



In Focus

Fall 2009

Vol. 20, No. 2

The Newsletter of the Workplace Safety and Insurance Appeals Tribunal

WSIAT'S GREEN INITIATIVES

Wherever possible, the Tribunal actively supports environmentally responsible practices. Two recent green initiatives have included the elimination of plastic water bottles from its hearing rooms and the diversion of used books from landfills.

Library donations keep discards out of landfill, help others

It's an annual ritual with a familiar name – weeding. As for gardeners, librarians find from time to time that some books must be removed from collections. Sometimes, a shabby volume will be replaced by a shiny new copy, or a more current edition. In other situations, a work is found to no longer reflect the information needs of the clientele, so it is withdrawn entirely.

In the past, libraries would make these “de-accessioned” materials available to each other, but as North American libraries become increasingly virtual, the interest in old case law reports and statutes is steadily declining. A reflection of this declining market, and the increasing expense of shipping and handling print volumes is the story of the Canadian Book Exchange. CBEC was a huge warehouse on the outskirts of Ottawa. Funded by the National Library, it was charged with receiving discarded books

from contributing libraries, and making them available to other libraries for the cost of shipping. It was a great way to redistribute the wealth from urban centres and government libraries to underfunded or remote libraries. The program was unfortunately discontinued in June 2008.

You can see the dilemma – we continue to weed our collections, but it's generally repugnant to just toss these books into landfill. Even a recycling bin seems like a poor solution. The Ontario Workplace Tribunals Library (OWTL) found itself in just this position this spring. Fortunately, we've been able to find several ways to direct discarded works to a couple of libraries.

We sent lists of our discarded titles to the Human Rights Legal Support Centre – as a new organization, its print resources are limited to very current editions, while some of the questions it may be asked to answer date back some years. Library staff will assist in the building of this collection and are pleased that the works will continue to be useful.

We also learned of a project through the Rights & Democracy Network (McGill University Delegation). They are collecting legal texts to ship to Zimbabwe, and so provide resources for law stu-

SOUTH KOREAN LABOUR PROFESSIONALS VISIT TRIBUNAL

The Tribunal was visited this August by labour professionals from South Korea. Dr. Jae Hoon Kim, a law professor at Sogang University, and Ms. Hee-Jin Lee, a member of the Korea Certified Public Labour Attorneys Association, travelled from Seoul to Toronto to learn about the Tribunal, as well other administrative bodies. The visit was organized by Mr. Blaine Donais, of the Workplace Fairness Institute in Toronto.

Ruby Leung and Cathleen O'Sullivan, who have completed their articles in the Tribunal Counsel Office (TCO), met with the Korean visitors. With the aid of their translator, Dr. Kim and Ms. Lee explained that they were conducting research on mediation and alternative means of handling workplace conflicts. They explained that they were part of a larger research group, whose goal was to make suggestions for improving the Korean system, by drawing comparisons with its international counterparts.

Dr. Kim and Ms. Lee had many questions about the workplace safety and insurance system in Ontario, and were particularly interested in issues surrounding return-to-work, and the role of mediation. They were surprised at the

See *Green Initiatives*, continued on page 3

See *Labour Professionals*, continued on page 3

CHANGES IN THE TRIBUNAL'S EXECUTIVE OFFICES

In mid-July, **Marsha Faubert** stepped down from the position of Executive Director after 7 years of service. Marsha is one of the Appeals Tribunal originals, who began her Tribunal career in the Tribunal Counsel Office before becoming a Vice-Chair. At all stages of her Tribunal career, Marsha has provided excellent service to our organization and to the injured worker and employer communities. She used her legal and administrative skills to lead the Tribunal through many projects in her tenure as Executive Director and was instrumental in directing a strong team of adjudicators, managers and staff. Her past and future contributions to this institution are greatly appreciated.

Susan Adams has since assumed the role of Acting Tribunal Director. Susan has been with the Tribunal for 10 years and has worked in a supportive role to the Tribunal's Executive Director(s) for most of that time. Her knowledge and experience are a great asset to the Tribunal's executive team.

TRIBUNAL MEMBERS

Since the update published in the previous issue of WSIAT In Focus (Winter 2009), **John Cameron, Siu Mee Cheng, Sherry Darvish, Garth Dee, Paul Dhaliwal, Bonnie Goldberg, Sonja Hodis, Kathleen Kelly, Sandra Shime** and **Wendy Sutton** were appointed as part-time Vice-Chairs and **Bill Davis** was appointed as a part-time Member.

In the same period, **Ian J. Strachan** was reappointed Tribunal Chair. **Andrew Baker, Mel Crystal** and **Eleanor Smith** were reappointed as full-time Vice-Chairs, and Vice-Chair **Angus Patterson's** appointment was converted from part-to full-time. **Bruce Alexander, Marvin Cohen, Jim Dimovski, Barbara Doherty, Marsha Faubert, Jeanette Goldman, Mary McKenzie, John Moore, Anne Morris** and **Ian Welton** were reappointed as part-time Vice-Chairs.

Mary Christie was reappointed a full-time Member, and **Jacques Séguin** reappointed as a part-time Member.

Congratulations all.

If you would like more information on these new appointments, please go to the Public Appointments Secretariat's web page at www.psa.gov.on.ca.

SCHEDULING OF HEARING DATES

The Tribunal is continuing its efforts to improve the processing time and the waiting time for hearing dates. In the past year, the Scheduling Department was able to eliminate a backlog of hearing ready appeals. New appeals referred to the Scheduling Department can be assigned more quickly to hearing coordinators for processing and scheduling of hearing dates. At this time, hearing dates are being offered for the remaining available dates in December 2009. Once the December schedule is booked to capacity, dates will be offered to parties for January 2010. Some hearings have already been booked from January onwards but this is a reflection of the availability of the parties.

We continue to set up a significant number of trips to the regional centres in order to be able to offer hearing dates in a timely manner. In some instances, we have had shortages of hearing ready appeals in some regional centres. In these situations, action has been taken to shift the assigned adjudicators to regional centres where there are appeals that can be scheduled for hearings. The scheduling of appeals is almost completed for the regional trips up to December 2009. The regional trip schedule for January – June 2010 is currently being finalized and we expect to start offering hearing dates in the regional centres in the near future.

We continue to benefit from cooperative relationship with our stakeholders and this has been a contributing factor in our efforts to improve our time lines for hearing dates.

NEW MEDICAL DISCUSSION PAPERS AVAILABLE ON-LINE

Here is a list of the new discussion papers posted on our public web site since our last issue of In Focus:

Allergic Contact Dermatitis versus Irritant Contact Dermatitis by Dr. S. Skotnicki-Grant;

Coronary Artery Disease – Angina, Unstable Angina, Myocardial Infarction by Dr. William J. Kostuk;

Evidence for Smoking Causing Lung Cancer by Dr. Norman L. Jones;

Trauma and Inflammatory Arthritis by Dr. Dafna D. Gladman.

Now included in these papers are biosketches of each of the authors.

dents in that country. The Delegation, through its fund-raising efforts, has been able to pay for the shipping of the texts, which would have posed a barrier to the library's participation in the donation program.

So in the end, many of these books will live on for new users. As the kids say—"it's all good".



Hearing Room Water Dispensers

In order to eliminate the waste created by plastic water bottles, the Tribunal has installed more environmentally friendly water dispensers in each of its hearing rooms.

The "crock pot" style water dispensers are not electrically powered and dispense water at room temperature from a ceramic reservoir on a wooden stand. The new dispensers are easy to clean and maintain, and are certified lead free.

Labour Professionals, continued from front page

length of time it can take for a party to navigate an appeal to the Tribunal, and were particularly impressed by the Tribunal's record on judicial reviews. Dr. Kim and Ms. Lee also took time to explain the Korean system to Ruby and Cathleen, which was a fascinating glimpse at a hearing system across the world.

Despite the language difference, it appeared that it was a productive meeting for our visitors – and the Tribunal is pleased to have new friends in South Korea!

SAYING GOODBYE TO VICE-CHAIRS MAUREEN KENNY, VIRGINIA ROBESON AND HEAD LIBRARIAN WENDY REYNOLDS

The Tribunal would like to recognize the unique contributions of two long term Vice-Chairs, Maureen Kenny and Virginia Robeson, who are leaving the Tribunal to pursue other interests.

Maureen Kenny has been with the Tribunal since its creation in 1985. As Counsel to the Tribunal Chair, she provided advice on fundamental issues affecting the Tribunal's practice and legal analysis, ranging from anonymizing decisions to chronic pain disability. Ms. Kenny was appointed as a Vice-Chair in 1987. She assumed executive and management functions between 1990 and 1993 when she served as Alternate Chair.

Ms. Kenny is known for writing thoughtful and analytical decisions in complicated appeals, such as those involving occupational disease claims. Decision No. 600/97 (Kenny, Faye, Beattie), for example, provides a comprehensive analysis of the use of epidemiological evidence in the context of an appeal involving colorectal cancer and exposure as an underground miner. Ms. Kenny has been a frequent speaker on WSI issues at external events, as well as a valuable mentor to other Vice-Chairs at the Tribunal.

Prior to joining the Tribunal, Ms. Kenny worked as a lawyer in private practice, a

researcher at the Legislative Assembly and a policy analyst at the Ministry of Labour.

Virginia Robeson has been a Vice-Chair at the Tribunal since 1990. She is known for her well-written decisions in all areas of WSI law. Her previous work experience included teaching, editing, consulting on projects for various Ontario commissions, as well as working for the Ontario Labour Relations Board and acting as mediator/labour relations officer for the Public Service Appeals Tribunal.

After a little more than two years at the Ontario Workplace Tribunals Library (OWTL), Wendy Reynolds, our Head Librarian is pursuing an opportunity as Manager, Client Services at the Legislative Library of Ontario. For anyone who has had the pleasure to work with Wendy you will know her professionalism, interest in web 2.0 technology and great sense of humour. In the short period of time that she has been with the OWTL she has transformed library services by introducing electronic current awareness packages, bringing more information directly to the desktop and providing dynamic training opportunities for staff and adjudicators alike. She has also been an active participant on Tribunal committees and outreach programs.

NEW HEAD LIBRARIAN

The Ontario Workplace Tribunals Library has a new Head Librarian. **Peter Marques**, who joined the OWTL at the end of September, brings extensive library experience to the position, having spent six years as a reference librarian at the Legislative Library of Ontario. This past year he was the Knowledge Services Manager at the Interprovincial Lottery Corporation. Peter holds a Master of Information Studies degree from the University of Toronto and a Master of Arts degree in sociology from York University.

COMMUNITY ACTIVITIES

On June 17, 2009, **Gillian Shaw**, a lawyer in the Tribunal Counsel Office, was invited to participate in a program offered through the University of Toronto Summer Institute for Executive Legal Education. The program, entitled “Women in Transition: Returning to Legal Practice or Considering an Alternative Career in Law”, included a “speed networking” career session designed to expose the program participants to a group of women who are working in a wide range of legal and law-related jobs. Gillian participated in the “speed networking” session and spoke individually to about 40 lawyers about her experiences as a lawyer in her previous positions in private practice and at the Tribunal. The program participants were very interested to learn about the specialized work of the lawyers in the Tribunal Counsel Office and the non-partisan role of Tribunal Counsel.

Associate counsel to the Chair, **Ann Somerville**, has recently become the Chair of the OBA Workers’ Compensation section.

Counsel to the Tribunal Chair, **Carole Prest**, will be serving as a Member-at-Large on the Executive Committee of the Administrative Law Section of the Ontario Bar Association after finalizing two terms as Past Chair.

There will be a “Meet and Greet the Chairs” event for the OBA Administrative Law Section in January 2010. Tribunal Chair **Ian Strachan** will be one of the participating chairs.

On June 11, 2009, **Sarah Atkinson** chaired SOAR’s workshop: Administrative and Management Network (S.A.M.N.). The event, called Human Rights 101, was designed to help staff at agencies, boards and tribunals learn basic concepts of human rights, how to ID human rights issues, and receive information on

how to deal with and incorporate human rights legislation into day to day thinking from a staff member at the Human Rights Commission). The event was a great success!



In February, **Wendy Reynolds**, former OWTL Head Librarian and Vice-Chair **Julia Noble** gave a presentation to members of Association of Community Legal Clinics of Ontario (ACLCO) on resources for researching Workplace Safety and Insurance Law. Clinic staff were also able to tour the library and meet library staff.

WSIAT In Focus Volume 20, 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 Tribunal Information Services at the following number: (416) 314-0599.

Tribunal Chair: Ian Strachan

Acting Tribunal Director: Susan Adams

Publications Coordinator: David Beattie

Editor: Jennifer Raetsen

Contributors: David Beattie, Maria Erskine, Melinda Reyes, Dan Revington, Janet Oulton, Alison Colvin

French Version: Véronique Lavoie-Naster

Subscriptions: Christiane Rieder

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: www.wsiat.on.ca
ISSN 1480-5731