



WSIAT

In Focus

August 2003

Vol. 14, No. 2

The Newsletter of the Workplace Safety and Insurance Appeals Tribunal

MESSAGE FROM THE TRIBUNAL DIRECTOR

Marsha Faubert

Tribunal Activities

In the last issue of In Focus, I reported that the Tribunal expected that the appeals filed, hearings held and decisions released in 2003 would be comparable to 2002 levels. Our experience to date has confirmed this, with the exception of slightly increased numbers of hearings and decisions due in part to a greater number of appellants confirming their readiness to proceed.

Over the last few months, the Tribunal has been engaged in a review of some of its practices, with a view to improving the service offered to the parties. We have posted several notices on our web site, publicizing some changes or developments that resulted from this review.

French Language Services

In April, we published *French Language Services Guidelines for Tribunal Staff*, a document that outlines the ways in which the Tribunal meets its obligations to provide French language services pursuant to the *French Language Services Act*. This document provides advice to Tribunal staff, and information to the public concerning the Tribunal's practices in this area.

Guidelines for Hearing-Related Fees

In the same month, the Tribunal published *Guidelines for Hearing-Related Fees and Expenses*. This document updates the

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NICK McCOMBIE

The Appeals Tribunal grieves the passing of Nick McCombie, one of our experienced Vice-Chairs and an acknowledged authority in the field of workplace safety and insurance. Nick was a Tribunal member from the agency's beginnings in 1985, and came to the Tribunal after years of service as a community legal worker, coordinator, trainer and teacher. A full-time Vice-Chair for over a decade, and an author/co-author of legal texts and articles, Nick was the 2003 recipient of the Ron Ellis Award for Excellence in Workers' Compensation Law, in recognition of his exceptional contributions and achievements in the community. He passed away on July 31, 2003 after a long struggle with cancer. Nick's friends and colleagues throughout the administrative justice community will miss his intelligent analysis, wealth of knowledge, incisive wit and fiercely principled spirit.

New Features Added to WSIAT Web Site (www.wsiat.on.ca)

Decision Summary Search

The Help Pages of the Decision Summary Search function have been revised. The help pages remain accessible by clicking on the Help button from the Decision Summary Search page.

Resource Materials

The following resource materials have been added to the web site:

- French Language Services Guidelines for Tribunal Staff
- Guidelines – Hearing-related Fees and Expenses
- Notice Regarding the Hearing Process
- WSIAT Quarterly Report: Production and Activity for the Period January 1 to March 31, 2003

Forms

The following WSIAT forms are now available online:

- WSIAT Request Form for Hearing Tapes
- WSIAT Request Form for Transcript of Taped Hearings
- WSIAT Transcript Request Form

Additionally, new rates have been set for claiming hearing expenses. These new rates are reflected on the Hearing Expense Claim Form available online.

WSIAT PUBLIC INFORMATION MEETINGS 2003

The Workplace Safety and Insurance Appeals Tribunal is pleased to continue its program of public information meetings, aimed at assisting its clients to better understand and access its processes and services.

In order to provide an update on services, process changes and to invite feedback from our clients, the Tribunal will be holding period public meetings in centres throughout Ontario 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:

London

Tuesday, August 26, 2003 – 9:00am - 11:00am
London Hilton Hotel, 300 King Street
London, Ontario N6B 1S2
(519) 439-1661

Timmins

Wednesday, September 17, 2003 – 9:00am - 11:00am
Senator Hotel, 14 Mountjoy Street South
Timmins, Ontario P4N 1S4
(705) 267-6211

Sault Ste. Marie

Wednesday, October 15, 2003 – 9:00am - 11:00am
Holiday Inn, 208 St. Mary's River Drive
Sault Ste. Marie, Ontario P6A 5V4
(705) 949-0611

Thunder Bay

Tuesday, November 18, 2003 – 9:00am - 11:00am
Valhalla Inn, 1 Valhalla Inn Road
Thunder Bay, Ontario P7E 6J1
(807) 577-1121

For more information and a complete schedule of upcoming sessions, visit our web site at: www.wsiat.on.ca or contact the Tribunal's Resource Department at: 416-314-3733, or toll free at: 1-888-618-8846 ext. 4-3733.

NEWS FROM MLO

Medical Discussion Papers

The Tribunal commissions discussion papers on a variety of medical issues that are commonly involved in appeals. Each paper is written by a recognized expert in the field who has been selected by the Tribunal, and each expert is asked to present a balanced view of the current medical knowledge on the issue.

The papers are available to the public on the Tribunal's web site, and the Library.

The following discussion papers have been added to the list of papers that are already available:

1. Neck Pain and Related Symptoms Cervical Disc Disease
2. Diabetes Mellitus
3. Dupuytren's Contracture
4. Headache

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
Thoracic disc herniation and myelopathy	Dr. Joel A. Finkelstein	May 27, 2003	VF 11238
Corneal Basement Membrane Dystrophy	Dr. Allan R. Slomovic	April 18, 2003	VF 11239
Multiple Chemical Sensitivity	Dr. George Sweeney	March 21, 2003	VF 11240

All discussion papers and medical generic reports listed above are available in the Ontario Workplace Tribunals Library. When ordering medical generic reports, please quote the Library location number. Self-serve photocopies may be made in the Library for 20 cents per page. Alternatively, copies may be ordered for \$5 per document.

Tribunal Establishes New Call Centre September 2003

The Tribunal will establish a call centre in September 2003. Call centre staff will respond to inquiries about the status of appeals and the Tribunal's procedures, process address changes and respond to basic information requests. A short telephone answering tree will assist callers to go directly to an appeal inquiry line, access the Tribunal's telephone directory or have their call answered by a Customer Service Representative. It is anticipated that parties will benefit from the one-window access to Tribunal information with easy access to information and quick responses to status inquiries.

Message from the Tribunal Director

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maximum amounts payable for meal allowances and witness fees for workers and their witnesses, as well as the maximum amounts payable for professional witness fees that have been approved by the Vice-Chair or Panel.

Written Appeal Process

More recently, the Tribunal has developed criteria to assist Tribunal staff and the parties in identifying appeals suitable for the written process that will be diverted to an expedited written stream. The criteria are intended to identify those types of appeals that typically do not require an oral hearing by reason of the fact that no new evidence will be offered at the Tribunal level. The criteria for selection are set out on the Tribunal's web site in a *Notice Regarding the Hearing Process*. In the coming months, we will provide further information on the Tribunal web site concerning the procedure that will apply for the delivery of submissions in these cases.

While this process expands the types of cases to be adjudicated by a written procedure, the Tribunal remains committed to providing oral hearings in all cases in which oral evidence is required in order for

the appeal to be decided. We are confident that this process will permit the Tribunal to preserve the quality of decision-making to which we have dedicated ourselves, while improving the timeliness of decision-making in less complex cases.

Improved Phone Access

Finally, in September 2003, the Tribunal plans to introduce a Call Centre to handle all general and file inquiry calls coming to the Tribunal, including calls that are currently handled by the Registrar Information Centre. We are excited about this development, which we hope will enhance our ability to respond to telephone inquiries in a timely manner. Further details about the Call Centre will be posted on the Tribunal web site when they become available.

Feedback

In this post-backlog period, we now have the opportunity to examine many of our practices, and to refine them where needed to improve the quality and timeliness of adjudication of appeals. We are interested in your feedback, and I invite you to address your correspondence with any questions or comments to me.

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TRIBUNAL MEMBERS

Since the last issue of **WSIAT In Focus** (April 2003), **Jim Dimovski** has been appointed a full-time Vice-Chair and **Peter Robertson** has been appointed a part-time Member Representative of Employers.