

2019

Quarterly Production and Activity Report

October 1 to December 31, 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 continuing to reduce the Tribunal's caseload and improving the time to hearing and appeal resolution.

Positive trends in the fourth quarter of 2019:

- the caseload inventory (active and dormant cases) continued to decline from 4,904 to 3,927;
- the median time to first offered hearing date 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 first quarter of 2020:

- further work to reduce the time to hearing and timelines generally;
- a continued focus on reasoned decisions;
- exploration of expanded availability of video conferencing and electronic case materials to parties who volunteer;
- increasing availability of two-party mediations;
- continued steps toward achieving a paperless environment.

Thank you to the stakeholder communities for their 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

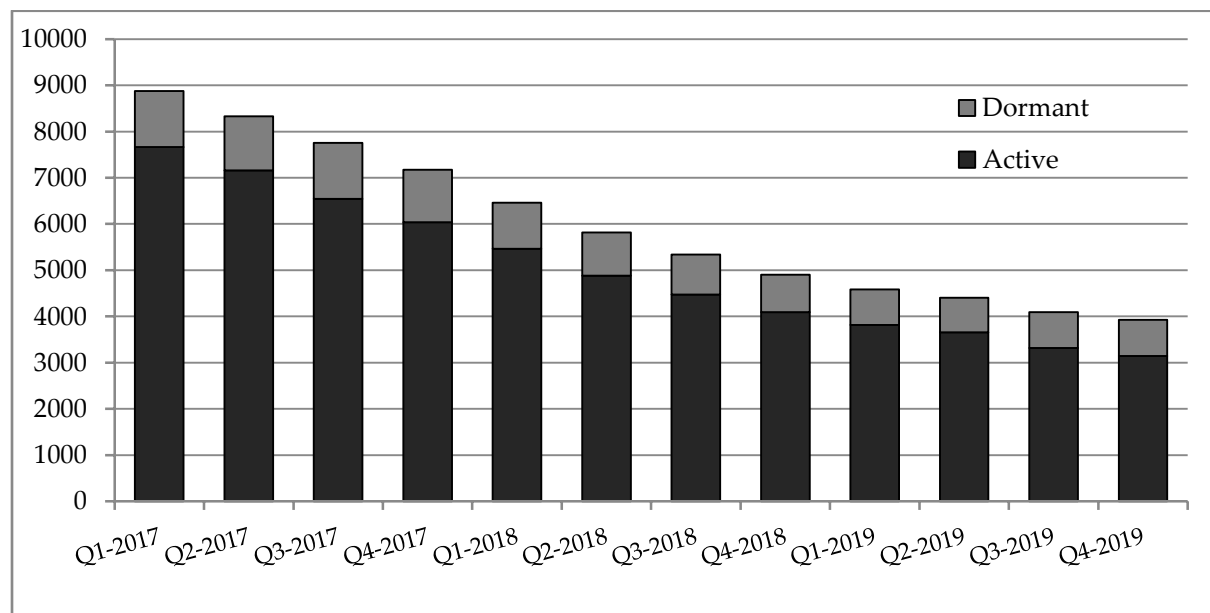
The Notice of Appeal Process

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) for 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.

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.

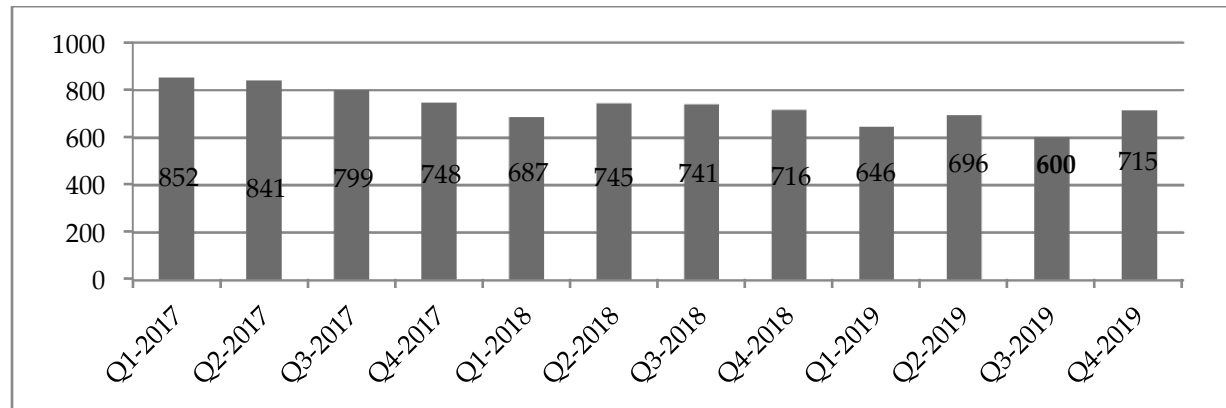
The combined active and dormant caseload inventory was reduced from 4,904 at the end of 2018 to 4,581 at the end of the first quarter of 2019; 4,401 at the end of the second quarter of 2019; 4,092 at the end of the third quarter of 2019 and 3,927 at the end of 2019.



The continued success in reducing the inventory is attributed to two key factors: firstly, the high disposition rate the Tribunal achieved by the roster of capable OIC adjudicators and Alternative Dispute Resolution (ADR) efforts; and, secondly, a decrease in the number of incoming appeals.

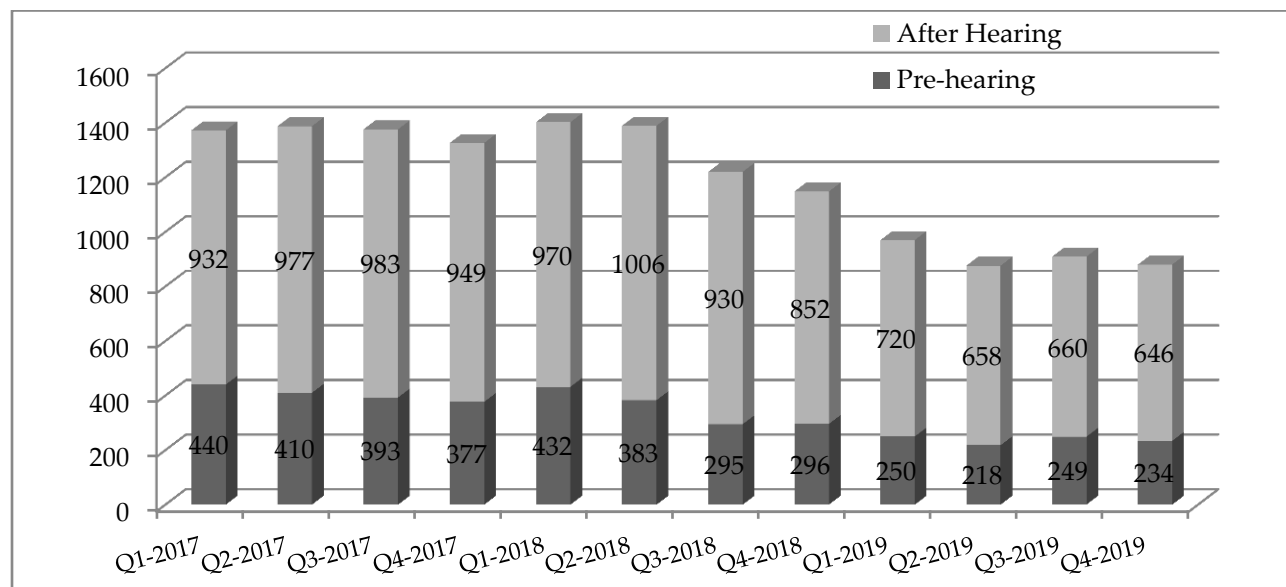
Incoming Appeals

Incoming appeals for Q4-2019 numbered 715; of these, 551 were appeals from WSIB decisions, and 164 appellants advised they were ready to proceed to hearing following a period of inactive status. In 2019, incoming appeals averaged 664 per quarter. In 2018, incoming appeals averaged 722 per quarter.



Dispositions

Dispositions in Q4-2019 totaled 880. This includes 234 dispositions in the pre-hearing areas resulting from ADR efforts, and 646 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 was a key Tribunal objective for 2019.

The median time to hearing declined from 12.7 months in Q1-2018 to 8.9 months in Q4-2019.

	Q1 - 2018	Q2 - 2018	Q3 - 2018	Q4 - 2018	Q1 - 2019	Q2 - 2019	Q3 - 2019	Q4 - 2019
Median Time to First Offered Hearing Date* (in months)	12.7	11.3	9.9	9.9	9.8	10.1	9.6	8.9

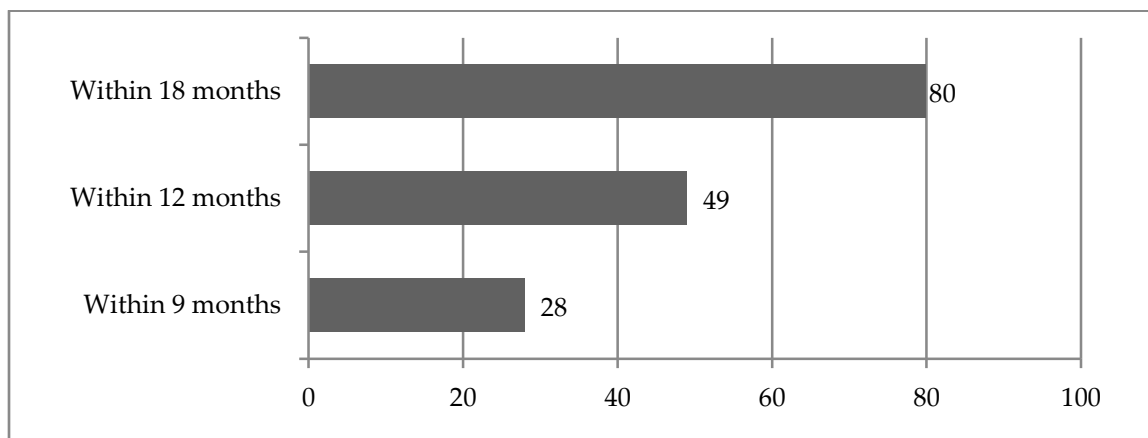
*Measured from the date when the appeal was confirmed ready to proceed

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. By year-end 2021, the Tribunal's aims to reduce this interval to under 8 months.

Decision Release - For the year to date ending Q4-2019, 87% 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. A slight gain was made in the 18 month timeframe in the quarter.

% Dispositions Achieved in Quarter



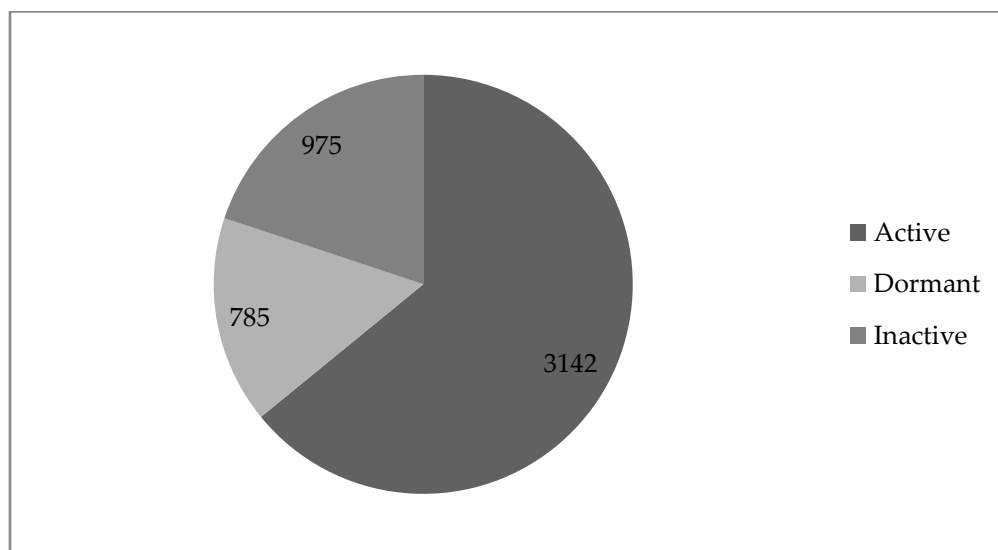
Inactive Appeals

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.

At the end of Q4-2019, there were 975 inactive cases at the Tribunal.

At the end of Q4-2019, the Tribunal's total caseload inventory included 3,142 active cases, 785 dormant cases, and 975 inactive cases.



OIC Adjudicator Roster

At the end of Q4-2019, the adjudicator roster was composed of 52 Vice-Chairs and 28 Members. During Q4-2019 there were no new OIC adjudicators appointed to the Tribunal.