From the Workers' Advocate

The Yukon Workers' Advocate Office was established by statute in 1997. Looking forward to our anniversary in 2017, this annual report of the Workers' Advocate Office in 2016 affords an opportunity to reflect on the past year in the context of nearly 20 years of service to injured workers and their families.

In 2006 the Department of Justice commissioned a review of the Workers' Advocate Office entitled "Prospects for the Future". Ten years after this comprehensive review, how well has Workers' Advocate Office met the expectations of the injured workers we serve? Has the Advocate Office and Yukon Workers Compensation Board Appeal and Tribunal system worked? Have we accounted for our activities to the lawmakers and most importantly to Yukoners? This 2016 Annual Report includes a look back on the reporting of the past ten years especially highlighting the results of 2016.

Looking back provides an accountability to Yukoners of the operation of the Workers' Advocate Office. It also presents an opportunity to express our thanks to those who have served over the nearly 19 years of what, at the time of its inception, was the youngest Workers' Advocate Office in Canada.

We enthusiastically look forward to our 20th anniversary in 2017. The Workers' Advocate Office will continue to make every effort to provide injured Yukon workers and their families with a high quality of independent advice, and assistance in their relationship with the Yukon Workers' Compensation Health and Safety Board (YWCHSB). Specifically, we will continue to help injured workers and their families in understanding issues and completing necessary forms, and, when appropriate, with representation at the Hearing Officer and Workers' Compensation Appeal Tribunal levels. These services are provided without charge to workers and the families of workers who are injured or killed while working in the Yukon.

Our forward looking plan with its notion of "how can we help you today?" includes the Yukon Workers' Compensation Health and Safety Board. We continue to work with Board staff to seek informal resolution where possible of claims issues. We have also included in our intentions for 2017, policy areas where we intend to provide representation to the Board and a program of outreach to Yukoners who may not be aware of our services.

It is our privilege to be of service to Yukon workers and their families, thank you for the opportunity to do so.

Milestones

1998 A review of the Workers' Advocate Program asked detailed questions about the worker, their injury and the precise question, "Why did you seek the assistance of the Workers' Advocate Office and did the Workers' Advocate Office employ conflict resolution?"

The review, reporting on the Workers' Advocate efforts from 1997 to that point, stated 148 clients were served and a total of 46 appeals. The appeal information included in the report noted 11 appeals were scheduled to be heard, 19 appeals were successful in overturning a decision and 16 were unsuccessful. The report indicated the office was receiving 40 calls a day however only 20% of the cases were referred by YWCHSB.

A recommendation for change and improvement was, *"…yearly the WAO should provide to the Minister of Justice, and the WCB President and Chair a list of issues which would provide insight into general problems. The list was to be accompanied by documentation.*"

2006 Government directed a review of the *Workers' Compensation Act* and an operational review of the Workers' Advocate Office to determine if current mandate was correct.

The Workers' Advocate Office, *Prospects for the Future* was prepared for the Department of Justice by Blake H. Williams Consultant.

The author included in his report the following statements: "*The WAO provides independent advice, assistance and representation to injured workers and their families throughout the Yukon Territory and to former residents regarding their claims with the Workers Compensation Health and Safety Board (YWCHSB). WAO staff are involved in a range of activities including initial claims advice, assistance in understanding issues, help completing necessary forms, help with reconsideration requests and representation at the Hearing Officer, Workers Compensation Appeal Tribunal (WCAT) and in some instances at Court.*

The overall consensus among those who contributed to the review is that the WAO is an important part of the workers compensation system in the territory and should be retained."

2008 The *Workers' Compensation Act* was changed. The 2008 *Act* maintained the Meredith Principles, the foundation of workers compensation in Canada. The changes included; adding a focus on recovery from injury for the worker, for both workers and employers the duty to co-operate in early and safe return to work, and for the employer the obligation to re-employ. Notably for the Workers' Advocate Office, the revised *Act* provided for improvements to the appeal process specifically regarding new information becoming available during the appeal and, a timelier appeal process. The timelier appeal process changes included appeals of decisions must be initiated within 24 months of the decision and provided for timelines on decisions to be established by the Workers' Compensation Board of Directors.

Meeting the expectations of the injured workers we serve, how well have we done?

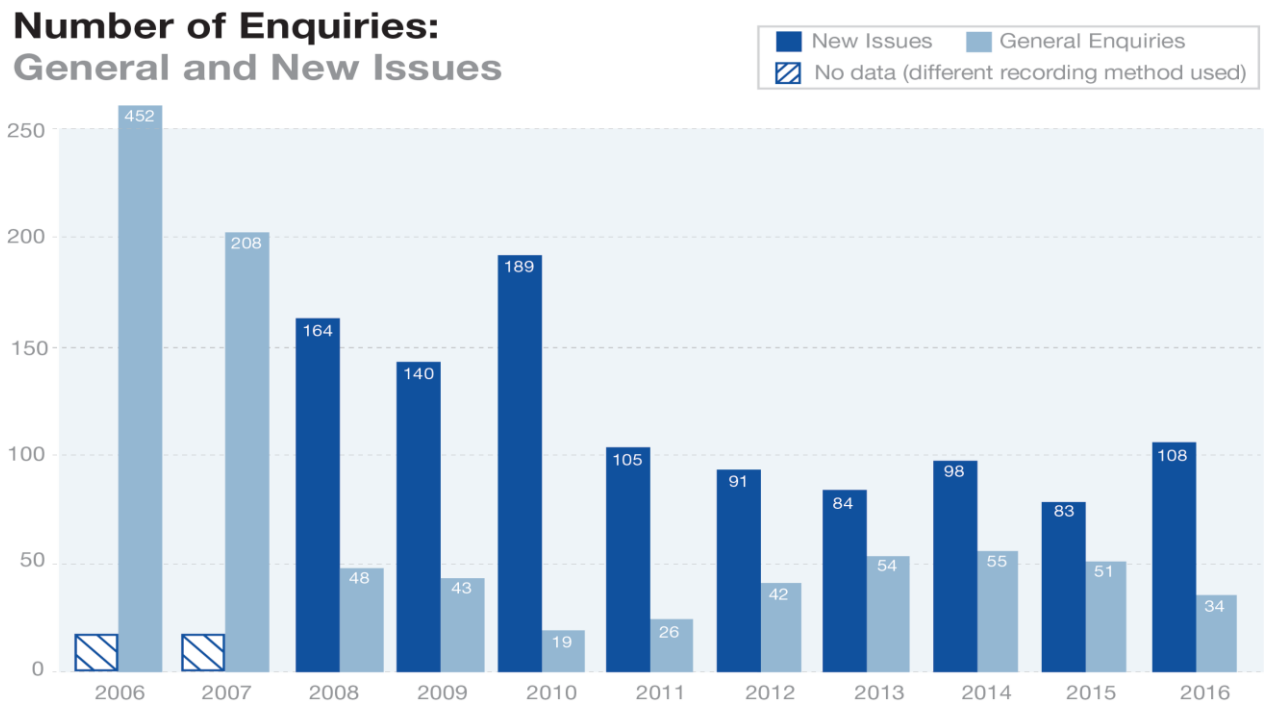
How many clients?

The 2006 review of the Workers' Advocate Office recommended changes to the WASI (Workers' Advocate Statistical Information) tracking system in order to more accurately reflect the activities of the office. WASI is used to tabulate enquiries, new issues and the number of clients served. Changes made to WASI and the enquiry and issue tracking are reflected beginning in 2008.

A general enquiry is considered a telephone call or contact from a worker regarding a workers' compensation matter. A general enquiry can be answered immediately and resolved quickly. A new issue would require the Advocate opening a new file for the worker, or re-opening a former client's file.

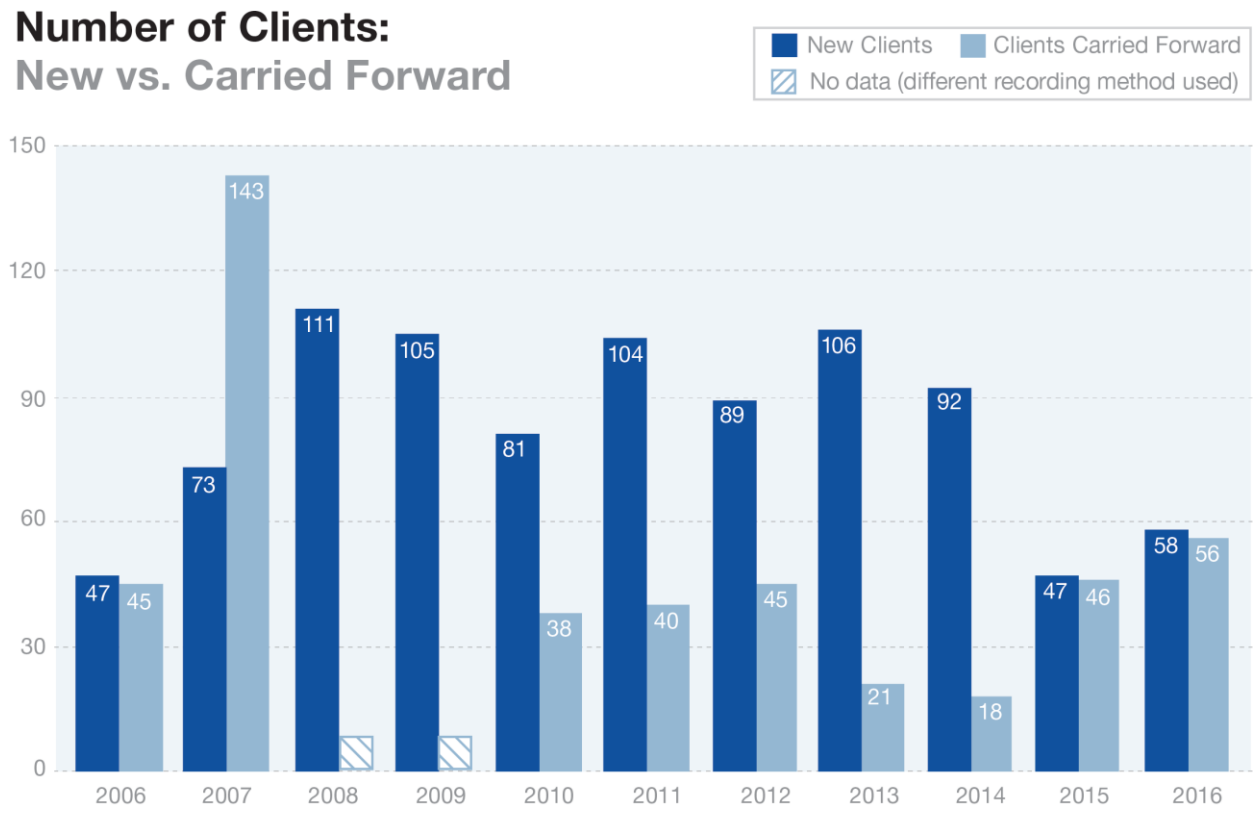
The difficulty in predicting the amount of traffic or work load experienced by the advocate office has long been recognized and was especially noted in the 2006 review. At that time, the role of the YWCHSB Strategic Plan and the goals of the Workers' Compensation Appeal Tribunal to hear appeals within a specific time frame were thought to be the source of increased enquiries and workers bringing forward their concerns to the Workers' Advocate Office.

The concept of the Workers' Advocate Office as a demand driven organization with this demand being driven by changes in the *Workers' Compensation Act* and by policy and direction of the Board is supported by the WASI reporting. A spike in enquiries and new issues occurred between 2008 and 2010 as Board and Advocate staff became more familiar with the recovery and return to work strategies.



Meeting the expectations of the injured workers we serve, how well have we done?

How many clients?



Over time the reporting system improved and WASI became WAISE (Workers' Advocate Information System Enhancement). The enhanced system provided greater tracking of enquiries, and a record of the number of clients carried forward from year to year. Previous clients in WAISE with new issues or appeals would appear as carried forward. Carried forward clients also include injured worker whose claims are awaiting additional information or awaiting a decision or when hearings are scheduled closer to the end of the year.

There is a consistent trend of client issues, enquiries and number of clients. The slight increase in new client files and files carried forward may be attributed to changes in staffing at the Board and Advocate offices. Ongoing monitoring and an analysis of the activity in 2017 will determine whether the increase continues.

Meeting the expectations of the injured workers we serve, how well have we done?

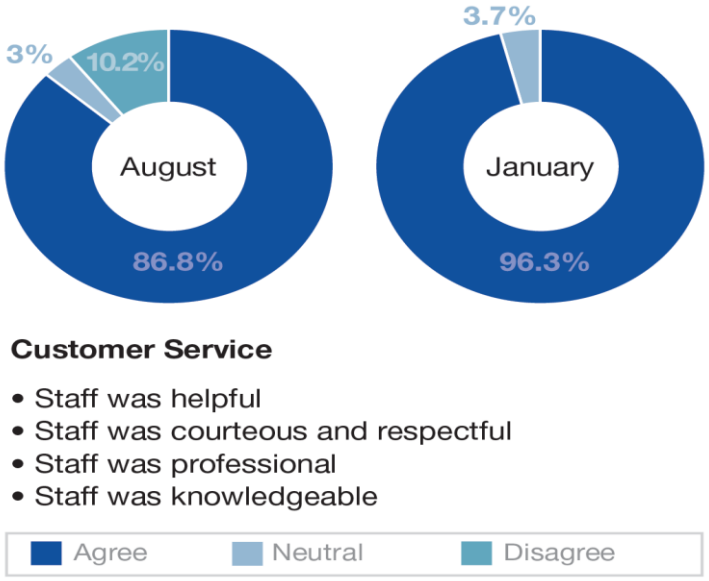
How well did we serve these clients?

In November 2008, the Workers' Advocate Office with the assistance of the Yukon Bureau of Statistics began a client satisfaction survey. The random survey of 50 Workers' Advocate clients sought input on the following key indicators:

- Clear explanations of all decisions related to their file
- Satisfaction with the quality (timely, courteous, professional) of customer service
- The value of the Workers' Advocate Office
- Understanding of the role of the WAO in the compensation system

The survey, conducted with the assistance of the Yukon Bureau of Statistics had two major changes in 2016. The total sample size of 50 clients remained the same however, rather than conduct the survey once a year, often long after a worker had concluded their relationship with the office, a random sample of 25 clients were surveyed in August 2016. A second random sample of 25 clients for whom we provided service in 2016, was conducted in January 2017. The objective of the survey was to know more about how satisfied past clients have been with the service they received from the WAO regardless of whether their decision was appealed by the advocate office or the appeal outcome. Questions asked of clients, however, were modified from previous surveys. Rather than use a scale of one to six and arrive at a percentage of clients that were satisfied with the services, clients were asked if they agreed, were neutral or disagreed with specific statements.

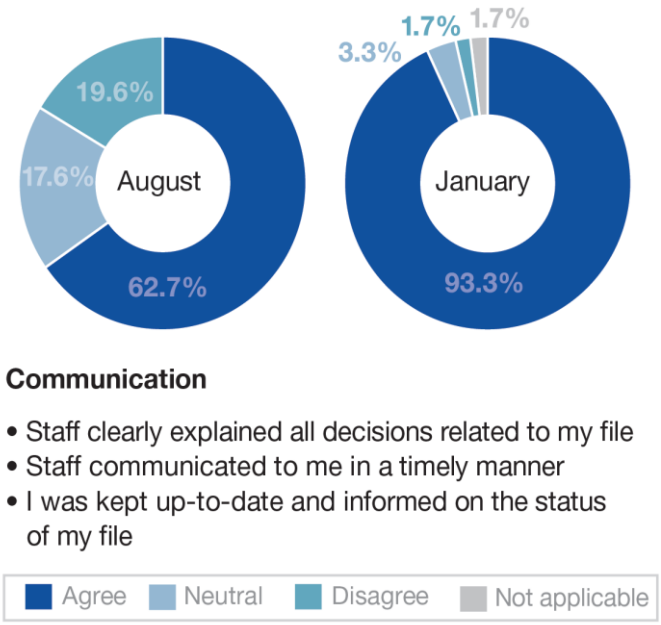
2016 Survey Results

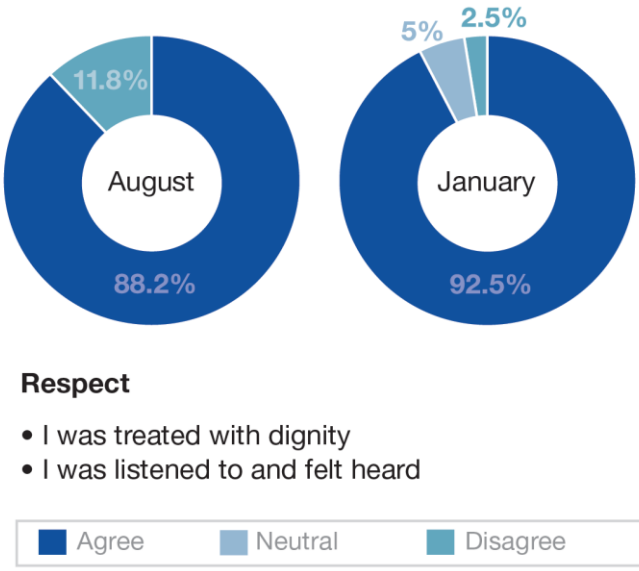


Meeting the expectations of the injured workers we serve, how well have we done?

How well did we serve these clients?

2016 Survey Results (continued)



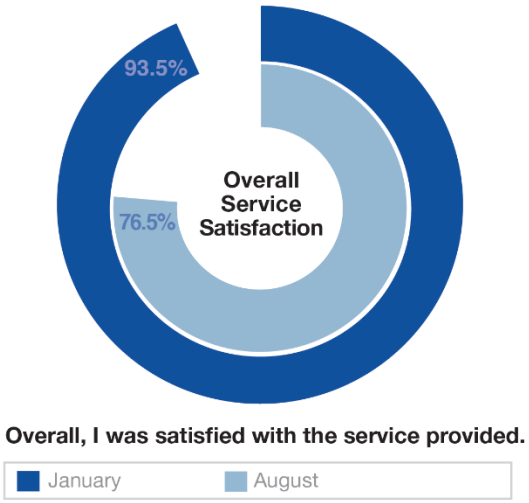


Meeting the expectations of the injured workers we serve, how well have we done?

How well did we serve these clients?

2016 Survey Results

The survey also asked respondents their overall satisfaction rate with the services provided by the Workers' Advocate Office.



The survey conducted by the Bureau of Statistics confirmed the anonymity of the client to the results and asked what would be one change the Workers' Advocate Office could make to improve the client service experience. Clients were also offered the opportunity to make other comments.

Suggestions included during the August 2016 survey recommended that the Workers' Advocate Office offer services in French and spoke of timeliness of responses. Receiving these suggestions mid-year allowed the office to incorporate the suggestions into the daily operations.

The availability of translation and, when requested, discussions of claim files in French was reviewed and the availability of these services was obtained. Going forward Workers' Advocates will ensure, should a client's preference be communicating in French, we will do this.

Other suggestions related to timeliness of communication, a function not previously tracked in the WAISE system. Modifications to the WAISE system in the fall 2016 added this feature. More vigorous reporting on client communications is now a feature of staff meetings.

Responding to the recommendations the Office received mid–year, and the varied outcomes of different workers claims may account for the increase in overall satisfaction rate of the workers we serve.

Has the Advocate Office and the Yukon Workers' Compensation Health and Safety Board Appeal and Workers' Compensation Appeal Tribunal system worked?

A worker whose claim for benefits has not been accepted may appeal the decision. A worker who disagrees with the benefits awarded or who requires an explanation of the benefits awarded may also appeal the decision.

If a worker seeks the assistance of the Workers' Advocate Office every effort will be made to resolve the claim informally. In previous years for example in 2013, the Workers' Advocate Office has been able to report as many as 24 issues with YWCHSB, resolved informally. We were unable to resolve a significant number of claims informally in 2016, however there are a number of instances when the Workers' Advocate Office has been able to facilitate the communication between workers and their Case Manager or Adjudicator.

Our success rate at the appeal levels is not a reflection of quality of the effort as individuals results vary dependent upon the circumstances of each individual claim. It is nonetheless important to report upon the number of representations and the decisions we have succeeded in having overturned.

Hearings and Appeals

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Hearing Officer Appeals	36	32	39	39	30	18	16	27	6	16	24
Representation by WAO at WCAT	15	9	5	8	16	9	5	5	3	3	2
Decisions at Hearing Officer or WCAT Overturned	-	-	40% overturned	33% overturned	30% overturned	62% overturned	48% overturned	75% overturned	44% overturned	63% overturned or variation of decision	23% overturned

Accounting for our activities

Funding for the operation of the Workers' Advocate Office is provided by the YWCHSB to the Government of Yukon, Department of Justice in a cost recovery manner. Support provided by central agencies of Government including services such as Queen's Printer, the Public Service Commission and others is recognized with an administration fee also paid by the Board to the Government. The administration fee is exclusive of the budget monies noted below.

In the 2006 review, concern was raised regarding establishing the annual budget between the YWCHSB and the Minister of Justice. The budget for the office was compared with other offices of a similar size and found to be comparable.

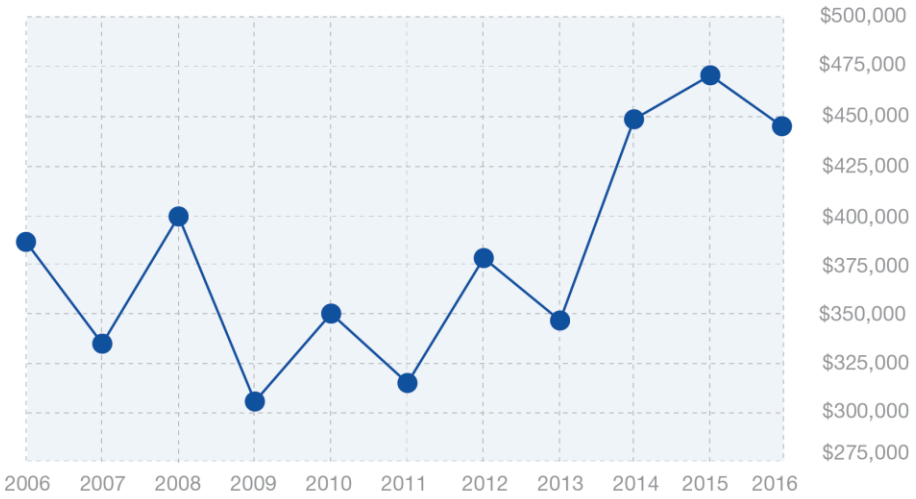
In October 2016, consistent with the practice established some years earlier, the Manager of the Workers' Advocate Office met with the President and Board of Directors. Included in the presentation was the budget for the operation of the Workers' Advocate Office. The budget was subsequently approved without amendment by the Board.

The yearly expenditures noted below, show a modest growth over the years. Changes to the budget can be attributed to changes in staffing and inflationary increases.

Budget

Annual Expenditures

2006	$388,872
2007	$330,503
2008	$405,360
2009	$312,411
2010	$350,686
2011	$318,528
2012	$379,403
2013	$343,399
2014	$449,799
2015	$469,237
2016	$444,759



Looking forward

In 2oo6 the review identified "*The office is currently a small team of dedicated individuals with different skill sets. Looking to the future, examining trends in similar services in other parts of Canada, and possible changes to the Act, I've recommended to the office that they consider a slightly different model of service that includes direct intake and fewer file hand-offs. After some experimentation with this, a decision to look at two Deputy Advocate positions to rotate intake duties and increase early intervention, review and appeal activities might be a viable alternative.*"

This identified viable alternative is the model in use today. The results reported upon earlier in this document provide tangible results that the model works.

A review of the Yukon Workers' Advocate Office that encompasses the previous almost twenty years of operation would be remiss without offering our appreciation to those who have gone before us. Thank you to the Advocates, and Deputy Advocates for your public service. To the injured workers we have represented thank you for your faith in our efforts. To those members of the Tribunal and Appeal panel and YWCHSB staff we also extend our thanks and look forward to continuing our strong working relationship.

Looking forward to 2017, the Workers' Advocate Office will follow–up on recommendations from the 2006 review and past client surveys, continuing our efforts to enhance Yukoners knowledge of our office. This will include re-issuing and updating the plain language brochure outlining the advocacy services offered. Distribution of the brochure throughout the Yukon in 2017 will include visits to Yukon communities.

The Workers' Advocate Office also plays an important role in the policy development and review process. Throughout 2016 it has become evident to Workers' Advocates that the Board Policy on Hearing Loss (EN06) does not address some of the needs experienced by injured workers. We will present these concerns to the Board in the course of review of this policy.