



WSIAT

In Focus

August 2005

Vol. 16, No. 2

The Newsletter of the Workplace Safety and Insurance Appeals Tribunal

Invitation: WSIAT 20th Anniversary Symposium

MESSAGE FROM THE CHAIR

Ian Strachan

Sometimes the best way to predict the future is to create it. When Paul Weiler recommended the creation of an external appeals tribunal to improve the workers' compensation system, the government followed through on his recommendation and the Workers' Compensation Appeals Tribunal (WCAT) opened its doors on October 1, 1985. Professor Weiler hoped the external appeal body would use its discretion to correct problems associated with the old internal Appeal Board at the Workers' Compensation Board and to channel innovative efforts in the direction of a safer workplace. It was an interesting challenge and one that was initially greeted with a degree of scepticism within the injured worker and employer communities. Fortunately, the new Chair, Ron Ellis, with a roster of enthusiastic adjudicators and dedicated staff, steadily overcame that scepticism and the Appeals Tribunal gradually developed a body of caselaw which established adjudicative principles, not only for the Ontario workers' compensation system, but also for systems in other provinces. In due course, other jurisdictions set up external appeal bodies modeled after the Ontario Tribunal.

The 20 years which followed the creation of the new Appeals Tribunal were not without problems. Bourgeoning caseloads, complaints about the Tribunal's interpretation of the legislation and Board policy, concerns about adequate funding and the appointment process all created difficulties for the Tribunal from time to time. Fortunately, that dedicated core of adjudicators and Tribunal employees, together with external support groups, were prepared to deal with any obstacles, and they continued to strive to improve the

quality of adjudication within the administrative justice system. This core of dedication survived, notwithstanding limited remuneration and an uncertain employment environment, and for those who look back over the past 20 years there should be an element of satisfaction in reviewing the Tribunal's performance and its continued survival. There is always room for improvement; however, the Tribunal's reputation for quality decision-making and the attempts to replicate the Tribunal in other jurisdictions have resulted in

For those who look back over the past 20 years there should be an element of satisfaction in reviewing the Tribunal's performance.

Professor Weiler's prediction of a better adjudicative future coming true.

To recognize and celebrate the Tribunal's 20th anniversary, we will hold a 20th Anniversary Symposium at The Toronto Board of Trade on October 6, 2005 starting at 12:30 p.m. We plan to have a number of distinguished speakers including judges, law

*See Anniversary Symposium,
continued on page 2*

WSIAT PUBLIC INFORMATION MEETINGS 2005

Since 1999, the Tribunal has held public information sessions in the centres where it holds hearings. These sessions are designed to provide information to our stakeholders about our processes and services, to explain special initiatives, to assist stakeholders in understanding how to better access Tribunal resources, and to provide a forum for feedback regarding Tribunal processes.

The 2005 program will focus on many of the technical aspects of processing appeals at the Tribunal, including production, the “life of an appeal” (addressing such elements as pre-hearing and post-hearing processes from application to decision release), case assignments, staff communications with OICs, hearing preparations, scheduling, the roles of OIC vice-chairs and members, decision writing, decision making and the decision release process.

Sessions include a technical presentation by Tribunal staff and a vice-chair, as well as a discussion segment with a full hearing panel. The public information sessions are co-ordinated by the Tribunal’s Resource Department.

SESSIONS ARE SCHEDULED TO TAKE PLACE IN:

Sudbury

Tuesday, September 27, 2005 (9:00am-11:00am)
Radisson Hotel Sudbury Downtown
85 Ste. Ann Rd., Sudbury, Ontario P3E 4S4
(705) 675-1123

Ottawa

Tuesday, November 1, 2005 (9:00am-11:00am)
Sheraton Ottawa Hotel
150 Albert St., Ottawa, Ontario K1P 5G2
(613) 238-1500

Sault Ste. Marie

Tuesday, November 22, 2005 (9:00am-11:00am)
Holiday Inn Sault Ste. Marie Waterfront
208 St. Mary’s River Dr.
Sault Ste. Marie, Ontario P6A 5V4
(705) 949-0611

For more information and a complete schedule of upcoming sessions, visit our web site at: www.wsiat.on.ca or contact the Tribunal’s Resource Department at: (416) 314-3733, or toll free at: 1-888-618-8846, ext. 4-3733.

*Anniversary Symposium,
continued from page 1*

professors, members of the stakeholder communities and members of the legal profession. There should be interesting and stimulating discussions by three panels during the afternoon.

Following the conclusion of the panel discussions at approximately 5:00 p.m., there will be a two-hour Reception with a cash bar. We hope that many of you who have supported the Appeals Tribunal over the past 20 years will join us for the complimentary Symposium and Reception.

For more information on the Tribunal’s 20th Anniversary Symposium, see the notice on this page of WSIAT In Focus or visit www.wsiat.on.ca.

20th Anniversary Symposium

The Workplace Safety and Insurance Appeals Tribunal invites friends and colleagues to join the celebration of the Tribunal’s 20th anniversary at a special Symposium and Reception on October 6, 2005.

Location:

The Toronto Board of Trade

1 First Canadian Place, Toronto

Symposium: 12:30 p.m.

Reception: 5:00 p.m.

Partial List of Speakers:

- The Honourable Justice S.T. Goudge, Ontario Court of Appeal
- David Mullan (Professor Emeritus, Faculty of Law, Queen’s University, and author of *Administrative Law*)
- S. Ron Ellis (First Chair, WSIAT)
- Ian J. Strachan (Chair, WSIAT)
- David Brady (Counsel, Hicks Morley Hamilton Stewart Storie LLP)
- Lois Cromarty (Counsel, Northumberland Community Legal Clinic)
- John Slinger (Vice President, Regulatory Services Division, WSIB)

For information please call 416-695-1271 or visit the WSIAT web site at www.wsiat.on.ca.

TRIBUNAL MEMBERS

Since the last issue of WSIAT In Focus (April 2005), **Mary Ferrari** has been appointed a part-time Member representative of workers; and **John B. Lang**, **Colin MacAdam** and **Kenneth Wyman** have been appointed part-time Vice-Chairs.

DECISION SUMMARY SEARCH TIP

Related Decisions and Cases

Decision numbers are composed of a root number, a two-digit year and, when applicable, a letter suffix.

There may be **several decisions related to a case**. Those decisions will have the same root number and two-digit year, but will have different letter suffixes.

There may also be **decisions on related cases**, such as cases involving the same worker at different times and with separate or related issues. Those decisions will have different decision numbers, which will be listed as a cross-reference in the References field.

To find all decisions on a specific case, enter the root number and the year. For example, a search in the Decision No. field for 1443 03 will return 1443/03 and 1443/03E. The cross-reference in the References field for 1443/03 lists the other decision related to the case (1443/03E). In addition, the cross-reference lists decisions on a related case (480/95, 480/95R).

Ontario Workplace Tribunals Library launches new web site at www.owtlibrary.on.ca

The Ontario Workplace Tribunals Library (OWTL) is pleased to announce the launch of its new dedicated web site at: www.owtlibrary.on.ca. The new site will allow library users to access and search the library catalogue online. In addition, users will be able to access a range of library services from viewing new items in the library's collection to contacting a librarian online for research assistance. Users will also have the ability to search the decisions of the library's supporting agencies, the Workplace Safety and Insurance Appeals Tribunal, the Ontario Labour Relations Board, the Pay Equity Hearings Tribunal and the Human Rights Tribunal of Ontario.

For enquiries regarding the library or its services please call 416-314-3700 or e-mail owtl@wst.gov.on.ca.

NEWS FROM MLO

Medical Discussion Papers

The Tribunal has discussion papers on a variety of medical topics that are commonly involved in appeals. The papers are available to the public on the Tribunal's web site, and in the Library.

The following discussion paper has been added or updated:

- Idiopathic Environmental Intolerance

Self-serve photocopies may be made in the Library for 20 cents per page. Alternatively, copies may be ordered for \$5 per document.

WSIAT In Focus Volume 16, Number 2

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) 314-0599.

Tribunal Chair: Ian Strachan

Tribunal Director: Marsha Faubert

Publications Manager: David Beattie

Editor: John Zachariah

Contributors: David Beattie,
Maria Erskine, Marvin Goldstein,
Melinda Reyes, Ellen Schoffer,
Ian Strachan

French Version: Véronique Lavoie-Naster

Subscriptions: Melinda Reyes

Workplace Safety and Insurance Appeals Tribunal
505 University Ave., 7th Floor
Toronto ON M5G 2P2

Telephone: (416) 314-8800

Fax: (416) 326-5164

Web Site: <http://www.wsiat.on.ca>
ISSN 1480-5731