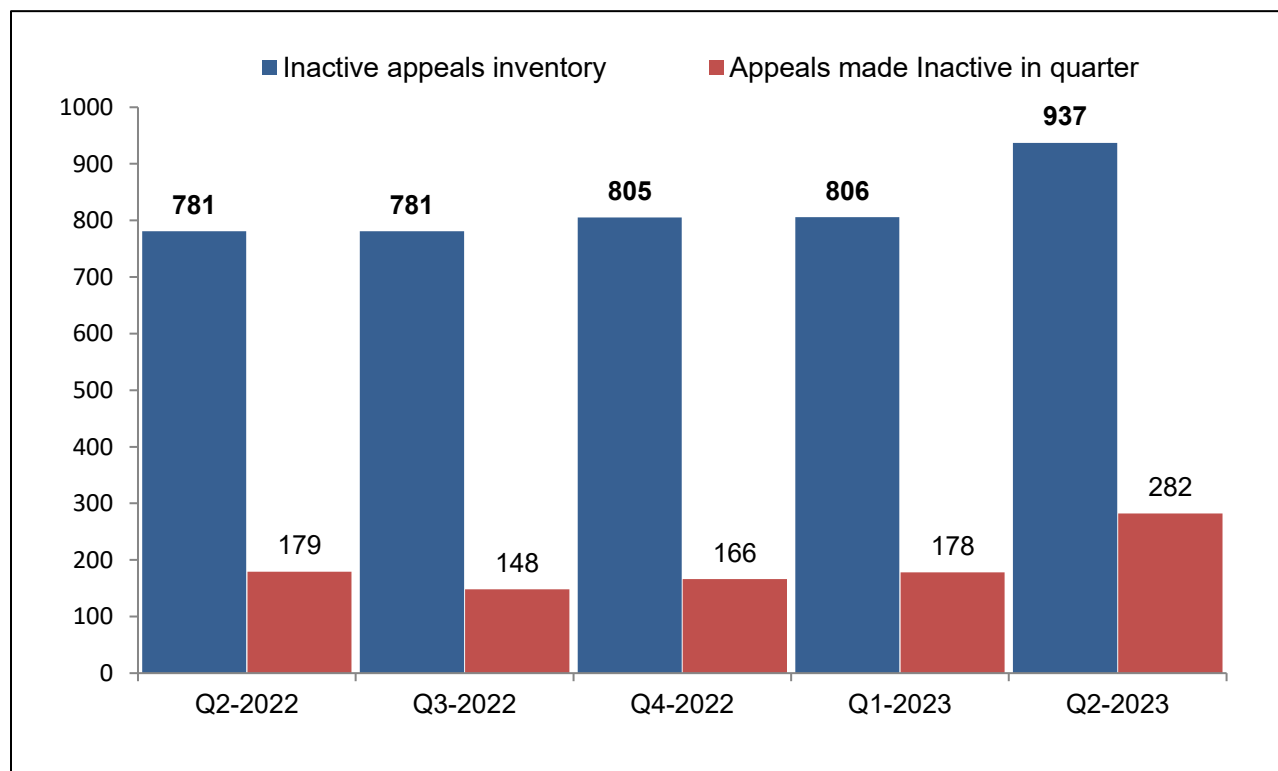


## Inactive Appeals Inventory

An appeal is made inactive when active processing cannot proceed for various reasons, such as the absence of critical information required by the WSIAT to adjudicate the case or outstanding issues being pursued at the WSIB. The inactive appeals inventory is comprised of cases that were made inactive in the current quarter or in a prior quarter and had not been reactivated or closed by the end of the current quarter. The appellant has up to one year to indicate readiness to proceed with an inactive appeal.

- In Q2 2023, 282 appeals were made inactive, compared to 179 in Q2 2022.
- The increase in volume was due to the need to move some long-standing active cases to inactive status because the parties were not ready to proceed to the hearing stage.
- At the end of Q2 2023, the inactive appeals inventory totaled 937.
- At the end of Q2 2022, the inactive appeals inventory totaled 781, which was 17% lower than the inactive inventory at the end of Q2 2023.

**Chart 4: Inactive Appeals Inventory and Appeals made Inactive**



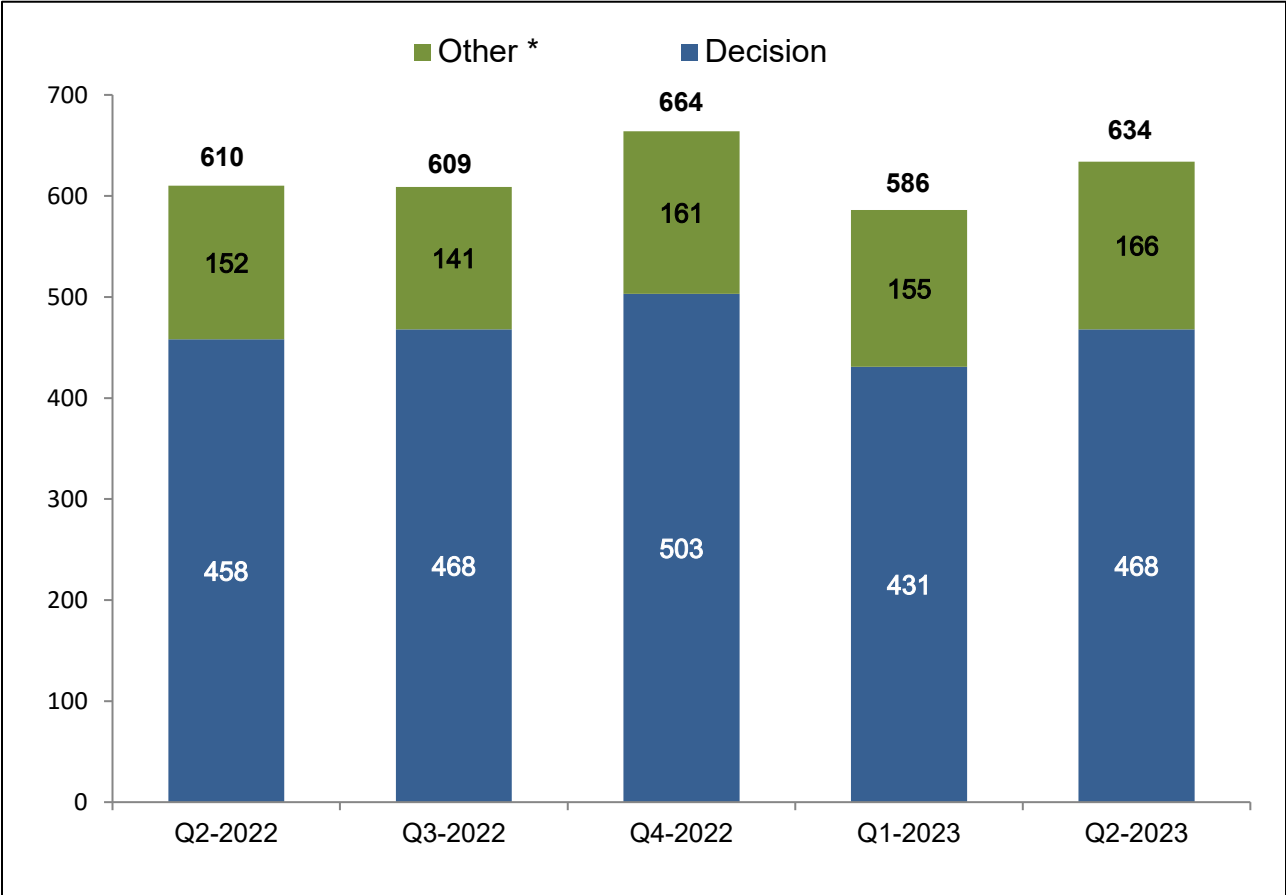
## Appeals Closed

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



- In Q2 2023, 634 appeals were closed, comprised of 468 closed by final decision and 166 closed by a withdrawal or an abandonment of the appeal by the appellant.
- In Q2 2022, 610 appeals were closed, which was 4% lower than Q2 2023.
- Appeals closed year to date in 2023 (1,220) were slightly lower (4%) compared to appeals closed year to date in 2022 (1,275).
- It is anticipated that the number of cases closed will increase in subsequent quarters.

**Chart 5: Appeals Closed per Quarter**



Note: \*Other appeals closed are appeals withdrawn or abandoned by the appellant. Appeals closed arising from final decisions issued may not equal the number of decisions issued in a year due to administrative processes at the quarter end that preclude the appeal from being closed immediately following the decision.

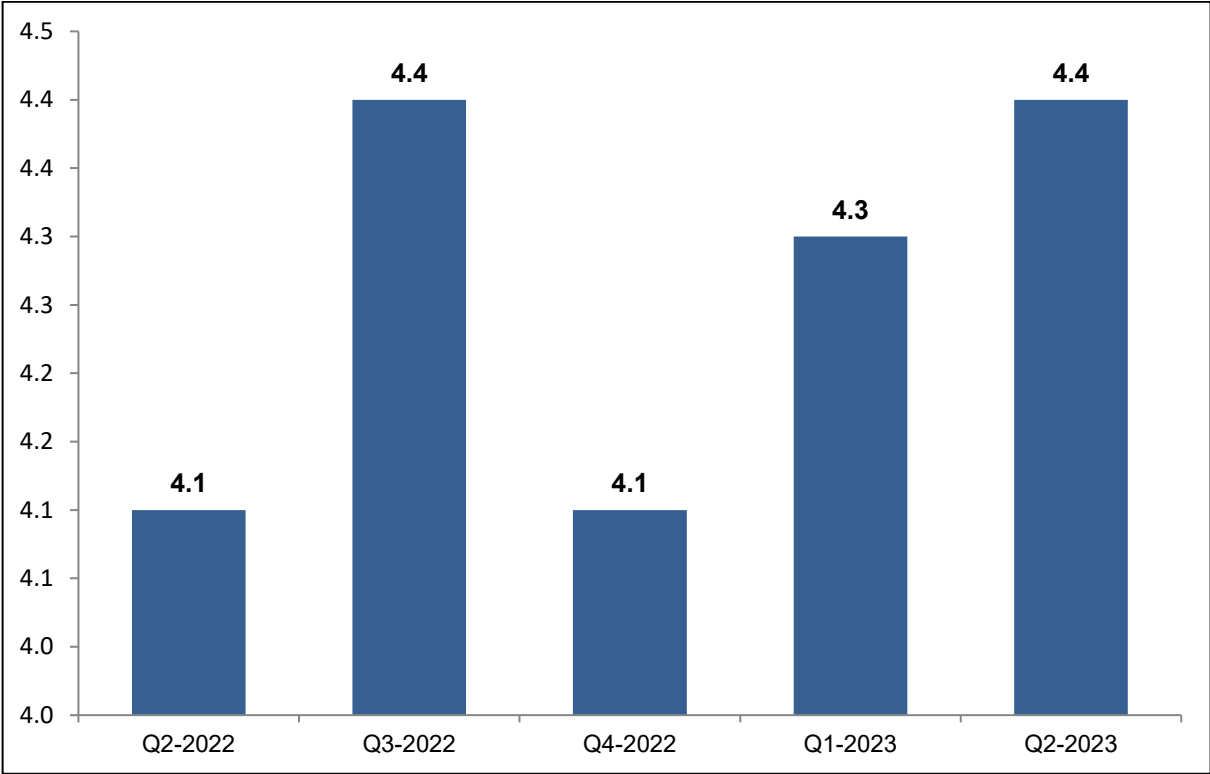
**Median Age – First Offered Hearing**

The timeframe for first offered hearing is 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. The WSIAT’s annual target is to offer the first hearing within 6 months, or less.

- In Q2 2023, the median age to the first offered hearing date was 4.4 months.

- In Q2 2022, the median age to the first offered hearing date was 4.1 months.
- Year to date 2023, the median age to the first offered hearing date was 4.3 months, compared to the year to date 2022, which was 4.6 months.
- The median age to the first offered hearing date is expected to exceed the 2023 target of 6 months, or less.

**Chart 6: Median Age in Months to the First Offered Hearing Date**

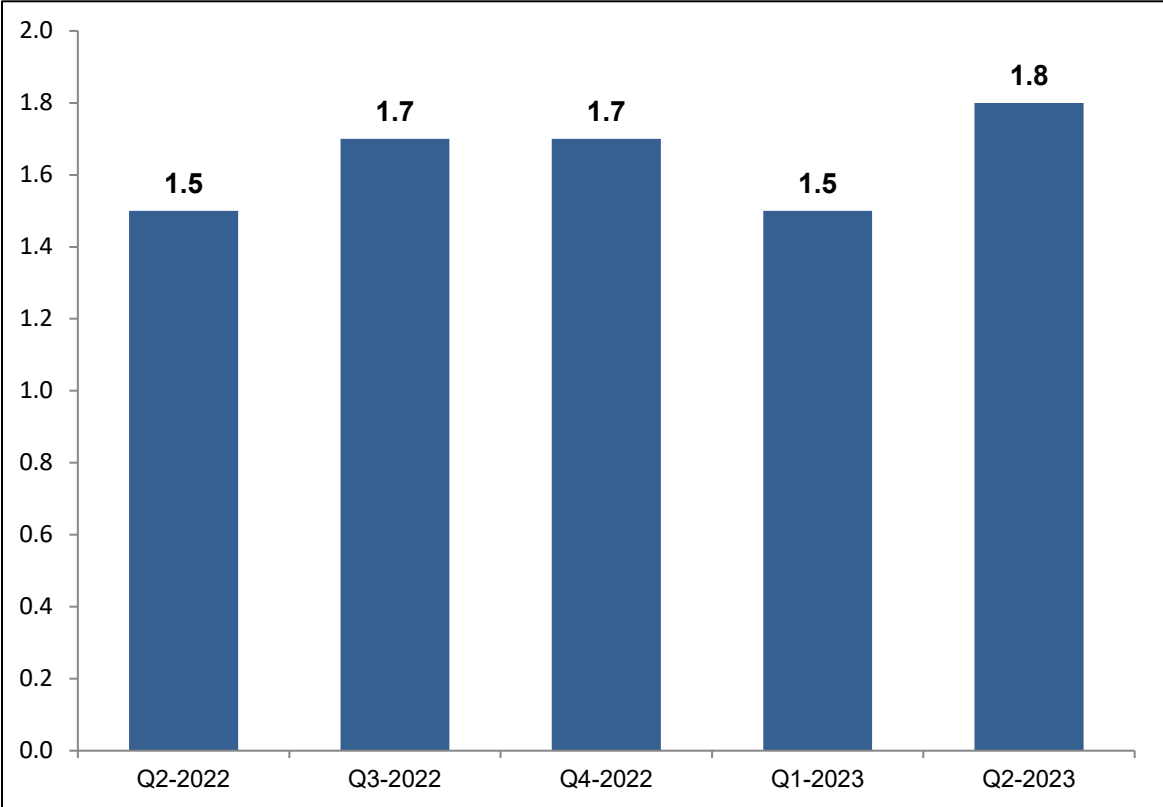


**Median Age – Final Decisions Issued**

The timeframe for final decisions issued encompasses the period from the last date the Vice-Chair was ready to write the final decision, to the date it was issued.

- In Q2 2023, the median age to the final decision issued was 1.8 months.
- In Q2 2022, the median age to the final decision issued was 1.5 months.
- To end of Q2 2023, the median age to the final decision issued date was 1.8 months; it was also 1.8 months for the same period in 2022.
- For 2023, the median age to the final decision issued is expected to be in the range of 1.5 – 2.0 months.

**Chart 7: Median Age in Months to the Final Decisions Issued Date**

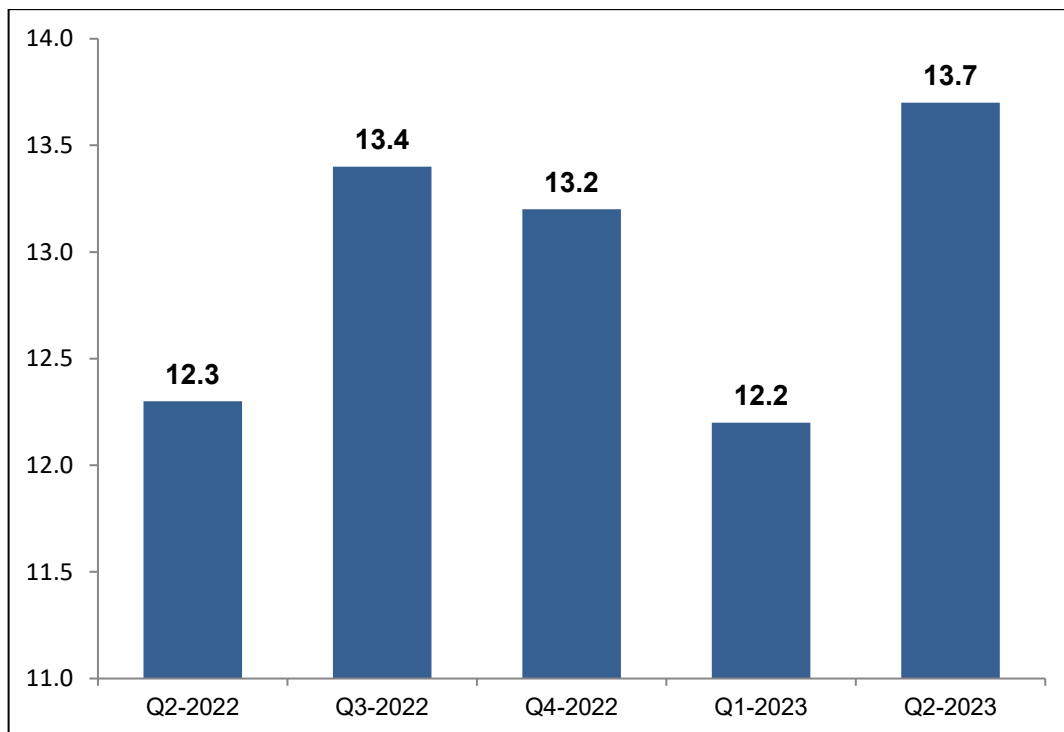


## Median Age – Appeals Closed

The timeframe for appeals closed is the period from the date the Notice of Appeal form was received, to the date the appeal was closed, either by the issuance of a final decision, a withdrawal, or abandonment of the appeal by the appellant.

- In Q2 2023, the median age for appeals closed was 13.7 months.
- In Q2 2022, the median age for appeals closed was 12.3 months.
- Year to date 2023, the median age for appeals closed was 12.9 months; for the same period in 2022, it was 12.4 months.
- For 2023, the median age to close an appeal is expected to be in the range of 13 months. This is a positive trend compared to prior years (e.g. 15.5 months in 2021).
- The WSIAT's efforts to reduce processing times have largely been successful in reducing the overall time to close appeals. These efforts will continue in 2023 and beyond.

**Chart 8: Median Age in Months – Appeals Closed**



## Appeal Issue Type

A WSIAT appeal may involve more than one issue arising from the WSIB decision(s) that the appellant is appealing. The table below presents the percentage volume of the issues that were most frequently appealed in the decisions issued in Q2 2023 compared to the decisions issued in Q2 2022.

To the end of Q2 2023, the WSIAT has received a total of 15 COVID-19 related appeals (initial entitlement; reaction to vaccine; pandemic-related return to work issues).

**Table 2: Issues Most Frequently Appealed in Decisions Issued**

Issue Rank in Q2 2023	Issue Type	% Volume Q2 2023	% Volume Q2 2022
1st	Loss of earnings	22.7%	23.6%
2nd	New area of injury entitlement	8.7%	8.0%
3rd	Non-economic loss entitlement	8.2%	6.2%
4th	Work Transition	7.7%	8.4%
5th	Non-economic loss quantum	7.7%	7.2%
6th	Initial entitlement	7.4%	8.6%
7th	Ongoing entitlement	5.4%	6.7%
8th	Second Injury and Enhancement Fund	5.0%	5.0%
9th	Multiple issues each totaling less than 1% of total	4.7%	4.6%
10th	Other	4.4%	3.0%
11th	Psycho traumatic disability	4.1%	2.9%
12th	Health care benefits	3.4%	4.3%
13th	Chronic pain	3.1%	3.2%
14th	Recurrence	2.6%	1.5%
15th	Early and safe return to work	1.7%	1.9%
16th	Occupational disease	1.2%	0.7%
17th	Future economic loss	1.2%	0.8%
18th	Chronic and traumatic stress	1.1%	1.9%

Note: Multiple issues are comprised of several individual issues that are each 1% or less than 1% of total issues. Combining these issues into a single group was done to simplify the presentation of the Issues Table.

## 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)).

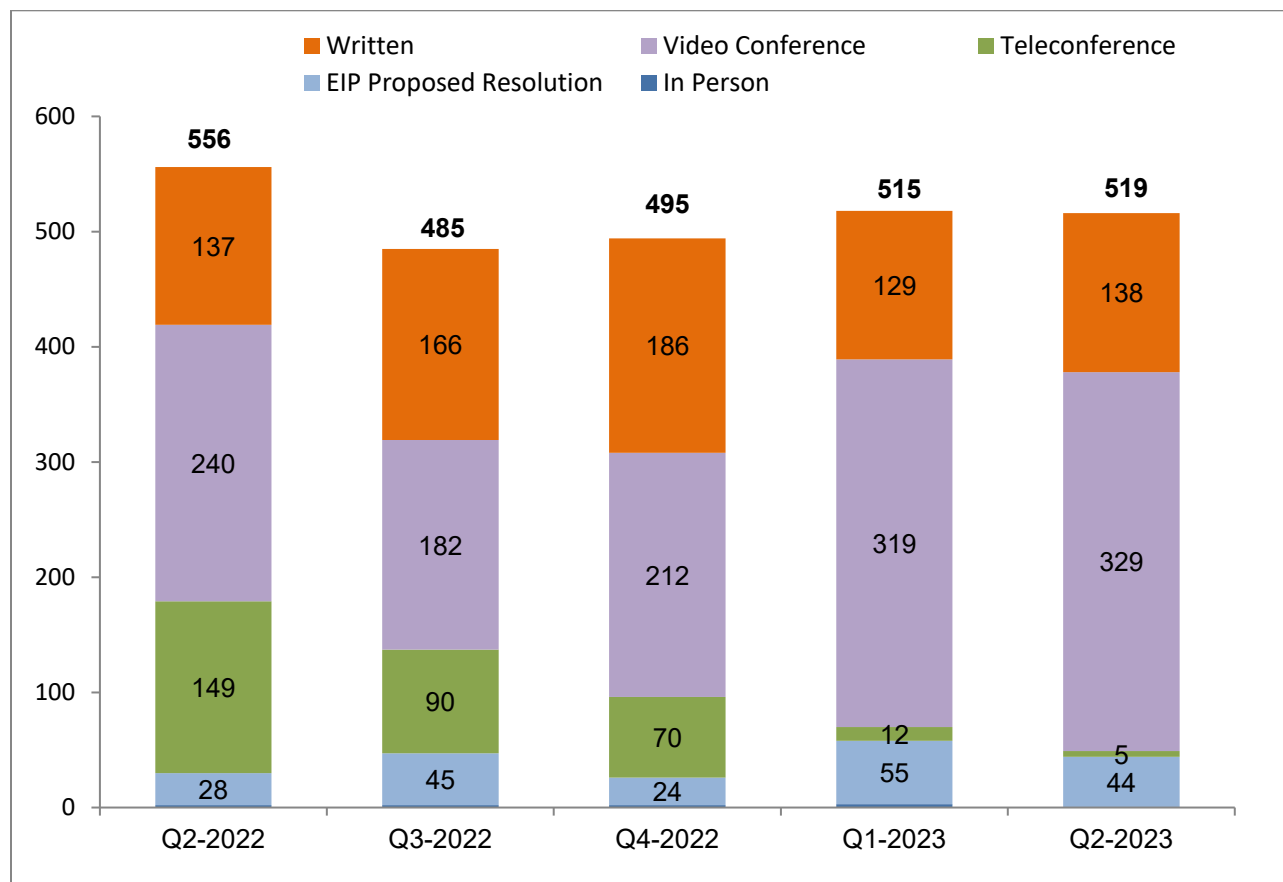
The WSIAT’s current default hearing method is videoconference, with the understanding that there will be a gradual increase in the availability of in-person hearings in 2023. Hearing participants can indicate their preference for the method of hearing that they believe is appropriate for their appeal. The WSIAT’s criteria for determining whether an in-person hearing is appropriate is outlined in the document, *Workplace Safety and Insurance Appeals Tribunal (WSIAT) Interim Guideline on the Gradual Resumption of In-Person Hearings – Phase 2*, which can be found on the WSIAT’s website.

- In Q2 2023, the majority of hearings were conducted by videoconference (63.4%).
- In Q2 2022, the majority of hearings were also conducted by videoconference (43.2%).
- Three in-person hearings were conducted in Q2 2023.
- At end of Q2 2023, six in-person hearings had been scheduled to be heard in 2023 and three in 2024. It is expected that additional in-person hearings will be scheduled in Q3 and Q2 2023.

**Table 3: Hearings by Hearing Type Total and Percentage in Each Quarter**

Hearing Type	Q2 2023		Q2 2022	
	Total	% of Total	Total	% of Total
In Person	3	0.6%	2	0.4%
EIP Proposed Resolution	44	8.5%	28	5.0%
Teleconference	5	1.0%	149	26.8%
Videoconference	329	63.4%	240	43.2%
Written	138	26.6%	137	24.6%
<b>Total Hearings</b>	<b>519</b>	<b>100%</b>	<b>556</b>	<b>100%</b>

**Chart 9: Hearings by Hearing Type in each Quarter**



Note:

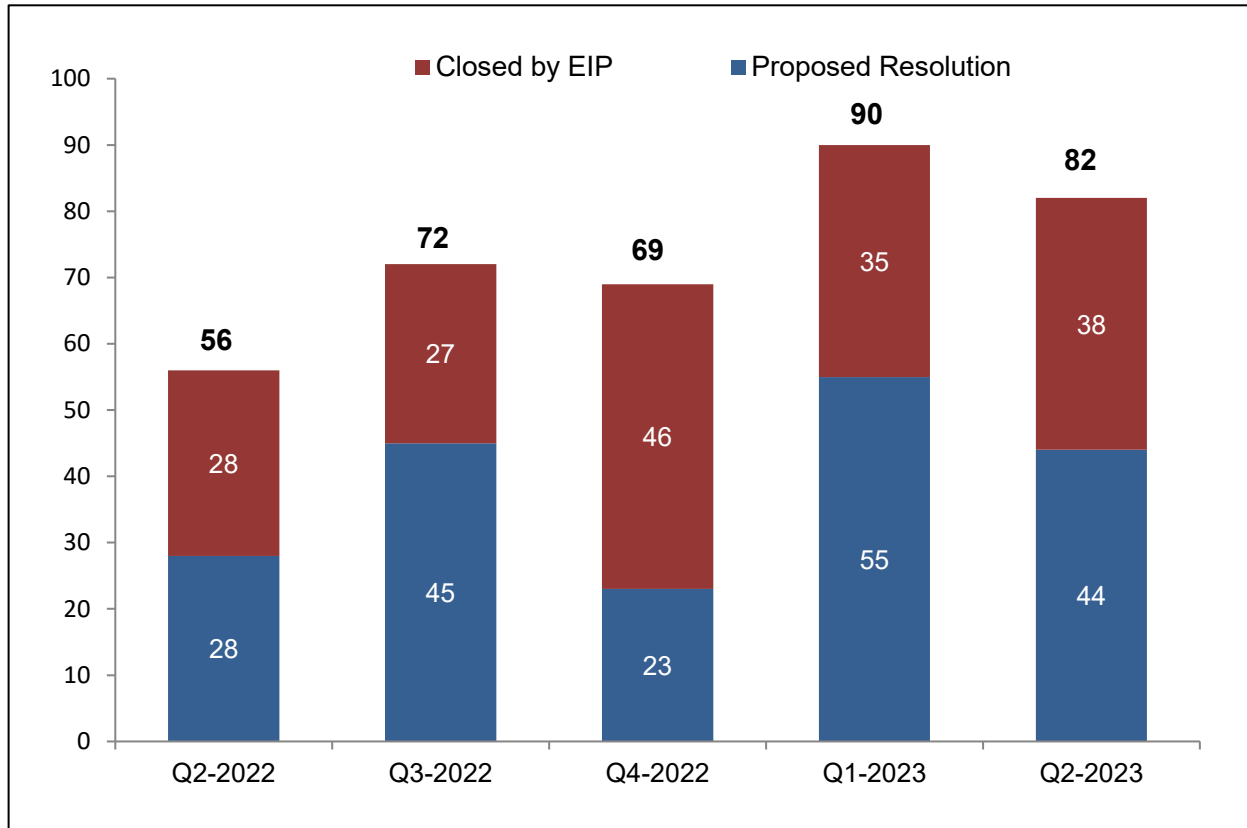
1. Reconsideration reviews by a Vice-Chair or Panel are excluded from the above hearing type presentation.
2. In-person hearings totaled 2 in Q2 2022, 2 in Q3 2022, 3 in Q4 2022, 0 in Q1 2023 and 3 in Q2 2023. In-person hearings are included in each quarter total but are not visible on the quarter chart bar due to their low total compared to the other hearing types.

## Early Intervention Program (EIP)

The EIP offers alternative dispute resolution (ADR) for single-party appeals and mediation for two-party appeals, without the need for a formal oral hearing.

- In Q2 2023, EIP resolved 82 appeals, comprised of 44 proposed resolutions assigned for review by a Vice-Chair and 38 appeals closed pre-hearing by the EIP staff.
- In Q2 2022, EIP resolved 56 appeals, comprised of 28 proposed resolutions assigned for review by a Vice-Chair and 28 appeals closed pre-hearing by the EIP staff.
- EIP appeal resolutions in Q2 2023 (82) were 46% higher than in Q2 2022 (56).
- EIP appeal resolutions in 2023 year to date (172) were 38% higher than in 2022 year to date (125). This positive increase in resolutions is due to the EIP program now being fully staffed.

**Chart 10: Early Intervention Program Production in each Quarter**



### **Order in Council (OIC) Adjudicator Roster**

At the end of Q2 2023, the OIC adjudicator roster was composed of 16 full-time Vice-Chairs; 34 part-time Vice-Chairs; 6 full-time Members and 20 part-time Members.

In Q2 2023, there were 2 full time and 2 part-time Vice-Chair appointments. There were no full-time or part-time Member appointments.

At the end of Q2 2022, the OIC adjudicator roster was composed of 16 full-time Vice-Chairs; 35 part-time Vice-Chairs; 5 full-time Members and 20 part-time Members.



# 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 their WSIB decision(s) in a specific claim.

## **Appeal Closed**

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

## **Confirmation of Appeal (COA)**

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

## **First Offered Hearing Date**

A first 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 Appeal**

An appeal is made inactive when active processing cannot proceed for various reasons, such as the absence of critical information required by the WSIAT to adjudicate the case or outstanding issues being pursued at the WSIB. 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.

## **Median**

The "median" is a statistical measure that identifies the middle ranked value in an ordered set of numbers.

## **Median Age – Appeals Closed**

The median age timeframe for appeals closed is the period from the date the Notice of Appeal form is received to the date the appeal was closed, either by the issuance of a final decision, a withdrawal, or abandonment of the appeal by the appellant.

## **Median Age – First Offered Hearing**

The timeframe to the first offered hearing date is 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.

## **Median Age – Final Decisions Issued**

The timeframe to final decisions issued is the period from the date the Vice-Chair was ready to write the final decision, to the date the final decision was issued.

## **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.