



WSIAT

In Focus

April 2002

Vol. 13, No. 1

The Newsletter of the Workplace Safety and Insurance Appeals Tribunal

Tribunal Report - April 2002

The Appeals Tribunal has been engaged in an ambitious inventory reduction effort since April 1999, when it undertook to reduce its inventory to sustainable levels by April 2002. This undertaking was made to the Ombudsman as part of a joint commitment with the Ministry of Labour and the Workplace Safety and Insurance Board.

A major part of the Tribunal's commitment to the Ombudsman was to reduce the appeals inventory of almost 9,000 cases to 4,000 by March 31, 2002. Since that time, the Tribunal has been hard at work to complete as many cases as possible to meet these targets, and more importantly, to ensure that appellants and respondents received an answer to the appeal as quickly as was possible in the circumstances. In order to process large numbers of cases while still maintaining quality in our work, the Tribunal introduced new pre-hearing processes, a variety of hearing options and expanded the use of alternative dispute resolution.

On March 31, 2002, the Appeals Tribunal met its target of 4,000 cases in the appeals inventory. This is a significant achievement for the Tribunal, which is due in no small part to the hard work of its very committed staff and hearing panels. We also wish to take this opportunity to thank the public, including representatives, injured workers, and employers, who have provided very helpful input, and shown forbearance in response to the changes which had to be introduced to process these cases.

MESSAGE FROM THE EXECUTIVE DIRECTOR

Zeynep Onen

Newly Renovated OWT Library Returns to 7th Floor

Since November 2001, the Ontario Workplace Tribunals Library has been housed in a temporary location while its permanent site underwent extensive renovations. We are pleased to announce that, effective April 16, 2002, the library will be returning to its permanent and expanded space on the 7th floor of 505 University Avenue in Toronto.

We wish to apologize for any inconvenience which may have resulted during the construction period, and hope that users will take the opportunity to visit us in our new and improved space in the near future. The library can be reached at: 416-314-3700 or 1-888-618-8846, or by e-mail at: owtl@wst.gov.on.ca.

NOA/COA PROCESS UPDATE

To comply with its commitment to the Ombudsman to provide a hearing date within four months of an appellant certifying the readiness to proceed, the Tribunal implemented the Notice of Appeal (NOA) process in March 2001. Under the NOA process, the Tribunal separates its pre-hearing inventory into two categories: cases that are ready to proceed to

continued on page 3

WSIAT PUBLIC INFORMATION MEETINGS 2002

The Workplace Safety and Insurance Appeals Tribunal is pleased to announce that it is continuing with its program of highly successful public information meetings aimed at assisting its clients to better understand and access its processes and services.

In 2001 the Tribunal undertook a number of initiatives to improve speed, service and regional accessibility. In order to provide an update on new services, process changes, the Tribunal's inventory reduction plan and to invite feedback from our clients, the Tribunal will be holding periodic meetings. Each session will include a presentation regarding current Tribunal processes and services as well as provide an opportunity for discussion with Tribunal members on hearing preparation, presentation and other issues.

Participants will have the opportunity to learn about and discuss such areas as:

Process Developments

including the Tribunal's Notice of Appeal and Confirmation of Appeal process.

Technical Developments

a description of E-Services, including enhancements to the Tribunal's web site, the new online decision search feature and the electronic availability of documents and forms.

Current Events

Participants will receive an update on current events at the Tribunal including its processes and caseload.

Improved Regional Accessibility

The Tribunal will consult on new approaches to provide better regional services.

Hearing Preparation

WSIAT Members and a Vice-Chair will be available for discussion about case preparation and presentation.

Attendance is open to anyone with an interest in the Ontario workplace safety and insurance appeal system. All sessions are free of charge and pre-registration is not required. Meetings will last from **9:00am to 11:00am**. Sessions are currently scheduled for the following dates and locations:

Kitchener/Waterloo – Tuesday, May 7th, 2002 – Holiday Inn Kitchener (30 Fairway Road South)

Thunder Bay – June 25th, 2002 – Valhalla Inn (1 Valhalla Inn Road)

For further information, e-mail us at: WSIATInfo2002@wst.gov.on.ca, or call Linda at 416-314-8924 (toll free: 1-888-618-8846 ext. 4-8924).

NEWS FROM MLO

Discussion Papers

The Tribunal has discussion papers on a variety of medical topics that are commonly involved in appeals. The papers are intended to provide a broad overview of a topic and are written to be understood by lay individuals. As well, the papers are intended to serve as educational tools to provide general information to assist Panels and parties in their understanding of a medical issue in question. The papers are available to the public via the Workplace Safety and Insurance Appeals Tribunal's web site and the OWT library.

The following discussion papers are now available:

- Asthma and the Workplace
- Carpal Tunnel Syndrome
- Cavus Foot
- Haemorrhoids
- Industrial Dust Exposure and Chronic Obstructive Airways Disease
- Limping and Back Pain
- Plantar Fasciitis
- Symptoms in the Opposite or Uninjured Arm
- Symptoms in the Opposite or Uninjured Leg

Medical Articles

On occasion, medical assessors forward articles with their reports that provide general medical information or current research on a particular medical topic.

The following articles have been placed in the Library and are available in the vertical files:

NOA/COA Process Update

continued from page 1

hearing, and cases which the appellant has not yet certified are ready to proceed. This permits the Tribunal to direct its pre-hearing staff resources more effectively to active cases for which appellants have provided a Confirmation of Appeal (COA) form, signifying their readiness to proceed. During April 2002, the Tribunal is evaluating its first year of experience using the two-part appeal application process.

Cases on the NOA list are segregated from cases on the Tribunal's active inventory on the basis that the appellant has not certified that the case is ready to proceed. Nevertheless, such cases still require statutory process, including party and WSIB notice, completion of appeal forms and WSIB record orders. These cases therefore represent a workload for the Tribunal requiring staffing and other resources to support the process.

The introduction of the NOA process is intended to enhance client service in the following ways:

- First, the process permits the appellant time to prepare its case after meeting the time limits under the Act. The Tribunal and the respondent are not required to spend additional process time and resources on a case that is not ready to proceed.
- Secondly, parties will have greater certainty as the Tribunal undertakes to provide a hearing date within four months of an appellant certifying readiness to proceed.
- Finally, the result of remaining on the NOA list without action is known from the outset, and thus provides respondents with greater certainty than being placed in the inactive status.

Throughout the first year in which the Notice of Appeal model was employed, the Tribunal received suggestions for improvements to the process. As the Tribunal re-evaluates the NOA process this April, feedback or suggestions from parties using the NOA/COA process would be welcome. Comments may be directed by e-mail from the Tribunal's web site at: www.wsiat.on.ca, or by contacting the Office of the Vice-Chair Registrar at: 416-314-8838.

continued on page 4

TITLE	SOURCE	AUTHOR
Cumulative Industrial Trauma as an Etiology of Seven Common Disorders in the Foot and Ankle: What is the Evidence?	Foot & Ankle International Copyright © 2000 by the American Orthopaedic Foot & Ankle Society, Inc.	G. P. Guyton MD, R. A. Mann MD, L. E. Kreiger MD, T. Mendel MD et. al.
Occupational Causes of Disorders in the Upper Limb	BMJ Vol. 304, 1 February 1992	N. J. Barton, G. Hooper, J. Noble, W. M. Steel
Abstracts from society meeting	Journal of Shoulder and Elbow Surgery, Vol. 8, No. 5, September/October 1999	Pub. Boyer and Hastings
Canadian Thoracic Society Guidelines for Occupational Asthma	Can. Respir. J. Vol. 5 No. 4 July/August 1998	S. Tarlo MB BS, L. Boulet MD, A. Cartier MD, D. Cockcroft MD et. al.
Lumbar Spine Imaging: Role in Clinical Decision Making	Journal of the American Academy of Orthopaedic Surgeons, Vol. 4, No. 5, September/October 1996	Scott D. Boden MD, and Sam W. Wiesel MD
Multiple Chemical Sensitivity Syndrome: A Clinical Perspective	JOM, Vol. 36, No. 7, July 1994	P. J. Sparks MD MPH, W. Daniell MD MPH, D. W. Black MD, H. M. Kipen MD MPH et. al.
Immunologic, Psychological, and Neuro-psychological Factors in Multiple Chemical Sensitivity	Annals of Internal Medicine, 15 July 1993 Vol. 19 No. 2	G. E. Simon MD MPH, W. Daniell MD MPH, H. Stockbridge MD, K. Claypole PhD et. al.

Medical Generic Reports

At times, medical assessors will provide reports on individual cases that contain generic information on a particular medical topic. In such cases the reports are anonymized and forwarded to the library.

The following medical generic reports have been placed in the OWT Library:

1. Asbestosis by Dr. Norman L. Jones, February 2002
2. Cataracts by Dr. William G. Macrae, January 2002
3. Chronic Obstructive Pulmonary Disease by Dr. Norman L. Jones, January 2002
4. Estimating Noise Exposure by Dr. Andrea Sass-Kortsak, April 2001
5. Fibromyalgia Chronic Fatigue Syndrome by Dr. Howard B. Abrams, October 2001
6. Knee Osteoarthritis by Dr. Michael A. Simurda, May 2001
7. Lower Back Pain by Dr. Michael Martin, January 2002
8. Myocardial Infarction by Dr. Susan Lenkei-Kerwin, July 1999
9. Trigger finger & Dupuytren's Contracture by Dr. Robert M. McFarlane, October 2001

WSIAT In Focus

Volume 13, Number 1

WSIAT IN FOCUS is a publication of the (Ontario) Workplace Safety and Insurance Appeals Tribunal.

It is distributed free of charge.

Tribunal Chair: Ian Strachan

Executive Director: Zeynep Onen

Publications Co-ordinators: David Beattie, Susan Adams

Editor: Dawn Tam

Contributors: Zeynep Onen, David Beattie, Ellen Schoffer

French Version: Cécile Raffael

Subscriptions: Mary Pavic

Workplace Safety and Insurance Appeals Tribunal

505 University Ave., 2nd Floor
Toronto, Ontario
M5G 2P2

Telephone: (416) 314-8800

Fax: (416) 326-5164

Web Site: <http://www.wsiat.on.ca>

ISSN 1480-5731