



WSIAT

In Focus

May 2007

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The Newsletter of the Workplace Safety and Insurance Appeals Tribunal

NOTICE REGARDING LICENSING OF PARALEGALS

Beginning on May 1, 2007, many paralegal representatives in Ontario will be affected by the recent changes to the Law Society Act. Paralegals who provide legal services, including representing persons in a proceeding before an adjudicative body such as the Tribunal, will be required to apply for and meet the licensing requirements that are set by the Law Society Act and Regulations, and by-laws of the Law Society of Upper Canada. Certain paralegals are exempt from these requirements. The Tribunal encourages paralegals to contact the Law Society of Upper Canada to obtain more information about the need to apply for a licence.

References in Support of Paralegal Applications for a Licence

The Law Society will begin to receive applications from paralegals on May 1. The Law Society will require references in support of applications, and one of the references must be from, among others, “a member or senior employee of a tribunal [or] agency...before which the applicant has appeared, who must attest to the experience of the applicant in advocacy work”. This reference must provide information about the nature and recentness of the work experience, and the duration of the applicant’s provision of legal services.

The Law Society will prescribe the form of the reference, which will be made available on the Law Society website at: www.lsuc.on.ca/paralegals.

The Tribunal is aware that some applicants may wish to obtain a reference from the Tribunal to comply with this requirement. In order to ensure that information provided to the

Law Society about an applicant’s work experience before the Tribunal is current and accurate, the Tribunal has determined that all requests for references in support of an application for licence as a paralegal will be provided from a single source within the Tribunal. The Tribunal will

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Felicity Fowke to Retire from OWTL

Reflections on Over 20 Years with the Tribunal Library

In June of 2007 a significant change will come to the Ontario Workplace Tribunals Library when long-time librarian Felicity Fowke begins her retirement. For those Tribunal staff, OICs and stakeholders who have used the library over the past 21 years, Felicity is a well-known figure, trusted resource, patient professional and an always helpful public face of the organization.

Before the OWTL

Felicity has made a long and impressive journey to the OWT library. Born in Sri Lanka, she grew up in New Zealand and later moved to London, England where she first became involved in library work at the Royal Post-Graduate Medical School. Her

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work there led her to accept a one-year work visa in Canada where she was involved in the creation of the McMaster University medical library in Hamilton, (and where she also met her future husband). Following a further work stint in New Zealand, Felicity returned to Canada with her husband where she worked for the University of Toronto Libraries, and for the then Ministry of Correctional Services (which included an assignment working in the jail house library of the Mimico Correctional Centre).

Felicity left the Ministry in March of 1986 to join the fledgling library of the Tribunal, which at that time was called the Workers' Compensation Appeals Tribunal. "It was a small, interior room with no windows," Felicity recalls, "and in those days people smoked in the workplace!" She moved to the larger space of the Tribunal's library on the 7th floor of 505 University Avenue in Toronto in June of 1986, and has remained there ever since.

Library Merger

The library has changed in more than appearance over those 21 years says Felicity. It had a narrower subject focus in 1986 as it only served WSIAT. It now has a much more diverse collection and clientele. One of the biggest changes for the library came in 1998 with the merger of the WSIAT collection with those of the Ontario Labour Relations Board, Pay Equity Hearing Tribunal and the Human Rights Tribunal of Ontario. This involved a large integration project that has resulted in the OWTL's current unique collection.

Emerging Technologies

The greatest change that Felicity has seen for libraries is the

way that information technology has "taken off." She notes that the library was the first place in the Tribunal to have a computer. The library also made early use of

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emerging technologies, and as she recalls proudly, "The library never had a card catalogue, it always had an electronic database." In the 1980s the library began an electronic database of medical and legal journal articles, and began creating a Tribunal decisions database, a move that ultimately led to the longstanding Tribunal practice of summarizing and key wording its extensive decision database.

Challenges for Libraries

What does Felicity feel is the greatest challenge facing libraries in the modern information age? "Libraries need to stick to their knitting and do what they have always done," she says with conviction, "they need to be mindful of new technological innovation to make things both findable and understandable. Librarians need to focus on the quality control filter."

In reflecting on the evolution of the OWTL, she looks back on the challenges and accomplishments with satisfaction. In her words, "It

has been my good fortune to work in a library that has always been fully supported by its parent body. Many small, special libraries live in constant fear of closure, downsizing and generally not being thought worthwhile by their funding body. That has never been the case for me in this job, there has always been full support and recognition for the library."

Retirement Plans

As for retirement plans, Felicity mentions gardening, travel, reading and volunteer work among others. We hope her plans will also include remaining in touch with colleagues and friends at the library and the Tribunal. Well-wishes can be sent to Felicity at: **Felicity.Fowke@wst.gov.on.ca** before June 29, 2007.

Burlington Hearings Shift to Hamilton April 1, 2007

The Appeals Tribunal has held hearings in Burlington for several years. A review of the location of the participants in recent hearings showed that the majority of the participants are located in, or close to, Hamilton. In order to provide better service to the community, the Tribunal made the decision to shift the location of our hearings from Burlington to Hamilton effective April 1, 2007. Tribunal hearings are now held at the Sheraton Hotel located at 116 King Street West in Hamilton.

Reconvened hearings and mediations will also be booked in Hamilton rather than Burlington.

TRIBUNAL MEMBERS

Since the update published in the previous issue of *WSIAT In Focus* (November 2006), **Nalini Jugnundan**, **Sonya Sahay** and **Surinder Sehdev** were appointed as part-time Vice-Chairs; **Victor Phillips** was appointed as a part-time Member.

Also during this period, **Martha Keil** was reappointed as a full-time Vice-Chair. **Jean Guy Bigras**, **Thomas Carroll**, **Victor Marafioti** and **Marilyn Smith** were reappointed as part-time Vice-Chairs. **Angela Grande** was reappointed as a full-time Member. **David Beattie**, **David Broadbent**, **Douglas Felice**, **Douglas Jago**, **Fortunato Rao** and **Barbara Young** were reappointed as part-time Members.

Ron Ellis Awarded CCAT Medal

The Council of Canadian Administrative Tribunals has announced that former Tribunal Chair S. Ronald Ellis is the recipient of the 2007 CCAT Medal. Mr. Ellis was the first chair of the Workers' Compensation Appeals Tribunal (WCAT) (now the Workplace Safety and Insurance Appeals Tribunal) from 1985 to 1997.

The news release announcing the award stated in part that "This distinction is awarded by CCAT in recognition of Mr. Ellis' ongoing contribution to the improvement and advancement of administrative justice in Canada." The medal will be presented to Mr. Ellis at CCAT's 4th International Conference to be held in Vancouver from May 6th to 8th, 2007.

SOAR

On January 24th, Associate Counsel to the Chair **Ann Somerville** and Vice-Chair **Bernard Kalvin** were instructors at the Society of Ontario Adjudicators and Regulators (SOAR) adjudicator training course. Their topic was decision writing. They provided a group presentation and led small groups in decision-writing exercises. Ms. Somerville is also a member of the planning committee for the 2007 Conference of Ontario Boards and Agencies (COBA).

Ontario Legal Clinics Workers' Compensation Network

In March, Tribunal Director **Marsha Faubert** met with the Ontario Legal Clinics Workers' Compensation Network to talk about the Tribunal's caseload and answer questions. Following from this meeting, the clinic portion of the Tribunal's worker referral sheet is being revised.

TRIBUNAL STAFF ACTIVITIES

WSIB Appeals Branch

In January, Tribunal Chair, **Ian J. Strachan**, spoke at the annual meeting of the WSIB Appeals Branch. Mr. Strachan provided a Tribunal update to the Appeals Resolution Officers including caseload and judicial review activity.

Office of the Employer Adviser

Also in January, **Sophie Martel**, Vice-Chair, spoke at the Office of the Employer Adviser staff training session. The discussion focused on employer assessment appeals. At the same session, **Marvin Goldstein**, Counsel, Information Services Group, spoke about processing Tribunal decisions after they are released; the discussion included how cases are selected as noteworthy and for the WSIAT Reporter.

Office of the Worker Adviser

Also in March, Tribunal staff met with the Office of the Worker Adviser to discuss areas of mutual interest.

Canadian Institute

On April 19th, Counsel to the Chair, **Carole Prest**, spoke on rules, policies and guidelines for the Canadian Institute's conference on "Fundamentals of Administrative Law and Practice."

Association of Law Libraries

In the Winter 2007 issue of the Toronto Association of Law Libraries Newsletter, Director of Information Services, **Alison Colvin**, wrote about knowledge management initiatives at the WSIAT.

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notify the Law Society of the staff who are authorized to provide these references. Requests for references should be sent to:

Paralegal References
Workplace Safety and Insurance
Appeals Tribunal
505 University Avenue, 5th Floor
Toronto ON M5G 2P2

All requests will be directed to senior Tribunal staff who will search the Tribunal's and other records to provide information about the nature, frequency, and recentness of a representative's advocacy work before the Tribunal. The Tribunal will also provide information about any sanctions it may have imposed in the context of the applicant's professional activity. The Tribunal may require additional information from representatives to enable it to complete its review of its records.

The Tribunal will not provide an opinion regarding the advocacy skills or legal knowledge of the applicant, or the suitability of the applicant for licensing as a paralegal.

In undertaking to provide references to requesting applicants, the Tribunal makes no warranties about the success of the applicant in the licensing process.

The Law Society has advised the Tribunal that all references provided in the licensing application process will be confidential. Before forwarding the reference to the Law Society, the Tribunal will require applicants to provide an undertaking s/he will not request a copy of the completed reference form. The Tribunal will post the required reference request form and undertaking on its website.

Revised NOA Form

In response to feedback from the community, the Tribunal has revised the *Notice of Appeal for Workers* and the *Notice of Appeal for Employers*. The forms are now two pages plus a coversheet that has the Tribunal's contact information and a reminder checklist to use when returning the form. The format is also easier to read. The new forms are available on

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the Tribunal's web site or from TribSunal staff. Please use the new forms. If you have any concerns or comments, please write to the Tribunal at:

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