Workers' Advocate Office

2015 Annual Report

PUBLISHED BY THE GOVERNMENT OF THE YUKON
March 2016

ANNUAL REPORT OF THE WORKERS' ADVOCATE OFFICE 2015

This Annual Report is available at www.gov.yk.ca

This publication is copyright. No part may be reproduced by any process without expressed written consent by the Department of Justice.

Authorized by the Yukon Workers' Advocate Office

Contents

Our Vision and Our Mission ……	2
From the Workers' Advocate …….	3
Performance Indicators …….....	4
Financials……..	11
Organization & Contacts ……..	12

Our Vision and Our Mission

Our Vision. All injured Yukon workers receive the benefits and services to which they are rightfully entitled.

Our Mission. From early intervention and education, to representation during the worker's appeal process, the Workers' Advocate Office (WAO) provides independent assistance to, and representation for, workers who have suffered a work-related disability. We seek to ensure that the needs of injured workers and their families are resolved quickly and fairly so that the medical, psychological, and financial hardships associated with workplace injuries are minimized.

Specifically, our dedicated team is committed to:

- Advocating for injured workers to ensure that they receive their entitlements under the Yukon *Workers' Compensation Act* and policies, and in accordance with the principles of administrative justice.
- Ensuring that workers receive high quality service (timely, fair, consistent, and communicated) from the WAO during the early intervention, hearing and appeal process.
- Ensuring that injured workers are treated with dignity and respect in their dealings with the WAO. Ensuring that all workers understand their rights and responsibilities regarding compensation in the event of workplace injury and returning to work.
- Working with the Yukon Workers' Compensation Health and Safety Board ("YWCHSB") to help understand current issues and trends so that they are addressed for future clients.
- Investigating and utilizing other dispute resolution mechanisms (such as preliminary conferences) to improve the quality of issue identification and resolution.
- Working with the YWCHSB, labour, and employer groups in raising the level of awareness of the appeal process for workers and their families.

Year at a Glance

2015 was a year of change at the Workers' Advocate Office. The Manager of the WAO since 2009, a long time Yukon public servant, retired in April 2015. The Deputy Workers Advocates and interim staff ably continued their representation of workers and their families throughout the year. The new Manager began the role in November 2015.

The annual survey of clients conducted by the Bureau of Statistics on behalf of the Workers' Advocate Office continues to indicate a respectable satisfaction rate in client service. General comments offered by the respondents in the survey of 2015 included the comments that WAO was very helpful, supportive, professional and capable.

Responding to questions regarding the value of the service provided, nine of ten respondents had positive comments about the value of the WAO services provided to injured workers and their dependents. It is also noted that the WAO continued in 2015 to demonstrate sound fiscal management of the funds allocated for the operations of the office by the YWCHSB. During the annual budget discussions with the YWCHSB, the Workers Advocate was asked generally about the clients of the WAO. The annual survey of clients noted that 38.1% of clients learned of the Advocate's office through the YWCHSB. A review of clients in 2015 also noted that the majority of clients are Yukon residents. Of the general inquiries recorded up to October 31, 2015, a limited number, approximately 15%, were from out of the territory.

Looking forward to 2016, WAO anticipates a strengthened commitment to injured Yukon workers and their families. We will be continuing our efforts at informal resolution whenever we are able through our constructive relationship with YWCHSB staff and are committed to providing high quality representation at the Hearing Officer level of appeals and before the Workers' Compensation Appeal Tribunal.

Performance Indicators – 2015

The Workers' Advocate Office continued to build upon the commitment to public accountability by practicing a 'managing by results' focus.

'Managing by results' involves identifying the differences or impacts that the WAO seeks to make in the lives of injured workers and their families. Measurable indicators can then be identified, which allows the WAO to track where these differences are being achieved over time. This approach helps the WAO to identify its business plan activities, and target them to areas where results require improvement.

Below we list our performance indicators and the results that define success for the office.

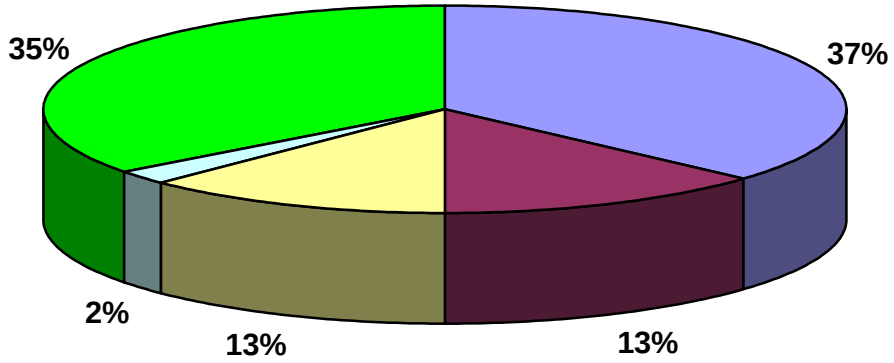
Why the WAO Matters - The WAO helps injured workers receive the benefits and services to which they are entitled.

How We Know - Early intervention – a majority of issues are resolved without the need for a formal Hearing Officer Review or Appeals Tribunal. This allows workers to focus on recovery and return to work as early as is medically appropriate.

In 2015, 64 issues were resolved informally without the need for a formal review or appeal.

This high number of informal resolutions is reflective of the co-operative working relationships and the policy work undertaken by the YWCHSB to provide clarity in the administration of benefits.

Resolution of Issues 2015



There were a total of 130 issues handled in 2015:

37% = 47 issues were resolved by WAO alone
13% = 17 issues were resolved by WAO with YWCHSB
13% = 16 issues were presented by WAO to the Hearing Officer
2% = 3 issues were presented by WAO to the Appeals Tribunal

35% = 47 issues remain under investigation by the WAO

What this shows:

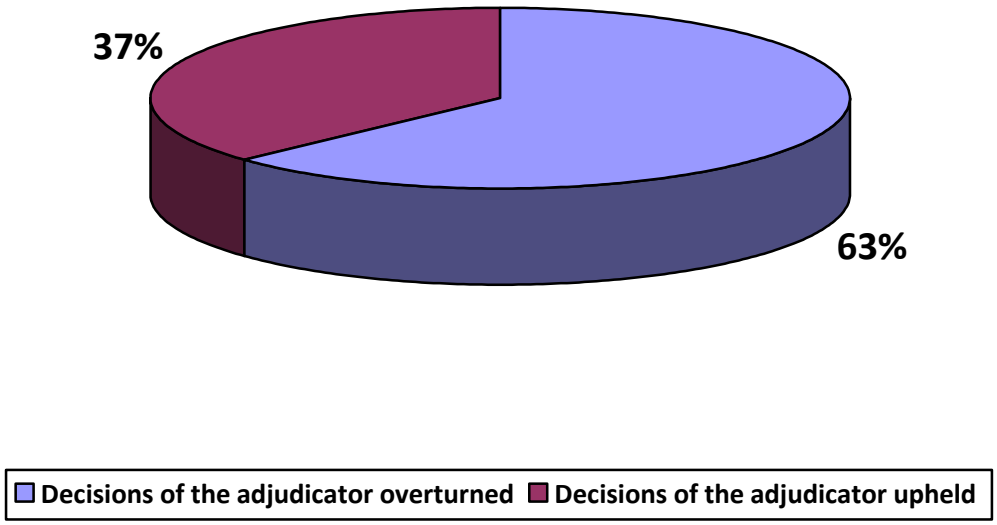
This chart shows that, for 2015, 37% of client issues were resolved by the WAO without the need to involve the YWCHSB or go through a formal hearing process. 13% of issues were resolved informally during discussions with YWCHSB.

Only 15% of issues required presentation at either the Hearing Officer level or the Appeals Tribunal level.

- informally resolved by WAO alone
- informally resolved by WAO with YWCHSB
- presented at Hearing Officer level
- presented at Appeals Tribunal
- remain under investigation by WAO

Why the WAO Matters - The WAO helps injured workers receive the benefits and services to which they are entitled.

How We Know- 63% of appeals that were presented at formal hearing resulted in a decision being reversed in the workers favour.



What this shows:

This chart shows that, for 2015, 63% of the issues that went through the formal review process led to a reversal or variation of the original decision of the adjudicator. This represents an increase from 2014 where 44% of issues that went through formal review led to a reversal or variation of the original decision of the adjudicator.

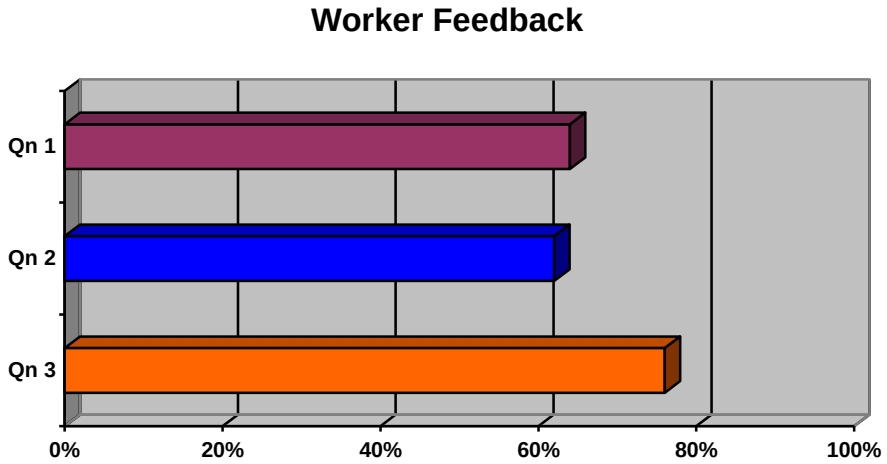
Of the 19 issues heard through the formal process, 3 were heard by the Appeals Tribunal.

Overall, this information shows that WAO representation makes a difference in ensuring that injured workers receive their entitlements by representing them in the appeal process.

Why the WAO Matters - Injured workers are treated with dignity and respect in dealings with the WAO.

How We Know - In 2015 the WAO achieved 67% client satisfaction with three dignity and respect related indicators. During 2016 the WAO is committed to reviewing the process for conducting the annual survey and striving to improve upon the areas noted by survey respondents as requiring improvement.

*As part of the on-going review of survey questions, the 2016 survey of clients also asked how workers learned of the services of the Workers' Advocate Office. The majority of respondents learned of the WAO through the YWCHSB. Family, co-workers or medical professionals being the second most listed source of referrals to the WAO.



What this shows:

In January 2016, a survey of WAO clients was conducted in order to obtain feedback on these indicators.

This chart shows the WAO achieved an overall worker feedback rating of 67%.

Qn 1 – 64% of clients reported that they were treated with dignity and respect by the WAO regardless of the outcome of their case.

Qn 2 – 62% client satisfaction that the WAO kept them up to date and informed about the status of their file.

Qn 3 – 76% of clients agree that their concerns were heard and listened to by the WAO.

Why the WAO Matters - Injured workers and their families receive quality customer service from the WAO.

How We Know – 74% of clients were satisfied with the service that they received from the WAO.

In 2015 the WAO achieved 74% client satisfaction with three customer service related indicators.

Although this represents a lower satisfaction rate than in previous years, it should also be noted that an increased number of clients were surveyed and a more definitive satisfaction scale was used for the 2015 survey. Previously respondents rated the service on a scale from 1 to 6. Now service is rated as either agree, don't know, Ok, or disagree.

What this shows:

In January 2016, a survey of WAO clients was conducted by the Statistics Branch in order to obtain feedback on these indicators.

This chart shows the WAO achieved an overall client satisfaction rating of 74%.

Qn 1 – 73% client satisfaction that the WAO carefully and clearly explained decisions relating to their file.

Qn 2 – 73% of clients rated WAO services as high quality (timely, courteous, and professional).

Qn 3 – 76% client satisfaction that the WAO provides value to injured workers and their dependants.

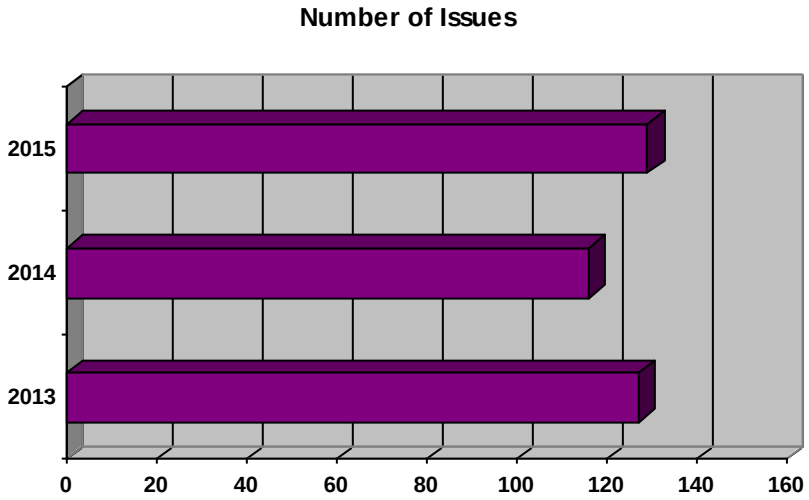
These two case studies represent the types of situations explored by the WAO.

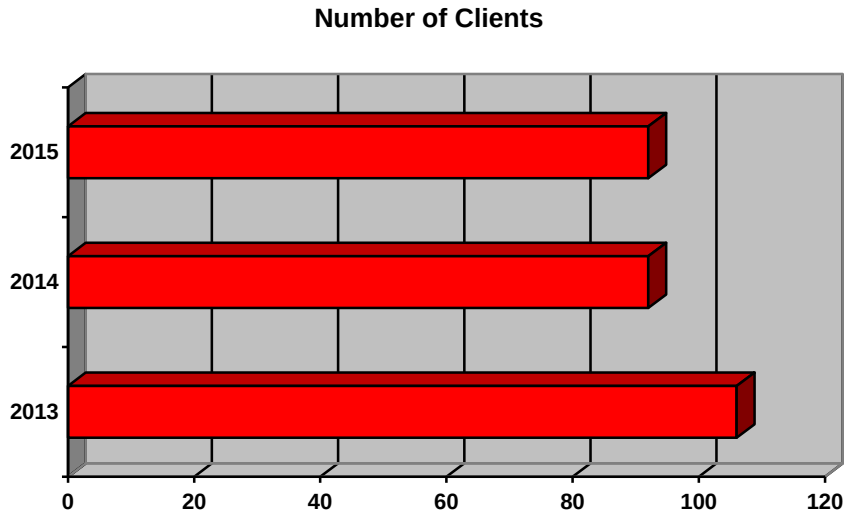
Case Study 1

A worker's claim for a recurrence of a previously accepted claim was denied. Informal resolution by the WAO was unsuccessful with YWCHSB. The WAO filed a Request for Review by Hearing Officer and upon presentation of additional medical information showing the recurrence of symptoms was related to the initial work-related injury, the decision to deny ongoing entitlement was reversed. Ongoing medical and rehabilitation services as well as ongoing loss of earnings were provided to the worker.

Case Study 2

A worker contacted the office asking for information on how YWCHSB handles claims for stress and anxiety caused by a suspension from their job. The WAO provided the worker with information in the *Act* on the definition of injury that includes *a disablement, but does not include the disablement of mental stress or disablement caused by mental stress, other than posttraumatic stress*. In addition to the Act, YWCHSB has a policy titled 'Adjudicating Psychological Disorders' that states "*A worker is not entitled to benefits under the Workers' Compensation Act S.Y. 2008 (the "Act") for a psychological disorder(s) that is the result of an employer's employment decisions or actions including, but not limited to: discipline, allegations relating to harassment, performance evaluations, termination, or transfer*." With this information in mind, the worker was advised that YWCHSB is responsible for making the decision to either accept or deny a claim for compensation, so when in doubt contact YWCHSB regarding filing a claim. This contact would be recorded at the Workers' Advocate Office as a general inquiry. 51 new general inquiries were recorded in 2015.





What this shows

In 2015, WAO represented 47 new clients* along with 46 existing clients whose concerns were carried forward from 2014. Along with the 45 existing issues already under investigation, we were presented with 83 new issues from both past and present clients, and 51 new general inquiries. General inquiries involve providing legislation and policy advice and any additional information the worker or their family might require.

Note: * A client is defined as an individual who signs an authorization form requesting that the Workers' Advocate investigate their issue or concern. The WAO also deals with 'general inquiries', workers or employers who contact the WAO for informal information but do not sign an authorization. They are not included in this total.

2015 Financials

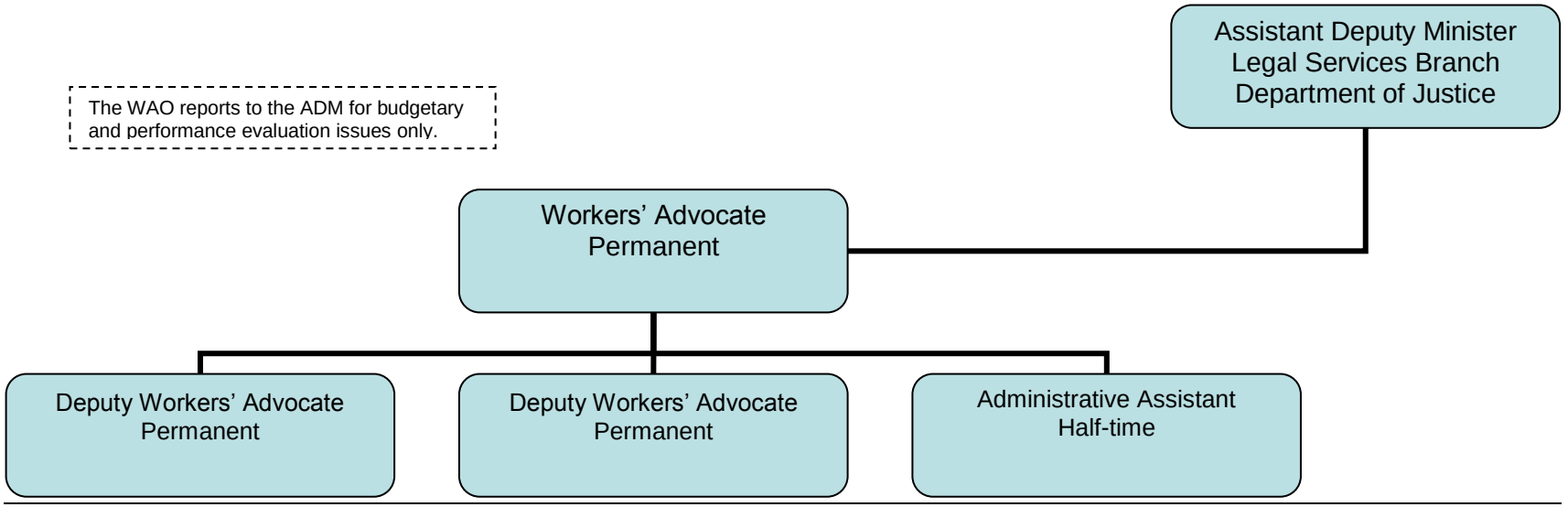
The Workers' Advocate Office is funded annually by the YWCHSB in accordance with Yukon *Workers' Compensation Act*.

Total Operations and Maintenance	**Expenditures ($)**
Fiscal Year	**2015**
Personnel	423,714
Office & Operation	37,102
Supplies & Services	8,421
Total	***469,237**

*Note the personnel costs for 2015 recognize the changes in staff within the Workers' Advocate Office. The figures above do not include the administration fees $45,911 payable to Department of Justice.

The report is adjusted to account for rounding, and based on the calendar year.

Organization & Contacts



Yukon Workers' Advocate Office
P.O. Box 2703 Q-1 Whitehorse, Yukon Y1A 2C6
Telephone: 867-667-5324 Fax: 867-393-6346
Toll Free: 1-800-661-0408 Ext 5324
www.justice.gov.yk.ca/prog/ms/wad

Yukon Workers' Compensation Health and Safety Board
401 Strickland Street, Whitehorse, Yukon Y1A 5N8
Telephone: 867-667-5645, Fax: 867-393-6279
Toll Free: 1-800-661-0443
www.wcb.yk.ca

Canadian Association of Workers Advisors and Advocates
www.cawaa.org

Persons with Disabilities Online
1-800-622-6232 or www.pwd-online.ca

Yukon Federation of Labour
867-667-6676 or www.yukonfed.com

Yukon Council On Disability
867-668-6703 or www.ycod.yk.ca

Ombudsman & Information and Privacy Commissioner
867-667-8468 or www.ombudsman.yk.ca

Yukon Human Rights Commission
867-667-6226 or 1-800-661-0535 or www.yhrc.yk.ca