

2019

Quarterly Production and Activity Report

July 1 to September 30, 2019

WSIAT

Caseload Reduction: Progress

The Workplace Safety and Insurance Appeals Tribunal is the final level of appeal for workplace safety and insurance matters. As an adjudicative agency in Ontario's administrative justice system, the Tribunal is committed to improving the timeliness and efficiency of its processes, while maintaining the high standards of impartiality, independence, and adjudicative excellence that the Tribunal's stakeholders expect and deserve.

OIC adjudicators and staff, together with the co-operation of the representative community, have succeeded in reducing the Tribunal's caseload and improved the time to hearing and appeal resolution.

Positive trends in the three quarters of 2019:

- the caseload inventory continued to decline;
- OIC adjudicators continued to issue well-reasoned decisions in a timely manner;
- the Tribunal continued to work on early intervention and alternative dispute resolution (ADR) to resolve appeals without a hearing, where appropriate.

What to expect in the last quarter of 2019:

- further work to reduce the time to hearing and timelines generally;
- work in inactive appeals to ensure a bring forward process is in place or to close an appeal if the appellant does not plan to proceed;
- continue to offer electronic case materials to parties who volunteer; and
- explore community interest in two-party mediations.

Thank you for your continued support and co-operation as the Tribunal works to further reduce timelines to hearing and resolution.

Representatives are asked to avoid late adjournment requests and withdrawals. Providing sufficient notice of concerns with a hearing date enables the Tribunal to reallocate adjudicative resources to other appeals and effectively use the OIC adjudicators' time.

If there are questions about timelines in a particular case, please contact the Tribunal's Call Centre at 416-314-8800.

Case Management Summary

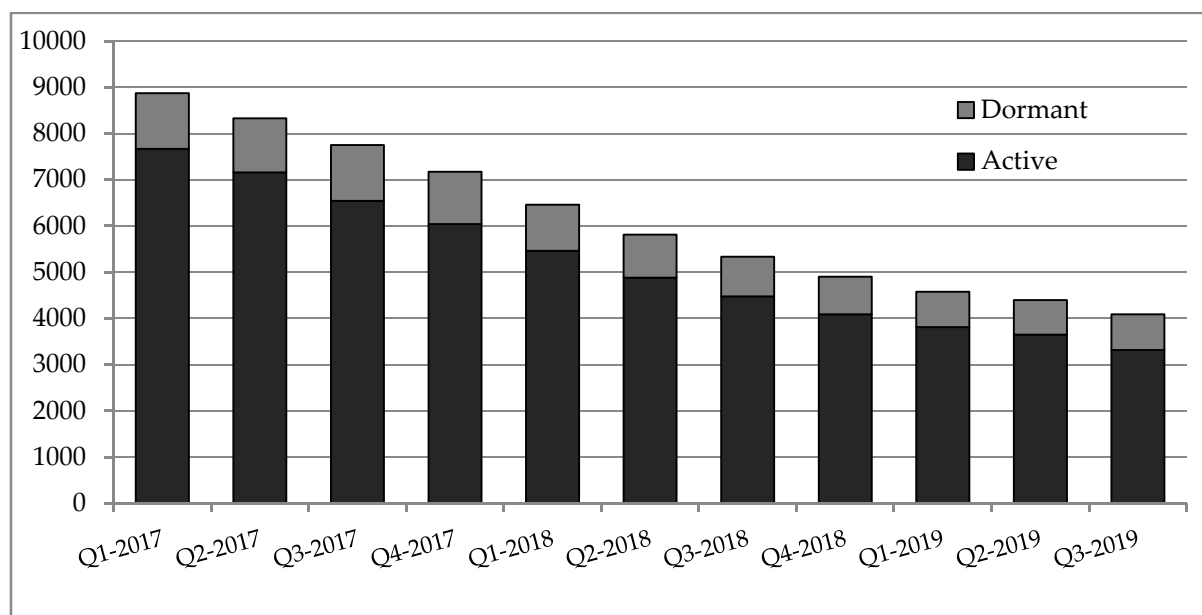
The Notice of Appeal Process

The Tribunal's Notice of Appeal (NOA) process places responsibility in the hands of the parties to advance a case, and requires appellants to confirm their readiness to proceed (by filing a Confirmation of Appeal (COA) form) with their appeals within two years of completing the NOA form. In some instances appellants cannot proceed and the appeal is placed in a 'Dormant' status until such time as the appellant notifies the Tribunal of their readiness to proceed. Many dormant appeals close as abandoned.

Caseload Inventory – Dormant and Active Cases

The Tribunal's caseload inventory is composed of active, dormant, and inactive cases which are all tracked as part of the Tribunal's case management system.

The **caseload** inventory reduced from 4,902 at the end of 2018 to 4,579 at the end of the first quarter of 2019 and 4,399 by the end of the second quarter. At the end of the third quarter, the caseload inventory totaled 4,088. The **active** inventory was reduced to 3,317 at September 30, 2019 from 4,081 at the end of Q4 2018.

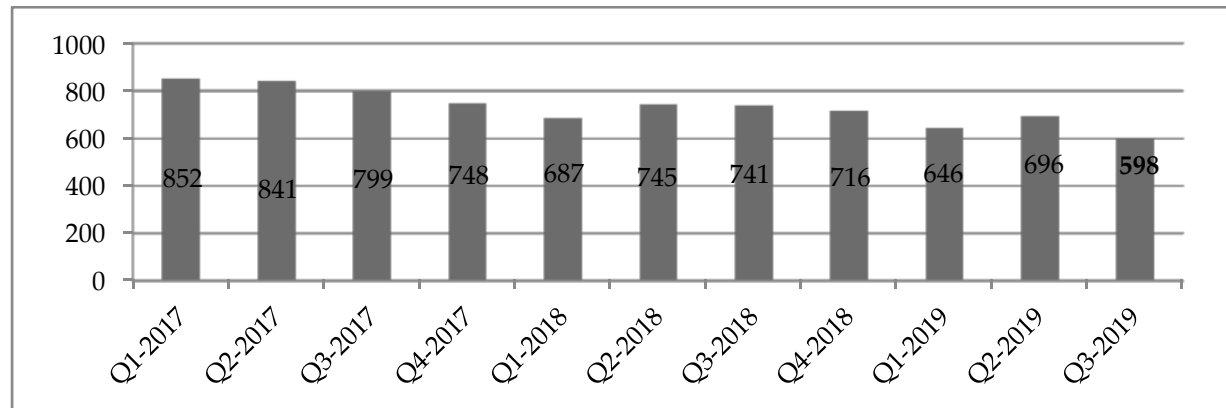


The continued success in reducing the inventory is attributed to two key factors: firstly, the high disposition rate the Tribunal has achieved via the increased roster of OIC

adjudicators and Alternative Dispute Resolution (ADR) efforts; and, secondly, a decrease in the number of incoming appeals.

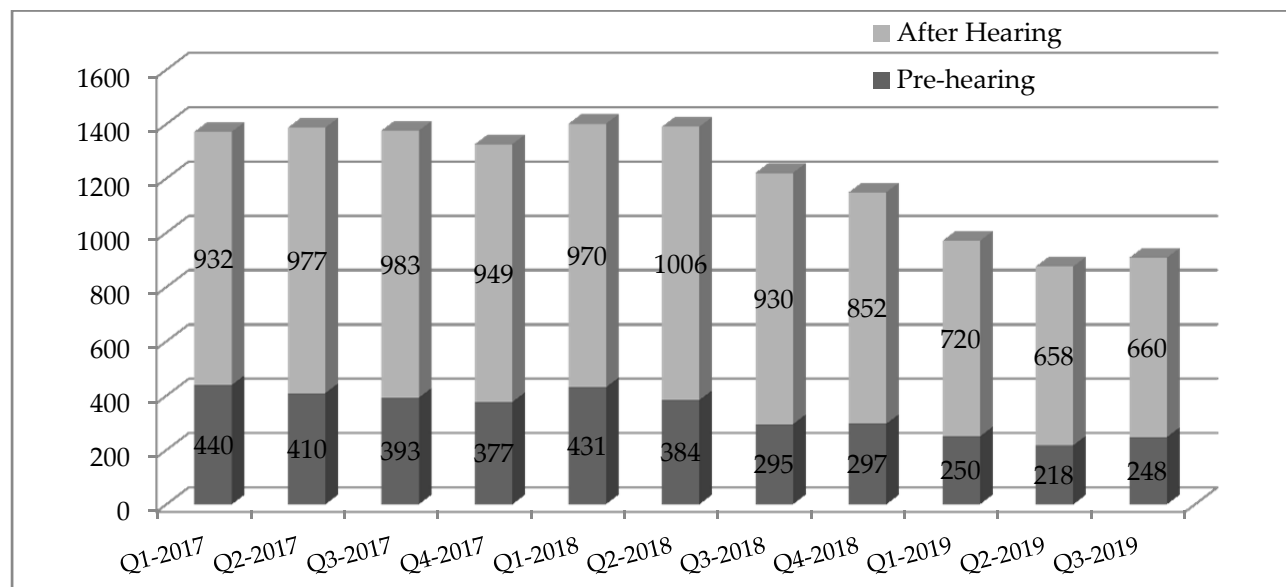
Incoming Appeals

Incoming appeals for Q3-2019 numbered 598; of these, 509 were appeals from WSIB decisions, and 89 appellants advised they were ready to proceed to hearing following a period of inactive status. In 2018, incoming appeals averaged 722 per quarter.



Dispositions

Dispositions in Q3-2019 totaled 908. This includes 248 dispositions in the pre-hearing areas resulting from ADR efforts, and 660 after-hearing dispositions, the majority of which are decisions issued by OIC adjudicators.



Timelines

Time to Hearing – There is a direct correlation between reducing the Tribunal's caseload inventory and reducing the time to hearing.

Reduction of the overall time to hearing is a key Tribunal objective for 2019.

The median time to hearing declined from 12.7 months in Q1 2018 to 9.6 months in Q3 2019. The Tribunal expects that the time to hearing will decline further in 2019 with the continued reduction of the hearing caseload.

	Q1 - 2018	Q2 - 2018	Q3 - 2018	Q4 - 2018	Q1 - 2019	Q2 - 2019	Q3 - 2019
Median Time to First Offered Hearing Date* (in months)	12.7	11.3	9.9	9.8	9.8	10.1	9.6

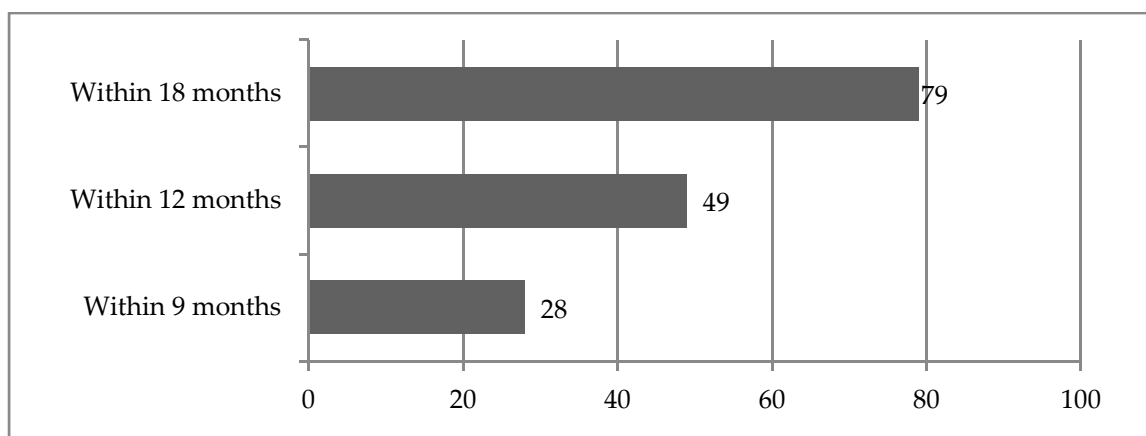
*Measured from the date when the appeal was confirmed ready to proceed

For 2018, the agency achieved the goal of time to first offered hearing date within 12 months. The Tribunal also achieved its 2019 goal by bringing this interval below 10 months. The Tribunal's new target is to reduce this interval to under 8 months by year-end 2021.

Decision Release - For the year to date ending Q3-2019, 84% of final decisions were released within 120 days.

Time to Disposition - The Tribunal also monitors the percent of dispositions achieved within 9, 12, and 18 months to enable the community to monitor progress to improve timelines. Modest gains were made in all three timeframes in the quarter.

% Dispositions Achieved in Quarter



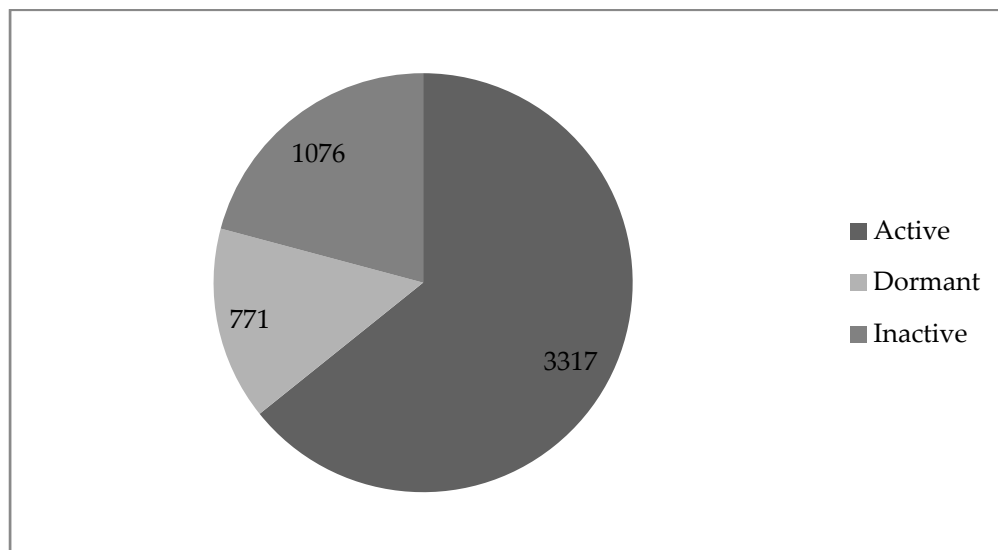
Inactive Appeals

Inactive appeals are cases where an appellant indicated at the Notice of Appeal stage that they were ready to proceed with their appeal and it was later determined by the appellant or a Vice Chair/Panel that the appeal could not proceed for one or more of the following reasons: WSIB final decisions outstanding, additional medical evidence is required, a new representative is sought. Inactive appeals are excluded from the Tribunal's caseload inventory.

In 2019 the Tribunal implemented a new process whereby follow-up dates are linked to all inactive cases in order to better monitor these cases. Many inactive appeals close as abandoned.

At the end of Q3-2019, there were 1,076 inactive cases at the Tribunal.

At the end of Q3-2019, the Tribunal's total inventory included 3,317 active cases, 771 dormant cases, and 1,076 inactive cases.



OIC Adjudicator Roster

At the end of Q3-2019, the adjudicator roster was composed of 55 Vice-Chairs and 32 Members. During Q3-2019, 1 new OIC adjudicator was appointed to the Tribunal.