



Annual Report

2020-2021

OEA | Office of the
Employer Adviser

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A Message from the Director

During the 2020-21 fiscal year, the OEA's education work focused on offering informational webinars to employers about their workplace safety and insurance obligations, key stages in the Workplace Safety and Insurance Board (WSIB) process and the system's appeals processes. Our 12 webinars were offered live, as a series over 6 weeks. The series was offered 3 times and resulted in 8,508 attendees and 790 questions. Further, the OEA adapted and expanded our return to work webinars, construction and non-construction, to align with the requirements of the WSIB's new Health and Safety Excellence Program; that series launched this year.

Offering our webinars multiple times, in combination with an expanded email distribution list, significantly increased our outreach and education offerings for employers this year and successfully aligned with the restrictions of the COVID-19 pandemic. In comparison, last fiscal year the agency offered 6 live webinars with 934 participants. This successful approach to webinars will inform our plans moving forward.

Our website, www.employeradviser.ca, is the foundation of our information sharing with Ontario employers. Updates occurred regularly throughout the year following COVID-19 developments and WSIB policy updates. The agency's e-mail distributions and presence on Twitter, @askOEA, bring our services to clients' attention by providing practical tips and information about our areas of specialty. These communications approaches are supported by the core suite of workplace safety and insurance and occupational health and safety reprisal information available on the web site.

From a system perspective, it was notable that the WSIB began offering e-access to claim file materials to parties. To facilitate file review in an electronic PDF format, the OEA upgraded software and organized training for staff. Also, our team have adapted well to video conference and teleconference hearings when our partner agencies offered that hearing format in response to COVID-19 restrictions.

In November 2020, the final report, "The WSIB in Transition", was released, outlining the findings and recommendations of the operational review conducted by Linda Regner Dykeman and Sean Speer. The report included comments related to the OEA. The authors noted that:

[s]takeholders rarely agree on Workplace Safety and Insurance Board-related matters but there is near universal recognition that the Office of Worker Adviser and Office of the Employer Adviser provide useful services to help non-unionized workers and small employers navigate WSIB adjudication, appeals and the broader occupational health and safety system [section 1.8].

In Section 2.8, the reviewers recorded that:

The review frequently heard about the utility and value of the Office of the Worker Adviser and the Office of the Employer Adviser. Their combined budgets are...a small fraction of overall [WSIB] spending. Yet, by all accounts, these two small offices play a key role in educating their constituencies on WSIB issues and representing them throughout the process.

At the OEA, our goal is to provide the best service we can to support employers in their dealings with the WSIB and in responding to *Occupational Health and Safety Act* (OHSA) reprisal complaints.

Providing excellent quality services requires continuously upgrading our skills and remaining current on new developments in workers' compensation law and policy and OHSA reprisal complaints. The WSIB's COVID-19 financial relief package for employers, reporting obligations and claims updates were key ongoing topics for internal awareness and stakeholder messages in 2020-21. Developing our knowledge and experience with the WSIB's rate framework remains a substantive training focus to support our clients through the transition to this new program.

Looking ahead, the OEA welcomes a new Chair, with the appointment of Jim Dimanis for a 3-year term starting on June 17, 2021. We look forward to leveraging the Chair's experience, perspective and insights as we strive to continuously improve the OEA. Further, the agency plans to update our webinar topics through learnings from questions received during our webinar series and explore different means to connect and share information with employers about their responsibilities, and how the OEA can support our community. In our work, we contribute to accessible workplace safety and insurance and OHSA reprisal systems.

We wish to express our appreciation to the agency's stakeholders, whose ongoing support is critical to the OEA's success, and to staff, for their excellent work and dedication to serving the employers of Ontario.

The report that follows outlines the agency's work providing education and advice, and representing employers before the WSIB, the Workplace Safety and Insurance Appeals Tribunal (WSIAT) and the Ontario Labour Relations Board (OLRB). In all matters, OEA experts strive to resolve client issues at the earliest possible point.

Susan Adams

Director, Office of the Employer Adviser

Executive Summary

As with every other organization and business in Ontario, COVID-19 changed the way the OEA worked in 2020-21. The pandemic, and the changes that flowed from it, began as the fiscal year was starting.

Ensuring the health and safety of our staff and clients was our priority, along with continuing to provide the best service we can to support employers in their dealings with the WSIB and in responding to OHSA reprisal complaints.

At the end of the 2019-2020 fiscal year, the OEA adapted to the COVID-19 pandemic response by developing and implementing an Alternate Service Delivery Action Plan in which staff and resources were deployed remotely, consistent with the approach of the Ontario Public Service.

OEA services of advice, education and representation were maintained while staff worked remotely, allowing the OEA to continue to provide vital services to the employers of Ontario.

During the COVID-19 pandemic, the OEA started to receive e-file access from the WSIB. This welcome transition led to an agency investment in new software to enable staff to better work with a PDF file; training on the new software occurred during the 2020-2021 fiscal year. The OEA welcomes the availability of e-services for employers, providing more accessible methods for employers to interact with the WSIB and enabling faster access to information.

In addition, during the COVID-19 pandemic, both the Workplace Safety and Insurance Board (WSIB) and the Workplace Safety and Insurance Appeals Tribunal (WSIAT) adopted virtual hearing models – incorporating both video and telephone conferencing platforms. OEA staff were provided with the necessary training and support to operate in this new environment.

During the 2020-2021 fiscal year, the agency updated all of our 11 webinar topics and added a new topic, COVID-19. These 12 webinars were offered in a series. There were 3 series of webinars offered for a total of 36 webinars. The OEA's webinar series successfully aligned with the accelerated move to virtual meetings necessitated by the COVID-19 pandemic.

This fiscal year saw the OEA employer mailing list grow from approximately 45,000 to over 90,000 employers. The email list was expanded with names of the employers obtained from the WSIB eservices, along with names of employers who have attended OEA events in the past.

The expanded OEA mailing list received marketing emails, e-bulletins and webinar invitations throughout the fiscal year. However, it did not result in a higher number of enquiries this fiscal year. Businesses were focused on addressing operational and staffing issues during the COVID-19 pandemic and associated lock-downs, and the number of enquiries received by the OEA, as well as the number of cases worked on, dropped significantly this year.

The OEA targets its resources to address employer needs – allowing employers to focus their time and money on operating their businesses. The availability of expert, prepaid, confidential services is a considerable benefit to small employers.

Sharing information and expertise in order to raise awareness of employer responsibilities and how OEA services can help employers remains the focus of our business planning. Activities in the 2021-2022 fiscal year will focus on digital services, including webinars, and developing a digital and social media strategy.

Looking forward, as the economy opens up and businesses return to normal, we anticipate a return to our pre-COVID-19 numbers of enquiries and cases.

We look forward to serving the employer community and stakeholders with expertise and innovation, grounded in excellent client service.

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Part 1 OEA Mandate

The mandate of the Office of the Employer Adviser is established by Section 176(2) of the *Workplace Safety and Insurance Act, 1997* (“the WSIA”),

... to educate, advise and represent primarily those employers with fewer than 100 employees, in issues arising under the WSIA.

In addition, in 2011, the OEA mandate was increased, under the *Ontario Occupational Health and Safety Act*, Section 50, to include

... providing advice to Ontario employers facing reprisal charges at the Ontario Labour Relations Board (OLRB) – i.e. worker allegations that they have been unfairly treated by their employer after raising a health and safety issue - and representation at the OLRB for employers with fewer than 50 employees.

The OEA vision and mission flow from these legislative mandates:

OEA VISION

An Ontario in which small and medium-sized businesses operate safe, fair and high-performing workplaces that contribute to a vibrant, competitive economy.

OEA MISSION

The OEA’s mission is to be the premier organization for providing representation, advice and education to Ontario employers regarding workplace safety and insurance matters and health and safety reprisal issues.

Part 2 Overview of WSIB Program and Activities

How the Program Works

The OEA provides advice to help Ontario employers manage workplace safety and insurance issues and meet their obligations under the Workplace Safety and Insurance (WSI) system in a timely and cost-effective manner. It is critical for employers to understand the very complex WSI program, avoid errors and safeguard their workplaces and their workers; and OEA advisory services are targeted to help them. Clients, using OEA services, get timely access to accurate information, make better business decisions, operate safer workplaces and avoid appeals.

Experienced staff in the OEA Advice Centre provide just-in-time counsel to all Ontario employers who have WSI questions or concerns; representation services are limited by the OEA mandate to primarily serve employers with fewer than 100 employees. Since the agency is funded by employer premiums and administrative fees paid to the Workplace Safety and Insurance Board (WSIB) no fees are payable by employers using OEA services, thus ensuring the ready availability of expert and confidential advice. This is especially important for small employers, since they typically do not have expert resources available in-house. Access to the Advice Centre's trained personnel provides all employers with an equal playing field, enabling good decision-making and avoiding costly mistakes and unnecessary penalties.

The OEA Advice Centre is normally staffed by 3 Intake Advisers located in its Toronto head office, who take calls from employers about their workplace safety insurance concerns. The OEA Advice Centre assists employers with resolving disputes early in the process, ensuring that they are treated fairly at all levels in the workplace safety and insurance system, providing information to assist in getting injured workers back to work safely, and providing employers with practical advice on claims and account matters.

Since the Advice Centre also accepts e-mail enquiries, employers can raise their issues, at their convenience, outside business hours; these queries may result in a return phone call from an Intake Adviser to discuss the matter in greater depth, over and above the usual emailed return advice.

The agency primarily represents employers with fewer than 100 employees in disputes arising under the *Workplace Safety Insurance Act* (WSIA), at both the Workplace Safety Insurance Board (WSIB) and at the Workplace Safety Insurance Appeals Tribunal (WSIAT) (see Figure 5), per its mandate. At the WSIB operating level, representation services involve negotiation, which is provided by an Intake Adviser or by an Employer Specialist, by means of telephone calls and/or correspondence. At the two appeal levels (WSIB Appeals Branch and WSIAT), as well as in return-to-work or work re-integration negotiations, Employer Specialists provide the representation services. At this level, representation involves a range of activities, from negotiation to appearing at mediations or hearings with the employer, and managing the case on their behalf.

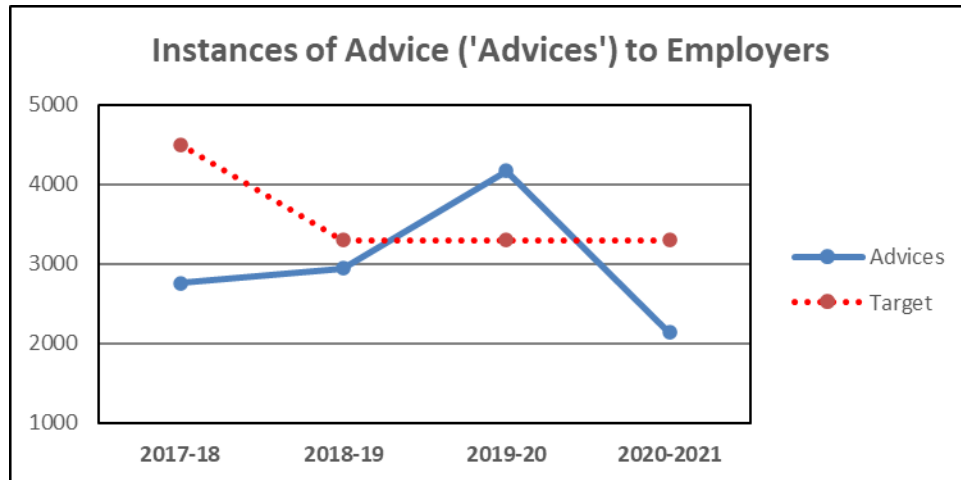
Advisory Services

Intake Advisers in the agency's Advice Centre strive to respond to all employers' calls as soon as possible. Employers' calls range in the time from a couple of minutes to hours, depending on the complexity of the issue(s) under consideration; for instance, from providing access to complete a WSIB form and in-depth assistance with a classification or premium issue. The agency's trained Intake Advisers provide advice that is detailed, thorough and tailored to the business requirements of each employer. Clients appreciate the Advice Centre's emphasis on answering calls live. Our staff strive to answer employer calls when they occur, with the goal of minimizing 'telephone tag', and aligning to an employer's schedules, resulting in prompt and timely advice.

Fiscal 2020-2021 saw a substantial decrease in the number of advices over the previous year – i.e. 2,133 this fiscal year versus 4,171 for last year. This 48.9% decrease coincided with the start of the COVID-19 pandemic and the lock-downs. However, the complexity of the enquiries and the advice continues to increase, changing the nature of what we are providing at the Advice Centre level. With COVID-19 related enquiries, and with the changes to the employer premium infrastructure – stemming from the new Rate Framework, we anticipate this will continue. Because the Advice Centre and OEA staff are dealing with incoming problems and queries, it is difficult to predict service demand. The OEA continues to focus on gaining and sustaining public awareness of the availability of its services, so the agency is an employer's solution of choice for workplace safety insurance issues.

Looking forward, as the economy opens and business returns to normal, we anticipate a return to our pre-COVID-19 numbers of enquiries.

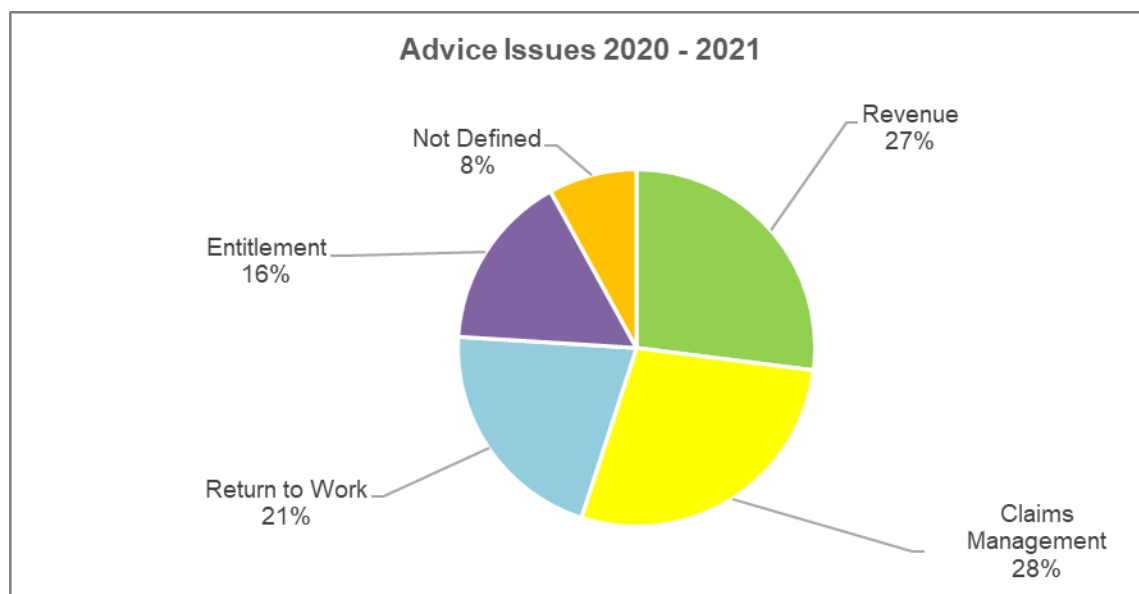
Figure 1



Analysis of the subject of the advice being provided shows that this fiscal year saw a decrease in enquiries regarding revenue issues and an increase in all other areas of enquiry. Revenue represented 27% of all enquiries, a decrease from last year's 41%. As with previous annual reports, the second most important focus was Claims Management, at 28%, which increased from last year's reported 21%. Instances of Return to Work queries increased by 7%. Entitlement queries increased to 16% - an increase of 4%. We have seen a decrease in "not defined" enquiries and seek to decrease the "not defined" number of enquiries further.

Figure 2 provides a graphic representation of the workplace safety and insurance issues facing Ontario employers and their business priorities, as derived from our advice statistics. It also reflects the complexity and variety of issues employers faced this year.

Figure 2



When calling the OEA for advice, employers receive prompt attention from an Adviser. Getting timely access to expert advice means time saved for employers, and ensures their concerns are discussed – and resolved – efficiently. Similarly, e-mail enquiries are responded to on a priority basis, within one business day.

Our client satisfaction surveys indicate that agency clients are very satisfied with the services provided by the OEA and it is felt that at least part of that satisfaction is due to the prompt attention of the Advice Centre.

We also rely on the website to provide timely information to Ontario employers whenever they are looking for it, 24/7. And, sometimes website users have unique, personal issues and they are unable to identify the answer on the site. In such instances, the website facilitates users sending in e-mail queries using an online form. E-mail queries sent to the Advice Centre increased by approximately 47.5% over last year – 174 over 118 for the last reporting period. The increase in e-mail enquiries can be attributed to the number of live webinars presented this year, e-bulletins, Twitter, and the website – allowing

employers to ask questions via email directly from the website. So, as with telephone enquiries, it is difficult to predict service demand or maintain consistent, stable numbers. It is important that employers have an alternative method of getting answers to their questions, especially outside agency core business hours. In addition, it is worth noting, that where the referral source was available, 8% of the instances of advice provided in 2020-2021 went to employers who came to the agency via the OEA website – slightly above the 5% the previous year. In addition, 19% of advices provided in 2020-2021 were from employers who came to the agency via OEA events (webinars) – a substantial increase from 2% the previous year.

Workplace Safety and Insurance Representation Services

The OEA, through its representation services, plays an important role in reducing conflict in the Workplace Safety Insurance (WSI) system and making the system more accessible to small employers.

The OEA's 14 regionally-located Employer Specialists provide advice and representation to Ontario employers. Many employers have come to know their local specialist through referrals from the WSIB, the Workplace Safety and Insurance Appeals Tribunal (WSIAT), health and safety associations (HSAs), community and business groups, or existing and former OEA clients. Employer Specialists also routinely provide educational presentations for local community groups, virtually during this past year. Employers, and employer associations, have historically established on-going relationships with their regional representatives; maintaining, and increasing, regional contact and local presence remains a priority for OEA staff.

OEA staff also maintain good working relationships with staff at the WSIB. Agency personnel work with their WSIB counterparts to ensure that Ontario employers have high quality representation within the system. The agency's focus on reaching unrepresented employers continues; staff work with the Board to have referrals made to the OEA where appropriate. Our involvement in such matters as return to work (RTW) plans and negotiations supports a solution that returns employees to the job in a timely, cost-effective manner, removing some strain from the system. Similarly, agency staff work closely with the WSIB Collections Branch, to facilitate the payment of premiums that are due and to ensure that employers pay their share in a sustainable way that complements their on-going business needs.

Negotiations continue to be a preferred interim resolution step, since they usually offer a more timely, more efficient solution. Because employers need to, and prefer to, spend their resources on activities associated with direct contributions to their profitability, an

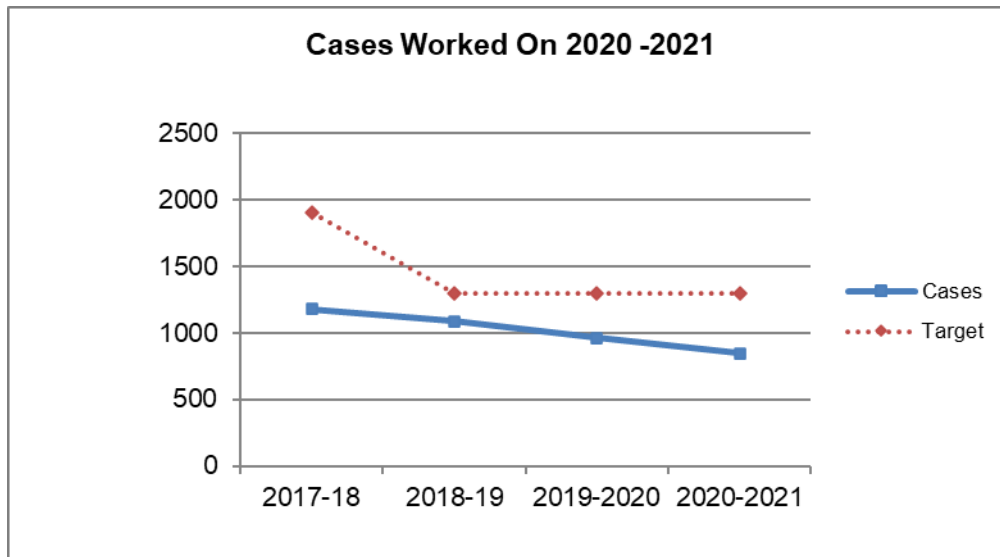
appeal is usually the second-choice dispute resolution method. In response to this employer bias, the OEA continues to promote the early resolution of disputes. Performance Measure A1 (see Appendix A) reflects the agency's achievement in this effort: in 2020-2021 the OEA resolved 68% of disputes without a hearing, compared to last year's 61% - exceeding the 65% target level. Since OEA staff have no direct control over whether an employer and/or worker agrees to a negotiated settlement, the agency is pleased with the way it has been able to contribute to the lessening of conflict within the WSI system through the resolution of so many disputes without an associated hearing.

While these efforts often successfully conclude cases at the Board operating level, many cases do proceed to appeal. Also, some employers do not learn of the availability of OEA (free) services until their case has progressed to the appeal stage. During 2020-2021, 847 cases were worked on (959 cases in 2019-2020). Employer Specialists represented employers in 149 cases that involved mediations/negotiations (217 in 2019-2020). Whether cases proceed to appeal or not, agency staff always strive to resolve matters as quickly as possible. In a system where 95% of appeals are worker-driven, OEA involvement improves balance in the system, ensuring that employers' perspectives and needs are being both represented and respected.

Further analysis of the 847 cases worked on during the 2020-2021 reporting period reveals the following:

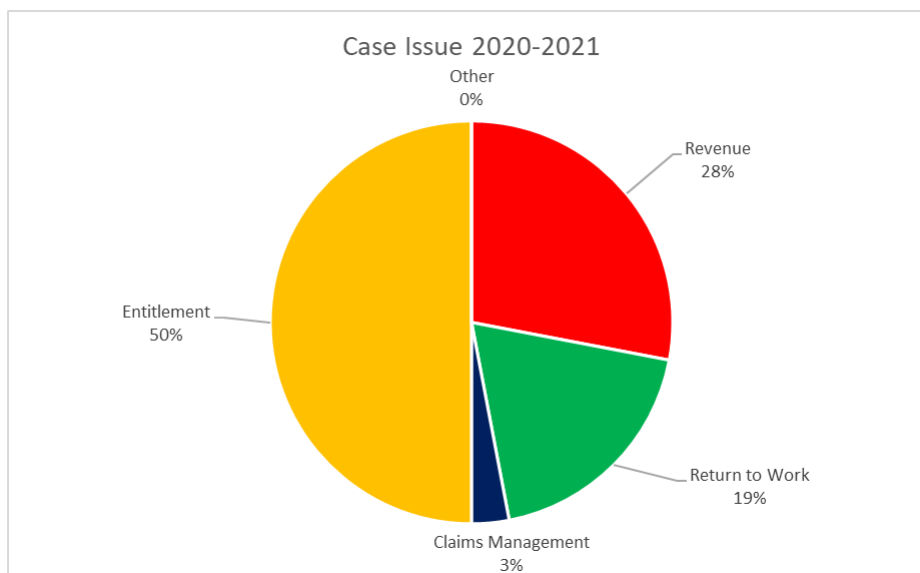
- 362, or 42.7%, were resolved, a decrease from last year's 47.2%;
- 242 cases, or 28.6%, were new in-year, a decrease over last year's 39.2%;
- 19 % of all cases worked on in year had 'successful' or 'mixed' outcomes.

Figure 3



In comparison with the data for instances of advice, analysis of the representation issues reflects the focus on entitlement issues at appeal levels. As in last year's report, Entitlement is the number one concern for employers represented by the OEA – representing 50% of representation issues. Revenue is in second place as the primary issue for 28% of employers (a slight decrease from last year). Return to Work 19% and Claims Management 3% are in third and fourth place respectively.

Figure 4



The OEA provides these valuable services to Ontario employers through the professional, dedicated efforts of its staff. Staff training is ongoing in order to ensure that everyone is current with Board policies and procedures and on top of workers' compensation practices, and thus provides expert and up-to-date advice to OEA clients. One of our major initiatives in the coming years will be developing our knowledge of the new revenue rules implemented by the WSIB's Funding Framework Initiative. An internal training program, initiated in the fall of 2019, continued this year. Ongoing specialized internal training will continue into the 2021-2022 fiscal year.

Education of Employers

On average, a small employer has a workplace injury occur only once every seven or eight years. At the time of the injury, the employer's need for information about claims management and return to work is acute. Chances are, however, that most small business owners do not have the requisite information at their fingertips, since most of their time and resources are of necessity focused on business growth and profitability. Compounding this lack of information is the fact that few small employers have the time or available staff to attend seminars or education sessions, either when a need arises or on a pro-active basis.

Accordingly, the OEA's educational strategy continues to be a multi-channel approach which makes information available to employers in a variety of formats that are timely, relevant and accessible. The OEA shares information with Ontario employers, clients and stakeholders using webinars, our website, employeradviser.ca, social media via Twitter @askOEA, and e-bulletins.

The focus of the agency's education strategy has been to ensure that employers expand their understanding of the WSI system as part of the representation process; by posting useful information and tools on the OEA website; by assisting stakeholders with their education initiatives where appropriate; and, more recently, providing webinars directly to interested parties, with registration available via the OEA website.

Website – a core suite of information for employers

The OEA website is organized into construction and non-construction focused portals, plus the user-friendly, organization of information within those divisions. The website, in conjunction with the availability of our live Advice Centre services, ensures that employers have ready access to the information they need, as and when needed, to meet their WSI responsibilities.

The OEA website allows employers to register to view recorded webinars on a variety of topics directly from the website. This year, the website was updated to reflect changes stemming from the implementation of the Rate Framework, changes in COVID-19 policy and changes to the Return to Work policy. The website continues to be updated to reflect changes in the Workplace Safety and Insurance System; keeping Ontario employers informed and up-to-date with current and relevant information.

Webinars – live and recorded

In 2020-2021, the OEA focused on webinars, live and recorded, to fulfil our education mandate.

During the fiscal year, the agency updated our 11 webinar topics and added 1 new webinar topic (COVID-19). Our webinars cover such topics as completing a Form 7, return to work, the WSIB's appeals process and mental stress. These 12 webinars were offered in a series over the course of 6 weeks. There were 3 series of webinars offered – for a total of 36 webinars. Employers could choose to watch the whole series or dip into topics of interest. The OEA's webinar series aligned well with the accelerated move to virtual meetings necessitated by the COVID-19 pandemic. This approach was positively received with 8,508 participants attending the webinars.

The new live webinars were recorded and posted on the OEA website, in order to make them available to the most employers as soon as possible. Webinars have been proven to be an ideal way to fulfill the OEA education mandate, directly providing relevant information to employers at locations convenient to them, and with the least time commitment from them. It is also a very good way for the OEA to disseminate information about upcoming issues, such as changes in policies or procedures, to affected employers in a timely fashion. Visitors to the OEA website can view all of the OEA educational webinars, and access a mechanism to ask questions and request further information while watching the webinar.

Live webinars are scheduled and advertised using e-bulletins and the OEA on Twitter @askOEA. Live webinars focus on substantive, timely issues impacting employers, for example the changes to the WSIB's premium rate setting process and the WSIB's approach to COVID-19. The agency will continue to try and improve the impact of its outreach and education efforts and bring as many Ontario employers as possible to the OEA to address their WSI system needs.

As a result of the COVID-19 pandemic, the OEA did not provide 'live' presentations to stakeholders/employer groups this fiscal year.

E-Bulletins

The OEA e-bulletins are sent to approximately 90,000 employers. This electronic database consists of email addresses obtained from the WSIB from employers who signed up for e- services, along with clients of the OEA and presentation/webinar participants. Employers can also sign up for e-bulletin subscriptions while visiting the OEA website.

Twitter

The agency is leveraging Twitter, tweeting practical information in French and English that covers such topics as WSIB policy changes, reminders about employer obligations under the *Workplace Safety and Insurance Act* and important upcoming dates

Twitter is a significant adjunct to our outreach activities. Since starting on Twitter in January 2013, the OEA has gained approximately 2,800 followers – 2,595 English and 160 French. Tweets are posted several days a week and include updates on changes in WSIB policy, 'did you know' facts from the OEA website, and special tweets when the Board issues news releases on such things as premium changes for the upcoming year. Followers include employer associations and organizations, as well as individuals.

Moving forward, The OEA is developing a digital and social media policy; investigating and assessing other social media opportunities as cost effective means to increase our marketing 'reach'. The use of technology allows the OEA to maximize its resources to cost effectively and efficiently reach out to Ontario employers, share information about Workplace Safety and Insurance responsibilities and raise awareness about how the OEA can help.

Stakeholder Associations

The OEA management team actively participates in meetings and events of stakeholder organizations, including the Ontario Business Coalition, the Ontario Mining Association, the Canadian Manufacturers and Exporters and the Electrical Contractors Association of Ontario.

Reaching Out to Employers

As noted earlier, a small employer typically 'needs' advice services only once every seven or eight years, or so. One of the goals of the agency's representation services is to reach Ontario employers who are not familiar with OEA services, building awareness among employers about their roles and responsibilities under the *Workplace Safety and Insurance Act*. This includes teaching employers how to improve their claims management and return-to-work procedures, so that employers will be more familiar with processes and what to expect in the future.

Given such intermittent need, it is an ongoing challenge for the OEA to be and remain 'front-of-mind' as a primary resource for Ontario employers with regard to their workers' compensation issues. Increasing awareness across all business sectors of our free, expert and confidential services and sustaining that awareness among our client community, remain the most significant outreach challenges for the OEA.

Performance Measure A2 (see Appendix A) shows the proportion of OEA clients who used agency services for the first time in 2020-2021 to be 37% - a significant drop from last year's 59%.

OEA Return to Work Module, WSIB Health and Safety Excellence Program

During the 2019-2020 fiscal year, the Workplace Safety and Insurance Board launched the Health and Safety Excellent Program, replacing the Small Business, Workwell and Safety Group programs. The Excellence Program is a single health and safety program that encourages continuous improvement. The program provides businesses with the opportunity to invest in their workplace health and safety, which could result in lower premium rates, earning rebates and recognition. The elimination of the Small Business, Workwell and Safety Group programs, coupled with the cancellation of the education sessions associated with these programs, eliminated key education session/outreach opportunities for the OEA.

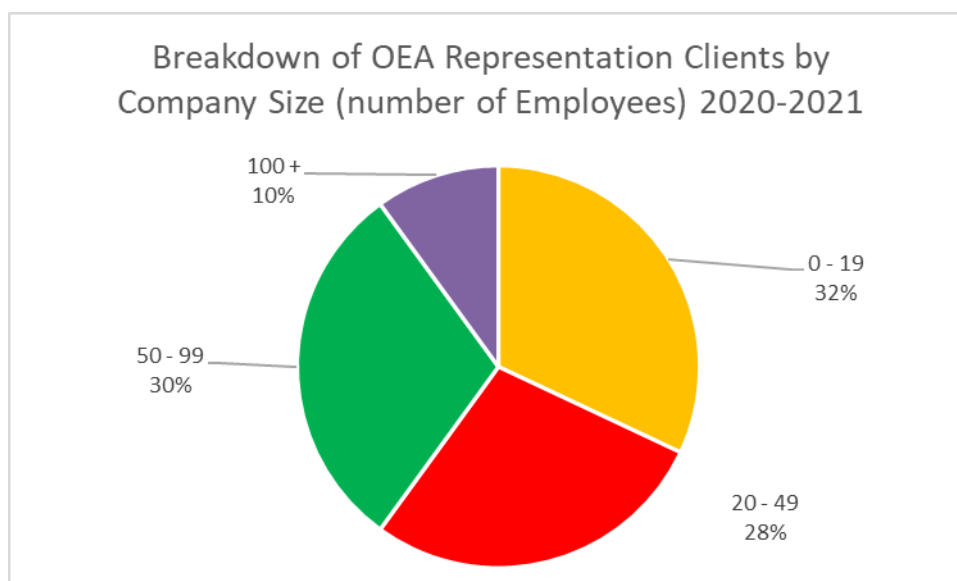
In 2020-2021, the OEA developed a new RTW information session with employer tools that met the educational requirements of the Excellence Program. The OEA also engaged with Senior Management of the Excellence Program and was recognized as a return to work subject matter expert. The OEA RTW information session and employer tools received official endorsement by the WSIB Excellence Program.

The OEA partnered with the WSIB to communicate the availability of the RTW program to WSIB staff, program providers and system partners. The OEA marketed a series of Excellence Program RTW webinars exclusive to employers registered in the Excellence Program through the WSIB and program providers. The series of webinars began in 2020-2021 – with 3 additional sessions scheduled for the upcoming fiscal year.

Part 3 OEA Clients

Since the OEA's mandate is to serve primarily those employers with fewer than 100 workers, the merit review undertaken before the OEA represents an employer includes determining their size. In fiscal 2020-2021, 13% of clients provided with agency representation had more than 100 employees – a slight increase over last year.

Figure 5



It is not administratively viable to screen employers contacting the OEA Advice Centre in order to deny advice to those with more than 100 employees; and permitting access to advice to all Ontario employers is beneficial to the system, overall. Thus 21% of all advices for 2020-2021 were provided to employers with 100 plus employees – a slight increase over the previous year.

The OEA will continue to provide advice services to all Ontario employers who contact us.

The sectorial analysis below is based upon WSIB classifications. The breakdown is consistent with the prevalence of small to medium sized employers in the different industry sectors. The construction industry continues to be the agency's largest client group at 36%, an increase from last year's figure of 33%, and reflects the significant impact of Board policies on this sector. Other sectors are little changed from previous reporting periods, mirroring the overall business distribution of Ontario employers.

Figure 6

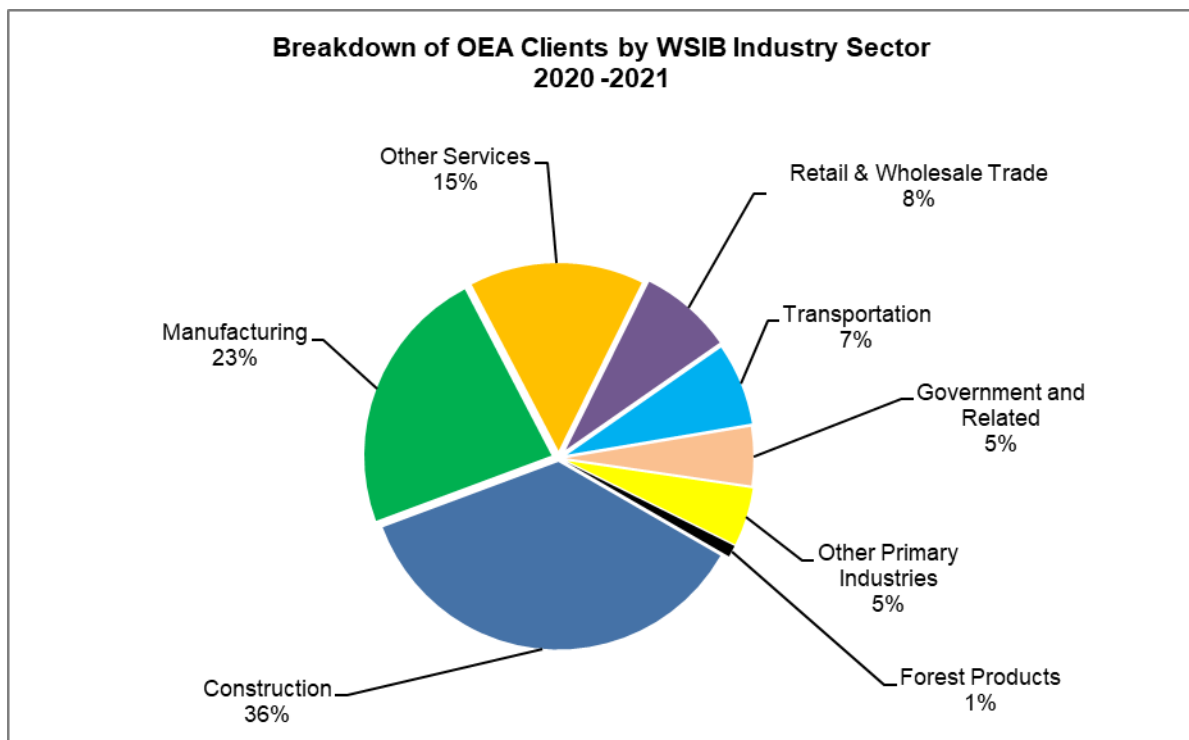
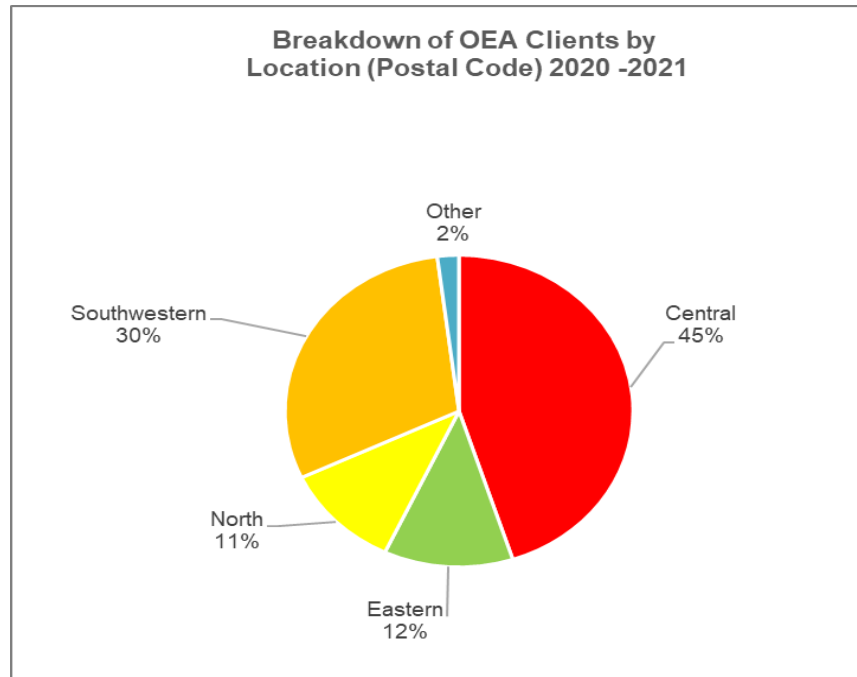


Figure 7 provides the breakdown of the regional distribution of OEA clients for 2020-2021. Service delivery reflects the population and business demographics of the province, with the Central area, which includes the Greater Toronto Area, comprising the largest client group. The distribution is very similar to last year. The agency's location of Employer

Specialists around the province facilitates the provision of representation services to employers in their local area, as appropriate.

Figure 7



Client Satisfaction

Client satisfaction is assessed for both the Advice Centre and Representation services.

Feedback on advice provided by the Advice Centre, as measured through random telephone surveys, is 100% for this fiscal year. Clients willing to recommend the services of the OEA to other employers is also 100%.

The client satisfaction feedback surveys for representation services indicated that 100% of employers were satisfied with their OEA representation, an increase over last year; 92.8% also said that they would recommend agency services to others. Both continue to be higher than the target level of 90% and indicate a client community that is very aware and appreciative of the work done on their behalf by agency staff.

The current client satisfaction metrics are based on telephone surveys and a specific statistical methodology to ensure data is not skewed (e.g. responses are taken from a cross-section of Intake Advisers and Employer Specialists) and are dependent on a number of factors that impact the number of eligible clients that can participate in a survey in any given year (e.g. the number of files closed). Employers represented in a case are only eligible to be surveyed once a file is closed.

These numbers have improved from those reported last year. The client satisfaction rate, and the clients willing to recommend the services of the OEA, continue to exceed the target level set at a high 90%. The OEA is very proud it can annually report this high level of satisfaction and is very pleased that clients value the services that are being provided. Customer satisfaction is of the utmost importance to the OEA.

Part 4 Overview of Section 50 Program and Activities

Advisory and Representation Services

Since April 2012, the OEA has been responsible for the provision of advice and representation services for Ontario employers facing Section 50 complaints under the Ontario Occupational Health and Safety Act.

There are 2 Employer Representatives at the OEA responsible for delivering on this mandate. In addition to the information and guidance provided on the OEA section 50 website, employers can call the Advice Centre for assistance. Referrals for representation services come through those two sources or through a direct referral from the OLRB (Ontario Labour Relations Board).

The OEA provided the following services to the employer community in 2020 - 2021:

- 1 general informational call was taken.
- 58 case-specific enquiries (advices) were provided.
- 4 representations (cases) were undertaken

These representations were settled and withdrawn; these outcomes are consistent with the OLRB's approach to resolving these cases by first offering mediation services. Settlements range from the provision of a Letter of Employment to a (usually small) monetary payment. In most settled cases, the employer got a full and final release of any and all claims arising from employment or the termination thereof.

- Although detailed surveying of clients regarding their satisfaction was not undertaken during this period, informal feedback from employers has been very positive – especially considering the negative environment within which these services are required and delivered.
- Geographically, the enquiry distribution ranged across the province as follows – Northern 19%; Southwestern 22.4%; Eastern 5.2 %; Central 53.4%

Demand for Section 50 representation is intermittent and variable. Any representation is extremely time sensitive because of the stringent time limits imposed by the OLRB for responses to complaints.

Part 5 – Human Resources and Finance

Retirements

Many of our employees are close to retirement age, and it is anticipated that the retirements may affect timely access to local services when new staff is hired and brought up-to-speed.

OEA intake staff have been provided with professional development opportunities as Employer Specialists to temporarily fill roles as opportunities arise. This approach provides experience in a different role and prepares staff to effectively compete for potential employment competitions.

This fiscal year saw a number of retirements at the OEA. As a result of COVID-19, the recruitment process to fill the vacancies created was delayed. However, recruitment is proceeding.

Paralegal Licensing

The OEA has a historic exemption from mandatory licensing to provide legal services in the area of workplace safety and insurance matters. We expect that it will be amended by the Law Society of Ontario in due course.

Part 6 Client Testimonials

We are pleased to provide the following excerpts from communications received from OEA clients, commenting on the services they received from its staff; note that no spelling edits have been made to the quotes:

Thanks again for your support! It's good to know you're our advocate when we run into a challenging or unique situation.

D.L.
Ottawa, Ontario

Wow wow wow that is fantastic news we can't thank you enough for all that you have done it means the world to us as individuals and to our business reputation. Thank you for all your hard work in this matter.

S.P.
Hawkesbury, Ontario

*I'm glad your on my side.
Have a great day.*

J.C.
Windsor, Ontario

Thank you for your assistance with this matter, we would not have made it this far without the services of the Office of the Employer Advisers.

C.C.
Parry Sound, Ontario

Thank you so much for calling/emailing. You are the best!

J.C.
LaSalle, Ontario

I want to thank you for all your time to review and advise us on this case, your knowledge and expertise has been very helpful. You were a pleasure to work with and although I hope we do not require your services again – if we do I know we'll be in good hands.

W.S.
Burk's Falls, Ontario

Your presentation on Return to Work yesterday was excellent and very informative.

L.B.
Nepean, Ontario

I have received about a dozen thank you's for "providing such an excellent webinar" and comments about how informative it was. Also, comments about how easy they felt it was to connect with the "outstanding presenter from OEA".

B.L.
Barrie, Ontario

We can't thank you enough for all your hard work on this case. You did a fantastic job representing our position.

T.A.
Waterloo, Ontario

I have really appreciated your guidance through this and other cases. I'm certain there will be other opportunities to work on file together knowing the nature of this business.

G.L.
Moncton, NB

I am attending the OEA webinars (they are great).

C.M.
Toronto, Ontario

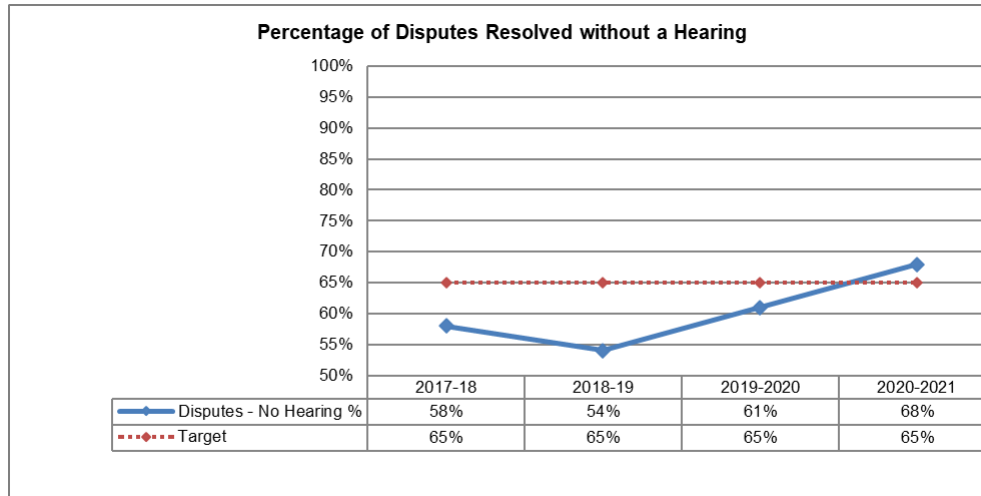
The OEA routinely receives messages of appreciation after presentations to employer stakeholder groups and we are proud that our participation contributes to greater employer knowledge of the WSI system and awareness of resources that are available to help them.

Appendix A: OEA Performance Measures 2020 -2021

Key Activities: Advice and Representation Services

A1

Performance measure for 2020 -2021 Percentage of disputes resolved without a hearing



Agency Contribution

OEA staff employs alternate dispute resolution strategies such as negotiation and mediation to help employers resolve disputes at an earlier stage.

In revenue matters where the dispute only involves two parties (i.e. the WSIB and the employer), every effort is made to resolve matters at the operating level. However, 95% of appeals are worker-driven and employers often contact the OEA for assistance after the dispute has proceeded to the appeal level. This limits the target that can realistically be achieved.

What does the graph show?

While the OEA consistently contributes to the reduction of adversity in the workplace safety and insurance system and helping employers to manage disputes more efficiently and effectively, the measure is not directly controlled or controllable by the OEA. Ultimately, since most appeals are worker-driven and employers have the final decision on whether or not to settle prior to a hearing, this measure will fluctuate according to employer climate and issues in any given year. This year the agency did meet its target. The OEA continues to help a substantial number of employers prior to the hearing stage.

2020-21 Commitments

The commitment for 2020-21 was 65% of disputes resolved without a hearing, which was exceeded.

Long-term Target

The long-term target is 65%

Proposed for Publication

Internal Use Only

☒ Existing Measure

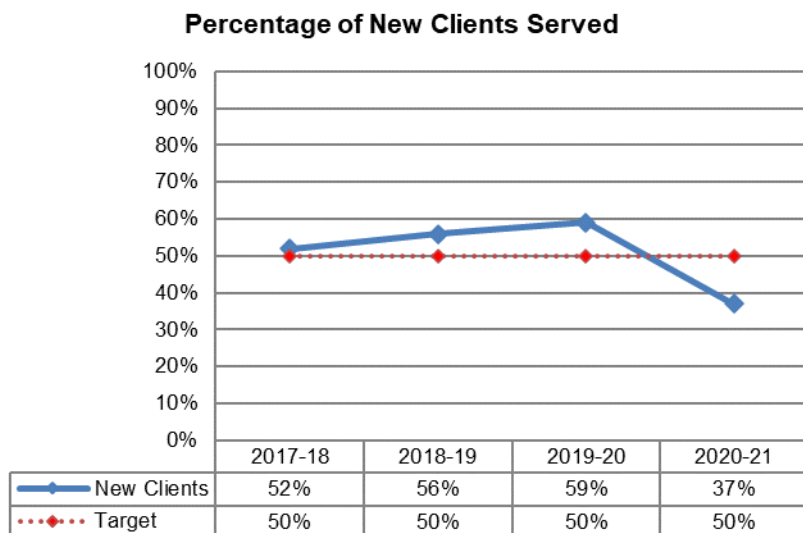
☐ New Measure

Appendix A: OEA Performance Measures 2020 -2021

Key Activities: Advice and Representation Services

A2

Performance measure for 2020-2021: Percentage of clients served in year that used OEA services for the first time



Agency Contribution

Client feedback consistently calls on the OEA to ensure that more employers are aware of our services. The OEA also strives to build employer awareness of their rights and responsibilities under the *Workplace Safety and Insurance Act*.

This measure helps to determine whether the agency is expanding its reach to those eligible employers who are paying for OEA services in their WSIB premiums, but who have not previously accessed our services.

What does the graph show?

We continue to try and inform as many employers as possible of our pre-paid, confidential services. Much work remains to be done to ensure that more Ontario employers are aware of, and avail themselves of, the OEA and its services.

2020-2021 Commitments

The commitment for 2020-21 was 50% new clients served in year. This target was not met.

Long-term Target

The long-term target is 50%.

Proposed for Publication

Internal Use Only

☒ Existing Measure

☐ New Measure

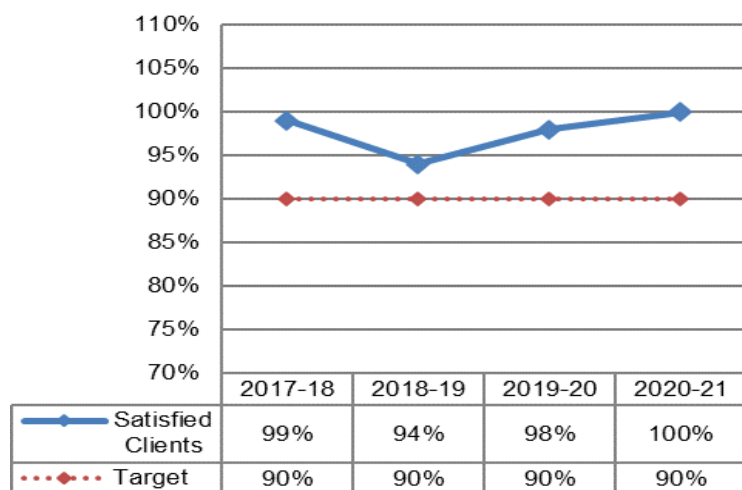
Appendix A: OEA Performance Measures 2020 -2021

Key Activities: Advice and Representation Services

A3

Performance measure for 2020 -2021: A customer satisfaction rate of 90% or higher

Percentage of Satisfied Clients



Agency Contribution

The primary complaint heard by agency staff is that employers were not aware of its services sooner. Most employers using the agency's services are very satisfied with the services they receive.

In addition to OPS customer service standards, the OEA has a number of internal standards, policies and performance measures, including those for telephone services and for file review, client follow up, among others, to maximize the service experience of OEA clients. The OEA's case management system was designed to provide tools to OEA staff that help them monitor and meet these expectations.

What does the graph show?

OEA clients are very satisfied with the service they receive.

Note that this graph shows the combined rate for both OEA WSI business streams – Advice Centre and Employer Representation.

2020-21 Commitments

The commitment for 2020 - 21 was a 90% client satisfaction rate. This target was exceeded.

Long-term Target

The long-term target is 90%.

Proposed for Publication

Internal Use Only

☒ Existing Measure

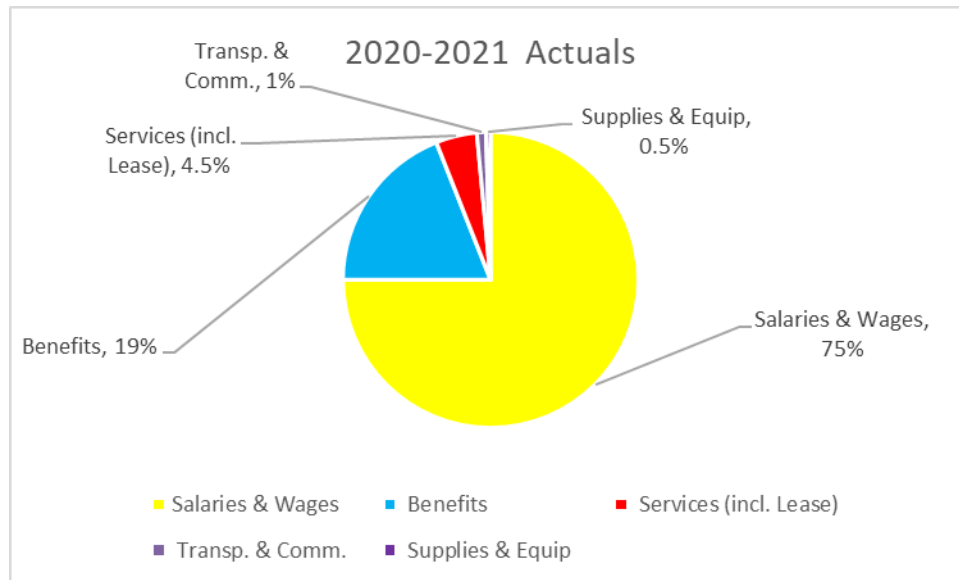
☐ New Measure

Appendix B: OEA Financial Report 2020 - 2021

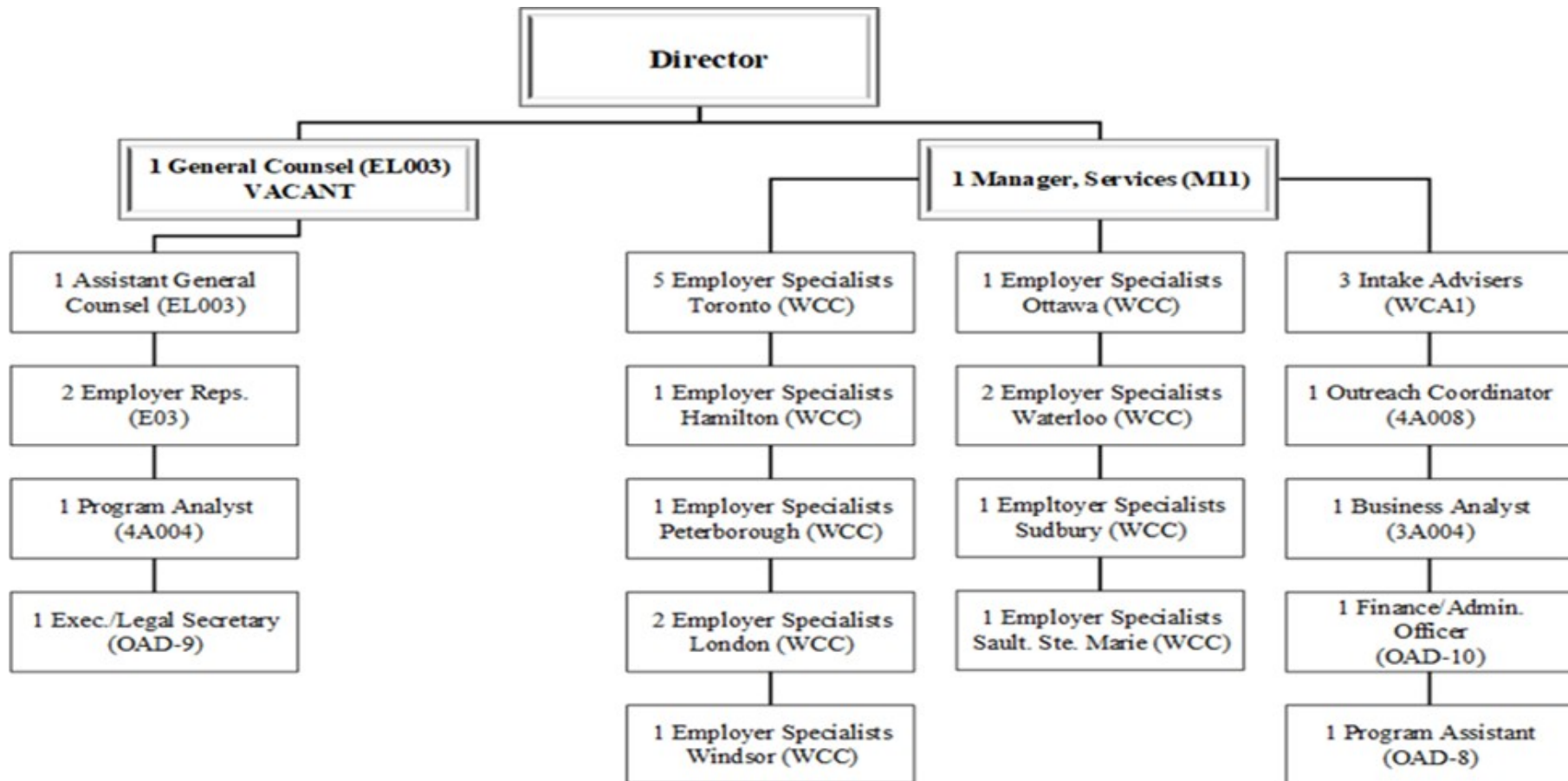
All Figures in \$000.0 thousand (except “% of Variance” column)

Account	Year-end Budget	Year-end Actuals	Variance	% Variance
Salaries & Wages	2,417.5	2,391.7	25.8	1.1%
Benefits	704.1	616.1	88.0	12.5%
ODOE:				
Transportation & Communication	148.7	32.2	116.5	78.4%
Services (Including Lease)	210.7	149.2	61.5	29.2%
Supplies & Equipment	129.8	15.8	114.0	87.9%
Total ODOE	489.2	197.2	292.0	59.7%
Grand Total	3,610.8	3,204.9	405.9	11.2%

Figure 8



Appendix C: OEA Organization Chart



Office of the Employer Adviser

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