



WSIAT

In Focus

November 2006

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The Newsletter of the Workplace Safety and Insurance Appeals Tribunal

MESSAGE FROM THE TRIBUNAL DIRECTOR

Marsha Faubert

WSIAT 2007

Revitalization of the Administrative Justice System and its Impact on the Tribunal

During the last three years, the Tribunal has experienced a burgeoning caseload and delays in appeal processing as a result of attrition in its complement of vice-chairs. Parties have been patient while awaiting action by the Tribunal to address this issue. A number of recent developments should ensure that the Tribunal will have the resources needed to improve the level of service it delivers to stakeholders.

In recent months, the government implemented a number of initiatives designed to enhance the quality of administrative justice in the province. It increased and standardized the remuneration and length of appointments for adjudicative agencies to help them attract and retain qualified individuals. This initiative addressed a long-standing impediment to the Tribunal's efforts to ensure it employed qualified adjudicators. The government has also undertaken significant reforms in the appointment process. These appointment reforms reflect the process already undertaken by the WSIAT Chair, who has worked with the current Minister of Labour and his predecessor to ensure the appointment of qualified persons as vice-chairs to the Tribunal.

see REVITALIZATION on page 4

Ian Strachan Presented with 2006 Ron Ellis Award

An audience of 100 representatives from the injured worker, employer and neutral communities gave a standing ovation to **Ian Strachan**, Chair of the Workplace Safety and Insurance Appeals Tribunal, as he was presented with this year's *Ron Ellis Award* at a dinner program on June 8, 2006 at the Ontario Bar Association.

Co-sponsored by LexisNexis and the Ontario Bar Association, the *Ron Ellis Award* recognizes outstanding contribution and achievement in workplace safety and insurance law. Ian was selected to be the recipient of the 2006 award for his leadership, dedication, commitment to fairness and justice, and continuing efforts to make the Tribunal one of the leading adjudicative tribunals in Canada.

The Honourable Steve Peters, Minister of Labour, and the Honourable Greg Sorbara, Minister of Finance, sent their congratulations to the Chair.

see STRACHAN on page 2

TRIBUNAL MEMBERS

Since the update published in the previous issue of *WSIAT In Focus* (June 2006), **Andrew Baker, Marvin Cohen, Barbara Doherty, Jeanette Goldman, Mary McKenzie, Anne Morris** and **Ian Welton** were appointed part-time Vice-Chairs.

Also during this period, **Ian Strachan** was reappointed as Tribunal Chair; and **Linda Gehrke**, as a full-time Vice-Chair. The appointments of Vice-Chairs **Julia Noble** and **Susan Peckover** were converted from part-time to full-time for the remainder of their terms. **Brian Cook, Jim Dimovski, Marsha Faubert, Maureen Kenny, Virginia Robeson, Antonio Signoroni** and **Sara Sutherland** were reappointed as part-time Vice-Chairs. **Jim Crocker** was reappointed as a full-time Member; and **Faith Jackson, Martin Meslin, C. James Robb** and **Jacques Séguin** were reappointed as part-time Members.

Shanghai Delegation Visits Tribunal

On September 15, 2006, a delegation of 20 judges and administrators from the Shanghai Pudong Personnel Bureau visited the Tribunal to learn about the use of alternative dispute resolution (ADR). The visit, organized by the Canada-China Economic and Cultural Centre (CCECC), was aimed at helping staff from the municipal court environment in Shanghai understand the mediation system as well as the recruitment and role of mediators and arbitrators in Canada. The group had visited the Workplace Safety and Insurance Board on a previous occasion.

During the meeting, Vice-Chairs Linda Gehrke, Mel Crystal and mediator Barbara Taylor gave the group a presentation on the Tribunal's ADR processes. With the assistance of a translator, they discussed mediation and arbitration, the process for vice-chair approval of mediation and the new single-party mediation process. The Shanghai Pudong group was particularly interested in the recruitment and training of mediators as the group is involved in the adjudication of benefits, and interest in the use of mediation in this area is growing in China.

As a token of appreciation, at the conclusion of the meeting the delegates presented the Tribunal with a silver plaque engraved with a relief of the Shanghai skyline.

STRACHAN *from page 1*

Speakers for the evening included Alec Farquhar, Director of the Occupational Health and Safety Branch of the Ministry of Labour, Dave Brady, senior partner at Hicks Morley Hamilton Stewart Storie LLP, and Wayne Samuelson, president of the Ontario Federation of Labour.

Ron Ellis, the Tribunal's former chair, presented the award, stating that Ian "brought the Tribunal through a period of great difficulty, still standing and still meeting standards of excellence on all fronts."

"meeting standards of excellence on all fronts"

In his acceptance speech, Ian described the *Ron Ellis Award* as "a symbol of the quest for quality in our administrative justice system" and attributed his receipt of the award to the high quality of staff at the Tribunal. Making special mention of the contribution and support of Tribunal Executive Director Marsha Faubert, he also paid tribute to the integrity of his fellow adjudicators at the Tribunal, and thanked audience members for their individual efforts to bring quality to the administrative justice system.

TRIBUNAL STAFF ACTIVITIES

SOAR Medal Awards

Ian Strachan, Tribunal Chair, is a member of the Board of Directors for the Society of Ontario Adjudicators and Regulators (SOAR). At the annual SOAR medal dinner held November 2, 2006, he introduced the Honorable R. Roy McMurtry, Chief Justice of Ontario, who presented the medals to the winners. The 2006 SOAR medal winners were Justice Dennis O'Connor, Robert Owen and Murray Chitra.

GTA Legal Clinics Training Conference

On November 8, 2006, **Ian Strachan** also participated in a panel discussion at the GTA Legal Clinics Training Conference. The panel topic was "Better Access to Better Justice: Overcoming the Barriers."

COBA Conference

Tribunal Director **Marsha Faubert** participated on the planning committee for the Conference of Ontario Boards and Agencies (COBA) which occurred on November 2, 2006 at Macdonald Block. This year the conference attracted more than 300 registrants.

Mississauga Community Legal Services: Annual General Meeting

In October, Assistant Registrar **Debra Dileo** and Vice-Chair **Rosemarie McCutcheon** spoke at the Annual General Meeting for Mississauga Community Legal Services about the Tribunal, its hearings and procedures.

Schedule 2 Employers' Group Conference

On September 27, 2006, Early Review Manager **Nicole Bisson** and General Counsel **Dan Revington** gave a presentation, "Process and Hearings: Appeals at the Workplace Safety and Insurance Appeals Tribunal" at the Schedule 2

Employers' Group Conference. Their session was one of the best attended at the conference.

Lancaster House Conference

On October 26, 2006, **Gillian Shaw**, a senior lawyer in Tribunal Counsel Office, was a guest speaker at the Lancaster House Workplace Safety and Insurance Conference. Gillian was part of a panel discussion with counsel for workers and employers on the topic "When is an Accident Work Related?" At the same conference, **Sarah Atkinson**, a lawyer in the Office of Counsel to the Chair, participated as part of the panel discussion "Medical Evidence – Critical Issues."

Ontario Agency Modernization Advisory Council

In the fall, **Carole Prest**, Counsel to the Chair, was appointed a member of the Ontario Agency Modernization Advisory Council. The Council will report to the Minister of Government Services and will review proposals prepared by the Agency Modernization Project staff relating to governance tools for agencies, boards and commissions. The Council will also provide advice on proposals prepared by the Agency Cluster Facilitator, and the Municipal, Environment and Land-Planning Tribunals.

OBA and CBA Activities

In November, **Carole Prest** is co-chairing a joint dinner meeting of the Ontario Bar Association (OBA) Administrative Law/Municipal Law Sections to examine the interaction between natural justice requirements and a tribunal's mandate to control its practice and procedure.

Also in November, Carole is moderating a panel discussion on disclosure and evidence before administrative tribunals, "National Administrative Law/Labour and Employment Law," at a Canadian Bar Association (CBA) Continuing Legal Education conference.

New Appointments Create Unique Challenge For Tribunal

REVITALIZATION *from page 1*

In the last three years, 25 new vice-chairs have been appointed to the Tribunal. The addition of a large number of new vice-chairs has created a unique challenge for the Tribunal to train and support its appointees. In 2006, we developed and delivered a revised orientation program, which has already shown promising improvement in the time elapsed between the date of appointment and first scheduled hearings for new appointees.

The effects of these changes should be felt in 2007, beginning with an increase in the number of decisions released by the larger complement of adjudicators. This increased hearing capacity will lead to reductions in the waiting time for hearings. Since most appeals for the first half of 2007 have already been scheduled, measures of timeliness of appeal processing should be noticeable by late 2007.

The Tribunal looks forward to improving the timeliness of the service it provides, while continuing its dedication to the quality of decision making in the compensation system.

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NEWS FROM MLO

Medical Discussion Papers

The Tribunal has discussion papers on a variety of medical topics that are commonly involved in appeals. The papers are available to the public on the Tribunal's web site, and in the Library.

The following discussion papers have been added or updated:

- External Abdominal Hernias (January 2006)
- Symptoms in the Opposite or Uninjured Leg (August 2005)