



WSIAT

In Focus

November 2002

Vol. 13, No. 3

The Newsletter of the Workplace Safety and Insurance Appeals Tribunal

WSIAT STAFF ACTIVITIES

Workers' Compensation Educational 2002

The Tribunal's **Carole Prest**, **Ann Somerville** and **Dave Timms** spoke at the Workers' Compensation Educational 2002, a conference co-sponsored by the Ontario Federation of Labour and the Office of the Worker Adviser. This conference was held on October 3 and 4, 2002, and was attended by over 300 delegates from all over the province.

continued on page 4

Tribunal Outreach Program 2002 — November Update

Throughout 2002, the Tribunal has continued with its program of highly successful public information meetings, aimed at assisting its clients to better understand and access its processes and services. Over the course of the year, the Tribunal has visited centres where it holds hearings throughout the province to host meetings where

continued on page 2

Inventory to Date

Earlier this year, the Tribunal was pleased to report that it had achieved its objective to reduce its active inventory of appeals to 4,000 cases by March 31, 2002. Since then, we have been engaged in an evaluation of our processes in order to ensure that the number of active appeals remains relatively constant, reflecting the number of incoming appeals and applications.

Revised Practice Direction: Inactive Appeals

At the same time, the Tribunal has undertaken a number of projects intended to ensure that inactive appeals are processed efficiently. Previously, where an appeal had been made inactive, the Tribunal relied upon the parties to the appeal to notify it when they were ready to proceed. The Tribunal determined that it was necessary to adopt an active approach to the management of these appeals, in order to ensure that they are resolved in a timely fashion.

Over the summer, the Tribunal introduced processes to assist in identifying both inactive appeals that are ready to proceed and inactive cases that have been withdrawn or abandoned by the appellant. These processes are described in revisions to the Tribunal's Practice Direction on Inactive Files, which can be found on the Tribunal's web site. Inactive appeals that are identified as ready to proceed are directed to the relevant area of the Tribunal for action. In implementing a process that permits the Tribunal to accurately estimate and manage its caseload, we hope to ensure the Tribunal's ability to continue to provide timely resolution of all appeals. We welcome any questions or comments on this process, which can be directed to me or to Debra Dileo, Assistant Registrar.

MESSAGE FROM THE TRIBUNAL DIRECTOR

Marsha Faubert

NEW FEATURES ADDED TO WSIAT WEB SITE (www.wsiat.on.ca)

Decision Summary Search

Within the Decision Summary Search function the following have been added:

Weekly Decisions Summarized: Each week, a set of decisions is keyworded and summarized by the Tribunal. It is now possible to search for decisions that have been keyworded and summarized on a certain week. Please refer to the help pages of the web site's Decision Summary Search function for instructions on how to search for the decisions that have been keyworded and summarized by the Tribunal each week.

Decision No. 915: The full text of this decision is now available electronically on the web site. You can view or download a copy of this decision by clicking on the full text link attached to the summary of the decision. The full text of Decision No. 915 is 281 pages.

Resource Materials

The following resource materials have been added to the web site:

Client Services List: This list provides information on how to contact the Office of the Tribunal Chair and Tribunal Director as well as who to contact regarding the following:

- Decision status inquiry
- Reconsideration request status
- Media inquiries
- Inquiries on recently filed appeal applications
- Inquiries on hearing ready cases
- Inquiries on the scheduling of appeals
- Inquiries on Tribunal processes, practice directions and rules
- Inquiries on library services, publications and public information sessions.

Practice Directions on Inactive Files: The revised practice direction is dated September 2002.

Publications Order Form for 2003: This form is electronically fillable and available in both Word and pdf formats.

WSIAT Public Complaint Policy: This document is designed to assist members of the public understand Tribunal policy pertaining to the handling of complaints.

WSIAT Quarterly Report: Production and Activity for the Period April 1 through June 30, 2002

For questions or comments about the web site, please contact the WSIAT webmaster by e-mail at webmaster@wst.gov.on.ca.

Tribunal Outreach Program *continued from page 1*

stakeholders have been invited to learn more about current developments and initiatives and to provide valuable feedback with respect to Tribunal programs and services.

Areas which have been focused on in this year's sessions have included case inventory and production, Tribunal structure and services, the two-part appeal application process involving the Notice of Appeal and Confirmation of Appeal, our web site, e-services and discussion with Tribunal members on hearing preparation and presentation.

Participants at the sessions have provided helpful feedback regarding the two-part application process, the preparation of case records, the rules concerning the disclosure of evidence at hearings and web site content. Information received at these sessions has been provided to the applicable service areas and continues to be used in the development of Tribunal processes and services. As a result of these discussions, user suggestions regarding the reporting of employer information have been incorporated into the Notice of Appeal form.

The Tribunal will be completing the 2002 program with sessions in the Toronto area and in London in November. The sessions are open to anyone with an interest in the Ontario workplace safety and insurance system and are free of charge. For further information on the Tribunal's public information session program, please access our web site at: www.wsiat.on.ca or call Linda at: 416- 314-8924 or toll free at: 1-888-618-8846 ext. 4-8924.

NEWS FROM MLO

Medical Discussion Papers

The Tribunal commissions medical discussion papers to provide general information on a variety of medical topics that are commonly involved in appeals. Each paper is written by a recognized expert in the field who is selected by the Tribunal. Each expert is asked to provide a balanced view of the current medical knowledge on the topic.

A discussion paper does not deal with the facts of any particular appeal. A paper is intended to provide a broad and general overview of a topic, and is written to be understood by lay individuals. The papers are intended to serve as educational tools, providing general information to assist panels and parties in their understanding of the medical issue in question. A discussion paper does not necessarily represent the views of the Tribunal. A vice-chair or panel may consider and rely on the medical information provided in the discussion paper, but the Tribunal is not bound by the discussion paper in any particular case. It is always open to parties to an appeal to rely on or distinguish a medical discussion paper, or to challenge it with alternative evidence.

The discussion papers are available to the public on the WSIAT web site, and in the Library. The following discussion papers have recently been made available:

1. Interstitial Lung Disease and Beryllium Related Disease
2. Chronic Obstructive Lung Disease

Medical Generic Reports

At times medical assessors provide reports on individual cases that contain generic information on a particular medical topic. In such cases the reports are anonymized and forwarded to the Library. The following medical generic reports have recently been placed in the Library.

ISSUE	AUTHOR	DATE	LIBRARY LOCATION
Osteoarthritis of the thumb causally related to repetitive motion	Dr. Terry Axelrod	June 17, 2002	VF 11122
COPD, emphysema & asthma and chronic bronchitis. PFTs	Dr. Norman Jones	June 14, 2002	VF 11121
Emphysema (types of), Silicosis, Mineral Dust Airways Disease, Bullae	Dr. Dildar Ahmad	August 14, 2002	VF 11123
Renal Disease, Glomerulonephritis, Hypertension, Pb (lead), Solvents	Dr. R. House	August 28, 2002	VF 11124
Ear – Menières, Perilymphatic fistulae, Cochlear hydrops, delayed endolymphatic hydrops, traumatic hydrops	Dr. John Rutka	August 19, 2002	VF 11125
MCS, EH, Darkroom Disease, Developer Solution, Fixer Solution	Dr. George Sweeney	September 11, 2002	VF 11126

All discussion papers and medical generic reports listed above are available in the Ontario Workplace Tribunals Library. When ordering medical generic reports, please quote the Library location number. Self-serve photocopies may be made in the Library for 20 cents per page. Alternatively, copies may be ordered for \$5 per document.

WSIAT Staff Activities

continued from page 1

Dave Timms, Tribunal member representative of workers, and Ann Somerville, Associate Counsel to the Chair, were part of a panel discussion entitled "Significant Decision/Practice Before The WSIAT." Mr. Timms discussed representation and presenting appeals at the Tribunal from an adjudicator's perspective. Ms. Somerville spoke about significant decisions under WSIA, and, in a paper, summarized highlights of Tribunal cases in 2001 and 2002. Carole Prest, Counsel to the Chair, participated in a panel discussion entitled "Reconsiderations of WSIAT Decisions." Ms. Prest provided a useful overview of law and practice concerning reconsiderations at the Tribunal.

OMA Reception

In late October, Tribunal Chair, **Ian J. Strachan**, and General Counsel, **Daniel S. Revington**, attended an Ontario Mining Association reception.

WSIAT Orientation Day

On October 8, 2002, the Tribunal hosted a half day orientation session for the Ontario Legal Clinics' Workers Compensation Network. Staff presenters included Tribunal Director **Marsha Faubert**, General Counsel **Dan Revington**, MLO Manager **Ellen Schoffer**, Assistant Registrar **Debra Dileo**, ADR Manager **Miriam Weinfeld**, Appeals Administrator **Janet Oulton**, Resource Department Manager **David Beattie**, Librarian **Felicity Fowke**, Vice-Chair **Nick McCombie**, Worker Member **Jim Crocker** and Employer Member **Brian Wheeler**. The program included information and orientation on Tribunal processes, a library tour, a web site orientation and an OIC discussion panel on hearing issues.

PSO Conference

In September, the Tribunal's General Counsel, **Dan Revington**, was invited to participate in a panel discussion at the Fall Conference of the Paralegal Society of Ontario. The panel discussed the proposed framework for regulating paralegals which is under consideration by the Law Society of Upper Canada.

SOAR Training Program

On September 12, 2002, **David Beattie**, the Tribunal's Resource Department Manager, and **Martha Keil**, Vice-Chair Registrar, participated in a training program, leading a workshop on making presentations for public agency support staff, "SOS," presented by the Society of Ontario Adjudicators and Regulators (SOAR).

Outreach Activities

Since the last edition of In Focus, the Tribunal has conducted Information Sessions in Timmins, Burlington and Sault Ste. Marie. Staff presenters included **David Beattie**, Manager of the Resource Department (including the Library) and **Debra Dileo**, Assistant Registrar. Adjudicator presenters included **Jim Crocker**, Member representative of workers, **Pauline Barbeau**, Member representative of employers, **Brian Wheeler**, Member representative of employers, and **Martha Keil**, Vice-Chair Registrar. The Tribunal appreciates this individual involvement that makes the information sessions a success.

Somerville OBA President 2002-2003

Ann Somerville, Associate Counsel to the Chair, is the President of the Ontario Bar Association's Workers' Compensation Section for 2002-3.

TRIBUNAL MEMBERS

Since the last issue of WSIAT In Focus (August 2002), **Ross McClellan** has been appointed a full-time Vice-Chair.

WSIAT In Focus

Volume 13, Number 3

WSIAT IN FOCUS is a publication of the (Ontario) Workplace Safety and Insurance Appeals Tribunal. It is distributed free of charge.

If you would like to be placed on the subscription list for WSIAT In Focus, please contact the Tribunal Resource Centre at the following number: (416) 314-3700.

Tribunal Chair: Ian Strachan

Tribunal Director: Marsha Faubert

Publications Co-ordinator: David Beattie

Editor: Dawn Tam

Contributors: David Beattie, Maria Erskine, Marsha Faubert, Melinda Reyes, Ellen Schoffer

French Version: Cécile Raffael

Subscriptions: Mary Pavic

Workplace Safety and Insurance Appeals Tribunal

505 University Ave., 2nd Floor
Toronto, Ontario
M5G 2P2

Telephone: (416) 314-8800

Fax: (416) 326-5164

Web Site: <http://www.wsiat.on.ca>

ISSN 1480-5731