

2020

Quarterly Production and Activity Report

October 1 to December 31, 2020

WSIAT

Overview

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

In 2020, the Tribunal, like many other public and private organizations in Ontario and Canada, experienced service disruptions due to the COVID-19 pandemic. In order to support the government's efforts to contain the spread of the virus and to safeguard the health and well-being of Order in Council (OIC) appointees, staff and stakeholders, the WSIAT closed its offices effective March 30, 2020 with 99.5% of the WSIAT's workforce equipped to work from home.

Mailroom and print services were maintained on-site in a limited capacity. In-person hearings were quickly converted to written appeals or remote teleconference hearings. Effective June 15, 2020, videoconference hearings were offered. The OICs successfully transitioned to paperless hearings. Electronic records were provided to representatives on request and a new e-filing service for e-forms and electronic submissions in support of appeals and applications was launched on September 8, 2020.

Despite the disruptions in 2020 due to the COVID-19 pandemic, there were overall positive trends in the WSIAT's 2020 performance:

- Reduced the median time to first offered hearing from 9.7 months in 2019 to 7.8 months in 2020;
- Reduced the total time to complete a case from 18.2 months in 2019 to 15.4 months in 2020;
- Resolved 254 cases by Alternative Dispute Resolution (ADR) and mediation, an increase of 41% over the previous year; and
- Released 90% of final decisions within 120 days in 2020 compared to 87% in 2019.

What to expect for 2021:

- Resumption of in-person hearings, when it is safe to do so;
- Ongoing work to reduce the time to hearing and timelines generally;
- Continued commitment to conducting fair hearings and issuing well-reasoned decisions that are transparent, intelligible and justified;

- Increasing availability of two-party mediations; and
- Continuing steps toward achieving a paperless environment, including further progress in providing digital case materials to parties.

The WSIAT is diligently working to respond to the ongoing challenges arising from the COVID-19 pandemic so that it can continue to provide quality adjudication and exemplary service. Updates regarding service issues and service options are posted on the WSIAT's website. Please check the website regularly for these updates. The WSIAT wishes to thank all of its stakeholders for their patience, understanding and support during this challenging time.

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

Case Management Summary

The Notice of Appeal Process

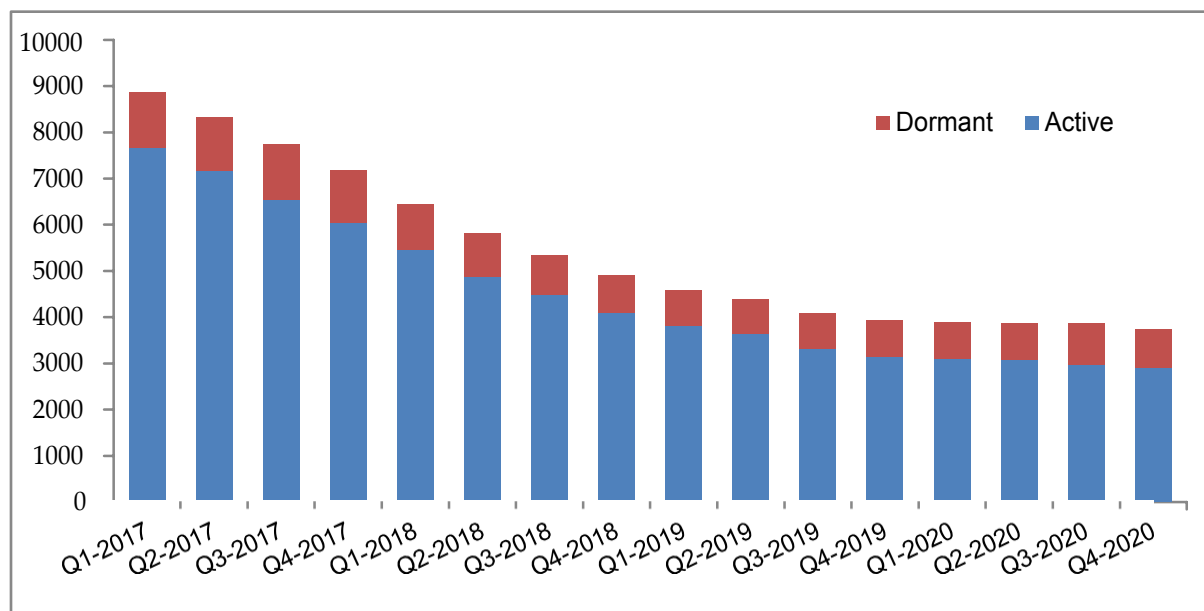
The WSIAT's Notice of Appeal (NOA) process places responsibility in the hands of the parties to advance a case, and requires appellants to confirm their readiness to proceed (by filing a Confirmation of Appeal (COA) form) with their appeals within two years of completing the NOA forms). In some instances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

Caseload Inventory – Dormant and Active Cases

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

The combined active and dormant caseload inventory was reduced from 3,927 at the end of 2019 to 3,750 at the end of 2020.

Dormant and Active Cases per Quarter



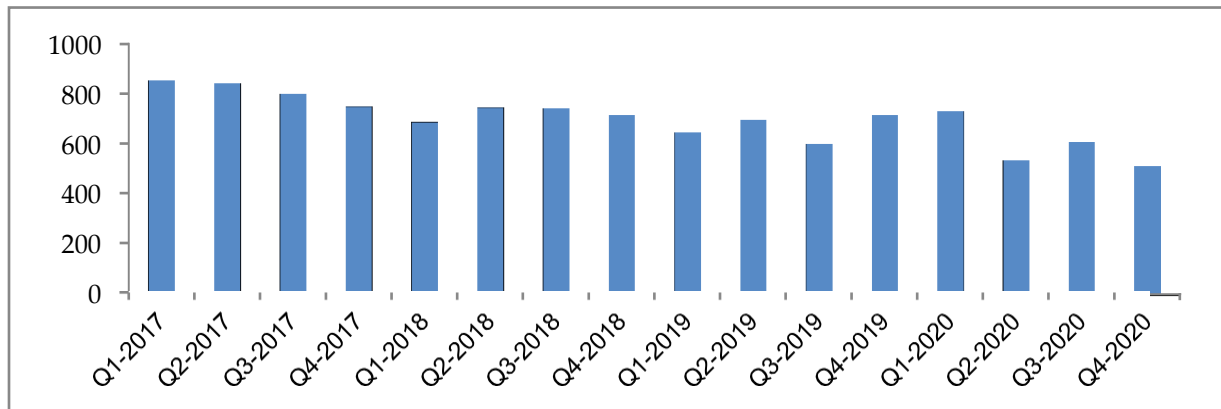
The continued success in reducing the inventory is attributed to two key factors: the timely release of decisions by the roster of capable OIC adjudicators and the success of expanded ADR and mediation efforts.

Incoming Appeals

Incoming appeals for Q4-2020 numbered 511; of these, 438 were appeals from WSIB decisions, and 73 appellants advised they were ready to proceed to hearing following a period of inactive status.

In 2019, incoming appeals averaged 664 per quarter. At the end of 2020, the total incoming appeals were 2,384, which represented a 10% decrease compared to the 2019 total incoming appeals of 2,658.

Incoming Appeals per Quarter



Dispositions

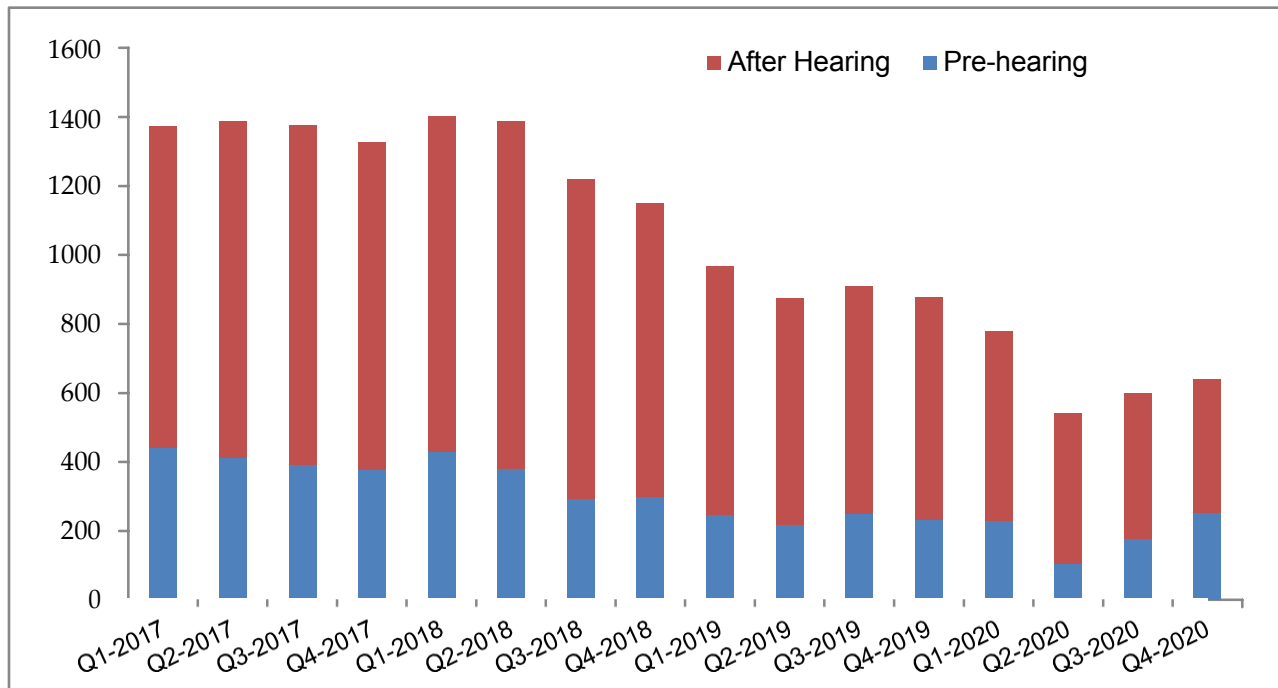
WSIAT dispositions are cases that were closed or made inactive. Dispositions in Q4-2020 totaled 641. This included 373 decisions, 170 withdrawn and abandoned cases and 98 cases moved to inactive status.

Q4 2020 Dispositions	No. Cases	Percent of Total Dispositions
Decision following Hearing (see Note)	373	58%
Withdrawn, Abandoned	170	27%
Made Inactive	98	15%
Total Dispositions	641	100%

Note: "Decision following Hearing" dispositions may not equal the number of decisions released in a year due to administrative constraints at year end that preclude the appeal from being disposed immediately following the decision.

The WSIAT disposed a total of 2,560 cases in 2020 compared to 3,631 in 2019. The lower dispositions in 2020 compared to 2019 is due to the disruptions caused by the COVID-19 pandemic.

Pre Hearing and After Hearing Dispositions per Quarter



Timelines

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

Reduction of the overall time to hearing was a key objective for 2020.

The median time to hearing in Q4-2020 was 10.0 months compared to 8.8 months in Q4-2019. However, the overall median time to hearing in 2020 was 7.8 months, a 20% reduction from the overall median time to hearing of 9.7 months in 2019.

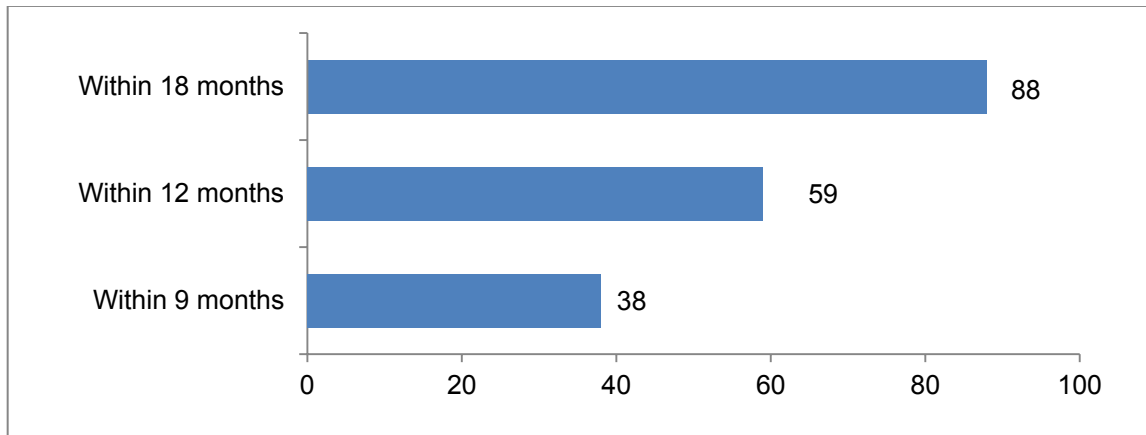
Decision Release – In Q4-2020, 96% of final decisions were released within 120 days, compared to 89% in Q4-20219. For the year 2020, 90% of final decisions were released within 120 days compared to 87% in 2019.

Time to Disposition – The WSIAT also monitors the percent of dispositions achieved within 9, 12, and 18 months to enable the community to monitor progress to improve timelines.

In Q4-2020, the percentage of appeals disposed within 9 months was 38 percent; disposed within 12 months 59 percent; disposed within 18 months 88 percent.

For the year 2020, the percentage of appeals disposed within 9 months was 39%, compared to 27% in 2019. The percentage of appeals disposed within 12 months was 60%, compared to 48% in 2019. The percentage disposed within 18 months was 86%, compared to 79% in 2019.

Percentage of Dispositions Achieved in Quarter



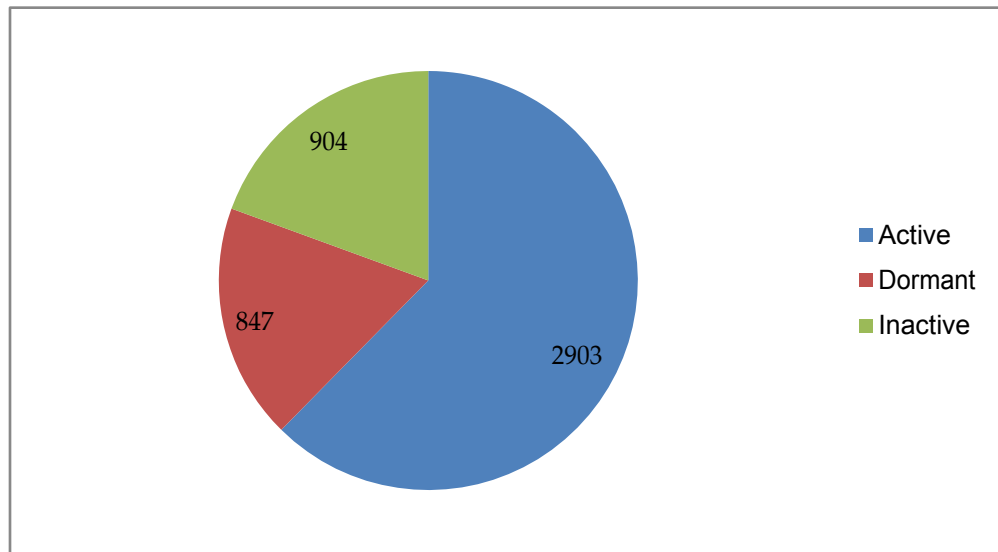
Inactive Appeals

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 or other evidence is required, or a new representative is sought.

In 2019, the WSIAT 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.

In 2020, 365 cases were made inactive. At the end of 2020, there were 904 cases in the inactive cases inventory. These cases were made inactive either in 2020 or in previous years, and were inactive at the end of 2020. The inactive cases inventory at the end of 2020 was 7% lower than the inactive cases inventory at the end of 2019.

Active, Dormant and Inactive cases at End of Quarter



At the end of Q4-2020, the WSIAT's total caseload inventory included 2,903 active cases, 847 dormant cases, and 904 inactive cases.

OIC Adjudicator Roster

During Q4-2020 one part-time Vice-Chair and one part-time Member were appointed to the WSIAT. At the end of 2020, the adjudicator roster was composed of: 16 full-time Vice-Chairs; 32 part-time Vice-Chairs; 5 full-time Members; and 18 part-time Members.