



WSIAT

In Focus

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The Newsletter of the Workplace Safety and Insurance Appeals Tribunal

Correction: WSIB Operational Policy 05-05-11 – Medical Rehabilitation Program

On page 1 of the Board's *Operational Policy* Document No. 05-05-11 under the heading "Guidelines – Medical Rehabilitation Program", the current Board document describes an MR program as:

"any course of medical or paramedical treatment or care for a work injury, or for a recurrence or deterioration of a work injury that is required to bring the worker to MMR ..."

Unfortunately, the Board included an erroneous copy of this policy in several of the policy packages forwarded to the Tribunal pursuant to section 126 of the *Workplace Safety and Insurance Act, 1997*, S.O. 1997, c. 16, Schedule A.

The erroneous form of the policy contains the words:

"... that is required to bring the worker to, or maintain the worker at, a state of MMR ..."

The erroneous form of the policy may be found in packages 73, 74, 75 and 76. If these packages are marked as "Revision 2", the packages contain the correct form of the policy.

If the packages are not marked as "Revision 2", they probably contain the erroneous form of the policy sent by the Board.

Neither the Board nor the Tribunal has a record of the appeals which may contain the incorrect policy in the Board's policy package; therefore, the Board has requested that the error be brought to the attention of the Vice-Chair or Panel. The Tribunal has alerted all Vice-Chairs and Panels of the error in accordance with the Board's request.

Late Filing of Material for Hearing

The Tribunal continues to struggle with a dramatically increased caseload and a significant waiting list of appeals to be heard. The Tribunal is therefore continuing to take steps to ensure that scheduled cases are fully ready for hearing.

In many cases, the Tribunal now requires that the appellant complete an Information Request before the appeal will be scheduled. The completed Information Request must attach all material to be submitted for the hearing. Respondent material, or material filed by appellants who have not received Information Requests, continues to be due at the date which is three weeks before the hearing.

The use of the Information Requests is intended to ensure that the Tribunal's Medical Liaison Office may review the medical evidence filed in advance of the hearing, and ensure its completeness, that the hearing may be scheduled properly for either a full day or half day, that summonses may be dealt with in a timely way, and that issue agenda problems may be addressed.

It is especially important that material due only at the three week date be filed on time, so that the material can reach the Vice-Chair or Panel in advance of the hearing and so that other parties receive proper notice.

Increasingly, the Tribunal has experienced difficulties with representatives or parties filing material after the three week date. The result is that the Tribunal Counsel Office must acknowledge receipt, advise parties that the admissibility of the material will become a preliminary issue at the hearing, and advise the Vice-Chair or Panel of the preliminary issue. The late material must be sent to the Vice-Chair or Panel separately from the case material forwarded earlier, sometimes by courier. In some cases late material may be received from parties in "bits and pieces" requiring this process to be repeated more than once.

Late filings may result in adjournments of the hearing, wasting the time of the Vice-Chair or Panel, and utilizing hearing time that could have been dedicated to other appeals.

Given the Tribunal's overwhelming caseload, it has been decided that the Tribunal Counsel Office will no longer accept material filed after the three week date, unless it appears that the person filing the late material is unrepresented and unfamiliar with the Tribunal's processes, and that there is reasonable time to forward the material to the Vice-Chair or Panel.

In all other cases, the late-filed material will be returned to the sender. Parties may bring the returned material to the hearing and make a request for late acceptance of the material directly to the Vice-Chair or Panel.

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Panel Members

In Memory of Ms. Patti (Fuhrman) Thompson

It is with a great deal of sadness that we report that Patti (Fuhrman) Thompson passed away on August 1, 1998, at the Princess Margaret Hospital.

Ms. Thompson was a Member representative of workers at WSIAT and was first appointed on May 14, 1986. Her good humour and dedication will be greatly missed.

Annual Report 1997

The *Annual Report 1997* is now available. This Report contains the Tribunal Chair's and the Tribunal's annual report to the Minister of Labour and to the Tribunal's various constituencies. The reporting period for this report is the calendar year ending December 31, 1997.

The Report of the Tribunal Chair reflects the personal observations, views and opinions of the Chair. The Tribunal Report focuses on Tribunal activities, financial affairs and the evolving administrative policies and practices.

For your free copy, contact the Publications Department.

Discussion Paper

The Tribunal Library has the following new discussion paper:

Chest wall pain by Dr. Griffith Pearson. 4p.
April 1998.
Cost: \$2.80 plus GST.

The cost shown is the charge for ordering the item. Alternatively, you can photocopy this paper at the Library for 15¢ per page.

Tribunal Decisions Available On Quicklaw

Tribunal decisions are now available on the *Quicklaw* database service operated by QL Systems Ltd. The *OWCA* database contains the full text of all Tribunal decisions, complete with a summary of the decision. The words of the decisions and summaries themselves are indexed, so that they are searchable. Searches can also be performed by keywords, decision number, Vice-Chair or Panel, sections of workers' compensation legislation or other statutes considered, prior Tribunal decisions considered and Board policies considered.

Note: Eventually, all of the keywords will be the same as those used in the Tribunal's own *Decision Digest Service* binders and *DDS On Disk* database. (See the current Keyword Index in the Cumulative Index binder of the *Decision Digest Service*.) Initially, this will be so only for more recent decisions. Older decisions may still have the keywords originally assigned to them under prior versions of the Keyword Index. These will gradually be updated until all keywording is consistent with the current Keyword Index.

If you wish to subscribe to Quicklaw, call (416) 862-7656, in Toronto, or toll-free 1-800-387-0899, nationally.

A full-text database of the Tribunal's decisions also continues to be available through the *Infomart Online* database service operated by Infomart Dialog Ltd. For information call (416) 442-2198, or 1-800-668-9215.