



In Focus

August 2002

Vol. 13, No. 2

The Newsletter of the Workplace Safety and Insurance Appeals Tribunal

MESSAGE FROM THE TRIBUNAL DIRECTOR

Marsha Faubert

Zeynep Onen

This issue reports that our previous Director, Zeynep Onen, left the Tribunal in June 2002 to take on the position of Director of Professional Regulation for the Law Society of Upper Canada. As a colleague of Zeynep's since 1985, I am aware that this is a loss the Tribunal will experience deeply. Since joining the Tribunal, Zeynep has made a number of significant contributions to its processes, jurisprudence, and presence in the administrative justice community through her roles as Senior Legal Counsel, Vice Chair, Alternate Chair, and most recently as Executive Director. In the latter role, she was pivotal in steering the Tribunal through its two-

year inventory reduction project, which concluded successfully in March 2002. During this time, Zeynep worked with Tribunal staff in other significant projects that included the renovation of the Tribunal's premises and the reform of the Tribunal's pre-hearing process. She was also an active contributor to SOAR during this period. My colleagues at the Tribunal join me in thanking Zeynep for her dedication and commitment to public service over the years, and in wishing her good fortune in her new challenge.

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NEW TRIBUNAL DIRECTOR APPOINTED

The Tribunal wishes to congratulate **Zeynep Onen**, our former Tribunal Director, on her June 2002 appointment to the position of Director of Professional Regulation with the Law Society of Upper Canada. Ms. Onen joined the Tribunal as senior legal counsel in 1985. She was appointed a Vice-Chair in 1988 and subsequently served as Alternate Chair from 1993-96 and as Executive Director from 1999-2002.

The Tribunal also wishes to announce the appointment of **Marsha Faubert** as Tribunal Director, effective July 1, 2002. Ms. Faubert has been with the Tribunal since its creation in 1985. Working initially as Tribunal counsel, she was appointed a Vice-Chair in 1987. She brings with her many years of accumulated expertise in workers' compensation and the Tribunal welcomes her to this key position.

WSIAT Re-opens Public Floor

The Tribunal is pleased to announce the re-opening of the 7th floor at 505 University Avenue in Toronto to public access. The floor has undergone extensive renovation and upgrading since late 2001 and now includes a new and updated reception area and hearing rooms, as well as an expanded space for the Ontario Workplace Tribunals Library. WSIAT reception is now, once again, located on the 7th floor.

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WSIAT Staff and Vice-Chairs Key Participants in Conference

The participation and support of Tribunal staff and Vice-Chairs helped ensure the success of a well-attended workers' compensation conference on April 11, 2002. The conference, entitled "New Developments in the Law and Advocacy Before the WSIAT," was co-sponsored by the Law Society of Upper Canada and the Ontario Bar Association. Tribunal Executive Director Zeynep Onen, General Counsel Dan Revington, and Counsel to the Chair Carole Prest updated the nearly 100 lawyers and laypersons in the audience on developments at WSIAT. In the afternoon, attendees had a unique opportunity to discuss practice, procedure and advocacy in small group workshops led by Tribunal Vice-Chairs Eleanor Smith, Marsha Faubert (now Tribunal Director), Maureen Kenny, John Moore and Linda Gehrke.

There were also lively panel discussions led by experienced worker and employer representatives on the interrelationship of CPP and workers' compensation, Board policies concerning return to work and entitlement following work disruptions, the new stress provisions in the WSIA, and compliance investigations at the Board.

The program was co-chaired by Ann Somerville, Associate Counsel to the Chair at the Tribunal, and Robert Boswell of Hicks Morley Hamilton Stewart Storie. Speakers also provided papers on their topics which can be ordered from the OBA.

New Features Added to WSIAT Web Site

The home page of the Tribunal's web site (www.wsiat.on.ca) now contains two recently added links, which give users access to the following new features:

- 1) **WSIAT Hearing Process and Organizational Chart:** A chart which explains the Tribunal's hearing process and provides details for how to contact staff responsible for the various stages of the appeals and hearing processes.
- 2) **Forms:** A link providing web users with direct access to all WSIAT forms currently available online in both Word and pdf format. These include forms for Notice of Appeal, Confirmation of Appeal, Respondent's Confirmation of Appeal, Request for Reconsideration / Clarification and the 2002 Order Form among others.

Decision Summary Search

Within the Decision Summary Search function, the following new features have been added:

- **Currency of Data:** A note which informs users about the currency of the data contained in the decision summary database has been added.
- **Summarized Decisions Only Filter:** this filter allows users to restrict searches to decisions with summaries in the Summary field.
- **Search Last Results Filter:** This filter allows users to narrow their searches. After a user has completed at least one search, a check box will appear on the Decision Summary Search screen. When this box is checked and additional search criteria have been specified, the search engine will search only within the results of the last search entered instead of searching the whole database. This option can be used for searches on any field.
- **Panel Members:** It is now possible to search for decisions according to the first and/or last name of a panel member. (Previously, the search engine only recognized panel members' surnames).

Resource Materials

The following resource materials have now been made available on the web site:

- Members Code of Professional and Ethical Responsibility

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Looking Ahead

Although the Tribunal has met its inventory reduction targets in March 2002, it continues to face the challenge of providing a high level of service to workers and employers while meeting its production requirements. Our focus in the months to come will be on the reduction of the Tribunal's inactive caseload, by closing abandoned appeals or providing hearing dates for appeals that are ready to continue; enhancing our electronic communications; and improving our procedures to ensure the prompt adjudication of appeals. In the process, we strive to meet our consistent objective of providing a high quality of adjudication in the workplace safety and insurance field.

DAN REVINGTON RECEIVES 2002 RON ELLIS AWARD

Daniel S. Revington, General Counsel at the Workplace Safety and Insurance Appeals Tribunal, is this year's winner of the Ron Ellis Award. The award, which is jointly sponsored by LexisNexis™ Butterworths Publishing and the Ontario Bar Association, recognizes exceptional contributions to the field of workers' compensation. Mr. Revington joins previous distinguished winners Dr. Robert Elgie, Gary Newhouse, Alec Farquhar and David Brady.

After graduating from the University of Western Ontario Law School, Mr. Revington worked in private practice where he received his first exposure to workers' compensation. He was manager at the Office of the Employer Adviser, representing employers in many of the leading cases at the Tribunal, including *Decision No. 72*. He became Senior Counsel in the WSIAT Tribunal Counsel Office in 1991, and was appointed General Counsel to the Tribunal in 2000. Dan is a founder and past president of the Ontario Bar Association's Workers' Compensation Section. He played a leading role in persuading the CBAO to admit non-lawyers as section members. He was a charter member of the LSUC workers' compensation specialty committee, and has been heavily involved with CLE at the LSUC.

WSIAT PUBLIC INFORMATION MEETINGS 2002

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

Over the past year 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 and to invite feedback from our clients, the Tribunal will be holding periodic public meetings in centres where it holds hearings. Each session will include a presentation on current Tribunal processes and services as well as the opportunity for discussion with Tribunal members on hearing preparation, presentation and other issues.

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.

SESSIONS ARE SCHEDULED TO TAKE PLACE IN:

Timmins

(Tuesday, September 17, 2002 – 9:00am-11:00am)

The Senator Hotel
14 Mountjoy Street South
Timmins, Ontario P4N 1S4
(705) 267-6211

Burlington

(Tuesday, October 8, 2002 – 9:00-11:00am)

Travelodge Hotel
2020 Lakeshore Road
Burlington, Ontario L7S 1Y2
(905) 681-0762

Sault Ste. Marie

(Tuesday, October 22, 2002 – 9:00am-11:00am)

Holiday Inn
208 St. Mary's River Drive
Sault Ste. Marie, Ontario P6A 5V4
(705) 949-0611

London

(Tuesday, November 19, 2002 – 9:00am-11:00am)

London Hilton Hotel
300 King Street
London, Ontario N6B 1S2
(519) 439-1661

For further information contact Linda at: 416-314-8924 or toll-free at 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. Discussion papers are intended to provide a broad and general overview of a topic, and are written to be understood by lay individuals. The papers are intended to serve as educational tools, providing general information to assist Panels and parties in their understanding of the medical issue in question. As they become available, the medical discussion papers will continue to be posted on the web site.

The following discussion papers are now available in French and on the WSIAT web site (www.wsiat.on.ca):

1. Chest Wall Pain
2. Hernias
3. Pes Planus (Flat Feet)
4. Osteoarthritis
5. Plantar Faciitis (this paper contains revised illustrations).

Medical Generic Reports

At times, medical assessors 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 Library and are available in the vertical files.

TITLE	AUTHOR	DATE	LIBRARY LOCATION
Diastematomyelia Tethered Spinal Cord	Dr. Richard G. Perrin	April 11, 2002	VF 11095
Progesterone and Estrogen Prescriptions and Possible Influence on Carpal Tunnel Syndrome	Dr. Ivy M. Fettes	April 14, 2002	VF 11096
Ankylosing Spondylitis	Dr. Duncan A. Gordon	March 27, 2002	VF 11097
Silicosis Assessing Respiratory Impairment in Chronic Obstructive Pulmonary Disease and Silicosis	Dr. Norman L. Jones	April 10, 2002	VF 11098
Fibromyalgia and Juvenile Rheumatoid Arthritis	Dr. Manfred Harth	June 10, 2002	VF 11099

All documents listed are available in the Ontario Workplace Tribunals Library. When ordering medical generic reports, please cite the corresponding vertical file number. Self-serve photocopies may be made in the Library for 20 cents per page. Alternatively, copies may be ordered for \$5 per document.

WSIAT Re-opens Public Floor

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The Tribunal is scheduled to resume holding hearings in this new space in late July 2002. We wish to thank our clients for their patience while our public area underwent improvements to help serve them better and we hope that they will take the opportunity to visit it in the near future.

WSIAT Web Site

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- Practice Direction: Disclosure, Witnesses and the Three-Week Rule
- WSIAT/WSIB Quality Loop Framework
- Questions and Answers about the Alternative Dispute Resolution Process

For questions or comments about the web site, please contact the WSIAT webmaster by e-mail at webmaster@wst.gov.on.ca.

WSIAT In Focus

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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

Tribunal Director: Marsha Faubert

Publications Co-ordinators: David Beattie, Susan Adams

Editor: Dawn Tam

Contributors: David Beattie, Marsha Faubert, Felicity Fowke, Melinda Reyes, Ellen Schoffer, Ann Somerville

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

TRIBUNAL MEMBERS

Since the October 2001 issue of WSIAT In Focus, the following Orders In Council have been made:

Full-time Vice-Chair

Linda Gehrke, effective June 1, 2002

Part-time Vice-Chairs

Michael Butler, effective May 6, 2002

Urich Ferdinand, effective April 29, 2002

Loretta Henderson, effective March 1, 2002

Jay Josefo, effective January 14, 2002

Brian Loewen, effective May 6, 2002

Robert Nairn, effective April 29, 2002

Audrey Renault, effective January 31, 2002

Gordon Weir, effective September 19, 2001

Geoffrey Zimmerman, effective April 29, 2002

Part-time Members representative of employers

Mardi Bullivant, effective April 29, 2002

Mary Christie, effective May 2, 2002

Jacques Séguin, effective July 1, 2002

Part-time Members representative of workers

Diane Besner, effective January 13, 2002

Brenda Black, effective December 12, 2001

Doug Felice, effective May 14, 2002

Pauline Hodgkiss, effective October 17, 2001

Raymond Lebert, effective January 1, 2002

Fortunato Rao, effective February 11, 2002