



# **Office of the Employer Adviser**

## **Annual Report**

**2019-2020**

*Annual Report*  
*2019-2020*

Office of the Employer Adviser  
505 University Avenue, 20<sup>th</sup> Floor  
Toronto, Ontario  
M5G 2P1

Toll Free: 1-800-387-0774

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## ***A Message from the Director***

I am pleased to submit this report on the OEA's activities for 2019-2020.

Our goal is to provide the best service we can to support employers in their dealings with the WSIB and in responding to OHSA reprisal complaints. Our high client satisfaction ratings indicate success achieving this goal. We continue to receive unsolicited letters of commendation from our clients for the services we provide.

Providing excellent quality services requires continuously upgrading our skills and remaining current of new developments in workers' compensation law and policy. For instance, continuing to develop our knowledge and experience with the WSIB's new funding framework is key to supporting our clients through the transition to this new program that started on January 1<sup>st</sup>.

We continue to meet our mandate to educate employers by providing webinar-based training and website-based information. During the year, web site content, functionality, and design were updated. Also, webinars were updated and/or developed to be offered starting in June 2020. E-mail messages and Twitter help bring our services to clients' attention, with content that shares practical information.

The report that follows outlines the agency's work representing employers before the Workplace Safety and Insurance Board (WSIB), the Workplace Safety and Insurance Appeals Tribunal (WSIAT) and the Ontario Labour Relations Board (OLRB). In all matters, advisers strive to resolve an issue at the earliest possible point.

This fiscal year was led by Director, Michael Zacks (retired), Manager (A), Andrew Sampogna and Assistant General Counsel, Robin Senzilit. As the new Director, starting June 1<sup>st</sup>, I look forward to working with stakeholders and staff, enabling the agency's valuable work to support employers in their dealings with WSIB and responding to OHSR reprisal complaints. We wish to express our appreciation to the agency's stakeholders, whose ongoing support is critical to the OEA's success, and to staff, for their excellent work and dedication to serving the employers of Ontario.

Susan Adams

Director, Office of the Employer Adviser

## **Part 1 OEA Mandate**

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The mandate of the Office of the Employer Adviser is established by Section 176(2) of the *Workplace Safety and Insurance Act, 1997* (“the WSIA”),

***... to educate, advise and represent primarily those employers with fewer than 100 employees, in issues arising under the WSIA.***

In addition, in 2011, the OEA mandate was increased, under the *Ontario Occupational Health and Safety Act*, Section 50, to include

***... providing advice to Ontario employers facing reprisal charges at the Ontario Labour Relations Board (OLRB) – i.e. worker allegations that they have been unfairly treated by their employer after raising a health and safety issue - and representation at the OLRB for employers with fewer than 50 employees.***

The OEA vision and mission flow from these legislative mandates:

### **OEA VISION**

An Ontario in which small and medium-sized businesses operate safe, fair and high-performing workplaces that contribute to a vibrant, competitive economy.

### **OEA MISSION**

The OEA’s mission is to be the premier organization for providing representation, advice and education to Ontario employers regarding workplace safety and insurance matters and health and safety reprisal issues.

## ***Part 2 Overview of WSIB Program and Activities***

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### ***Advisory Services***

The OEA provides advice to help Ontario employers manage workplace safety and insurance issues, and meet their obligations under the Workplace Safety and Insurance (WSI) system in a timely and cost effective manner. It is critical for employers to understand the very complex WSI program, avoid errors and safeguard their workplaces and their workers; and OEA advisory services are targeted to help them. Clients, using OEA services, get timely access to accurate information, make better business decisions, operate safer workplaces and avoid appeals.

Experienced staff in the OEA Advice Centre provide just-in-time counsel to all Ontario employers who have WSI questions or concerns; representation services are limited by the OEA mandate to primarily serve employers with fewer than 100 employees. Since the agency is funded by employer premiums and administrative fees paid to the Workplace Safety and Insurance Board (WSIB) no fees are payable by employers using OEA services, thus ensuring the ready availability of expert and confidential advice. This is especially important for small employers, since they typically do not have expert resources available in-house. Access to the Advice Centre's trained personnel provides all employers with an equal playing field, enabling good decision-making and avoiding costly mistakes and unnecessary penalties.

The OEA Advice Centre is normally staffed by three Intake Advisers located in its Toronto head office, who take calls from employers about their workplace safety insurance concerns. The OEA Advice Centre assists employers with resolving disputes early in the process, ensuring that they are treated fairly at all levels in the Workplace Safety and Insurance system, providing information to assist in getting injured workers back to work safely, and providing employers with practical advice on claims and account matters.

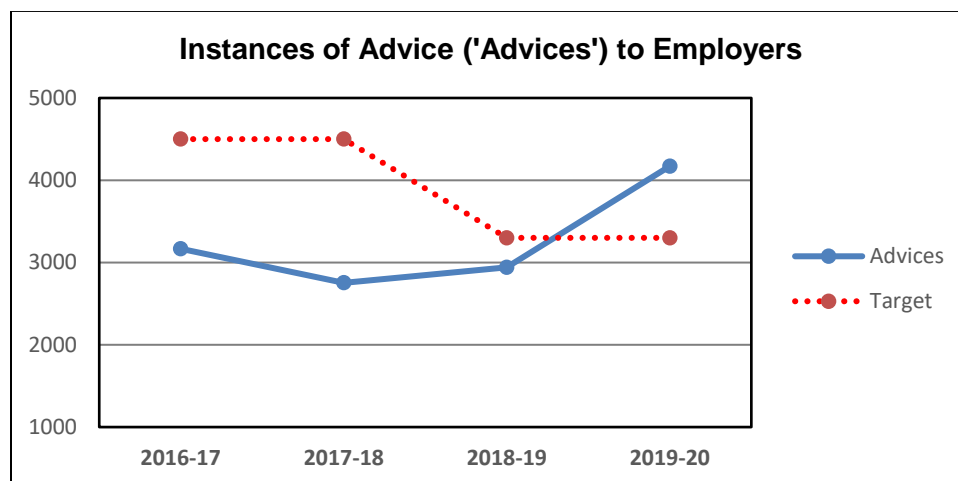
Since the Advice Centre also accepts e-mail enquiries, employers can raise their issues, at their convenience, outside business hours; these queries may result in a return phone call from an Intake Adviser to discuss the matter in greater depth, over and above the usual emailed return advice.

All employers' calls are dealt with as soon as possible. Employers' calls range in the time from a couple of minutes to hours, depending on the complexity of the issue(s) under consideration: e.g., from providing access to a WSIB form to in-depth assistance with a classification or premium issue. The agency's trained Intake Advisers provide advice that is detailed, thorough and tailored to the business requirements of each employer. The complexity of the enquiries and the advice is increasing, changing the nature of what we are providing at the Advice Centre level. Clients appreciate the Advice Centre's emphasis on answering calls live – i.e. answering employers when they call in, with the goal of minimizing 'telephone tag' – with the advisers working to the employers' schedules, providing prompt and timely advice.

Fiscal 2019-2020 saw a substantial increase in the number of advices over the previous year – i.e. 4,171 this fiscal year versus 2,941 for last year. This 41.8% increase was achieved through ongoing outreach efforts and, working with staff to develop/roll-out a new systemic and focused approach to having a dialogue with employers calling in for assistance – above and beyond the initial reason for their call. As noted previously, the complexity of the enquiries and the advice is increasing, changing the nature of what we are providing at the Advice Centre level. With the changes to the employer premium infrastructure – stemming from the new Rate Framework, we anticipate this will continue. Because the Advice Centre and OEA staff are dealing with incoming problems and queries, it is difficult to predict service demand. The OEA continues to focus on gaining and sustaining public awareness of the availability of its services, so the agency is an employer's paralegal solution of choice for workplace safety insurance issues.



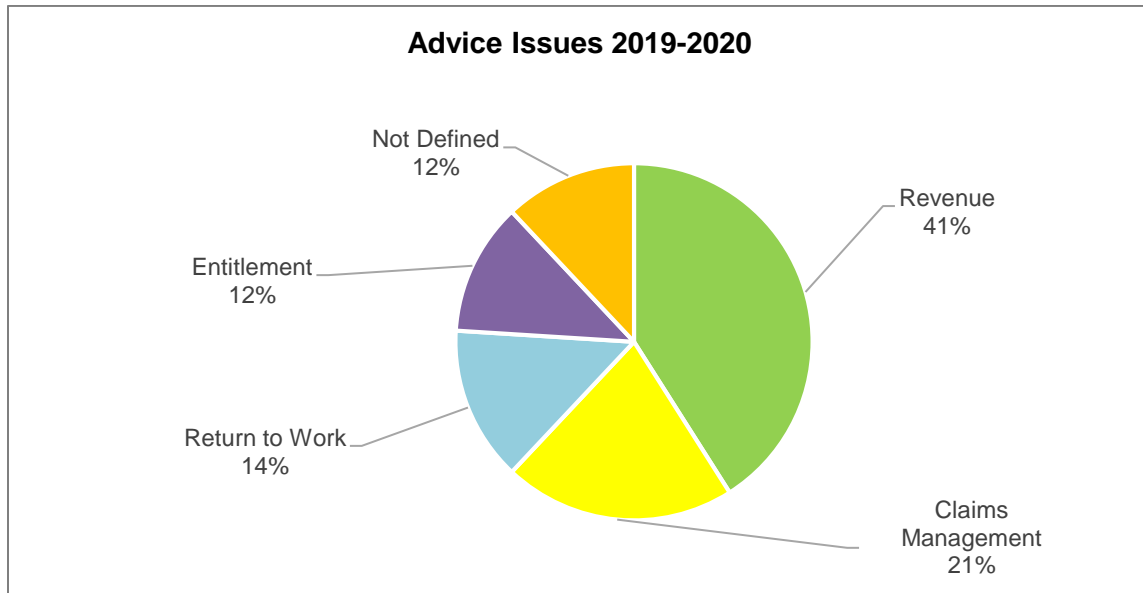
Figure 1



Analysis of the subject of the advice being provided shows that more enquiries continue to be about Revenue issues rather than anything else; at 41%, this is an increase over last year's 39%. As with previous annual reports, the second most important focus was Claims Management, at 21%, which is a slight decrease over last year's reported 24%. Instances of Return to Work queries have also slightly decreased by 2%. Entitlement queries remained at 12% - leaving them in 3<sup>rd</sup> and 4<sup>th</sup> place respectively. We have seen an increase in "not defined" and seek to decrease the "not defined" number of enquiries on a go-forward basis.

Figure 2 shows the workplace safety and insurance issues facing Ontario employers and their business priorities, as derived from our advice statistics. It specifically reflects such employer concerns as the premiums and administration fees they are being charged to fund the system – including issues such as the rate group where they have been classified, the Board's remittance practices, independent operator status, etc. and their need for additional knowledge about their obligations within the system.

**Figure 2**



Client satisfaction with services provided by the Advice Centre, as measured through random telephone surveys, is 96.8% for this fiscal year. Clients willing to recommend the services of the OEA to other employers is 93.6%. These numbers have improved from those reported last year. The client satisfaction rate, and the clients willing to recommend the services of the OEA, continue to exceed the target level set at a high 90%. The OEA is very proud it can annually report this high level of satisfaction and is very pleased that clients value the services that are being provided. Customer satisfaction is of the utmost importance to the OEA.

Critical to these high satisfaction levels, we believe, is the agency's ongoing focus on dealing with employer queries as quickly as possible. During this reporting period 78% of all incoming calls went directly to an adviser, with the remainder responded to within one business day – most usually within an hour of the incoming call. The comparable figure for 2018-2019 was 76%; both are significantly higher than the 70% target for 'answering calls live'. Getting such immediate access to expert advice means time saved

for employers, and ensures their concerns are discussed – and resolved – efficiently. Similarly, e-mail enquiries are responded to on a priority basis, within one business day.

As noted, agency clients are generally very satisfied with the services provided by the OEA, and it is felt that at least part of that satisfaction is due to the high percentage of Advice Centre calls that are taken ‘live’ - which means that an Intake Adviser answers the phone when the employer calls the Advice Centre. By answering live, the employer does not end up leaving a voice-mail and waiting for a return phone call at a time that may not be as convenient for them, or perhaps even after the problem has resolved itself (either positively or negatively).

The OEA’s fourteen regionally-located Employer Specialists are also available to provide advice. Many employers have come to know their local specialist through referrals from the WSIB, the Workplace Safety and Insurance Appeals Tribunal (WSIAT), health and safety associations, community and business groups, or existing and former OEA clients. As well as providing targeted advice, Employer Specialists routinely provide educational presentations for local community groups. Employers, and employer associations, have historically established on-going relationships with their regional representatives; the goal of maintaining, and increasing, regional contact and local presence remains a priority for OEA staff.

The OEA is able to provide this valued service to Ontario employers through the professional, dedicated efforts of its staff. Staff training is ongoing in order to ensure that everyone is current with Board policies and procedures and on top of workers’ compensation practices, and thus provides expert and up-to-date advice to OEA clients. One of our major challenges in the coming years will be developing our knowledge of the new revenue rules implemented by the WSIB’s Funding Framework Initiative. This year, we rolled out our internal training program for our staff in the fall of 2019. Ongoing specialized internal training will continue into the 2020-2021 fiscal year.

We also rely on the website to provide timely information to Ontario employers whenever they are looking for it, 24/7. But sometimes website users have unique, personal issues and they are unable to identify the answer on the site. In such instances, the website facilitates users sending in e-mail queries using an online form. E-mail queries sent to the Advice Centre increased by approximately 61% over last year – 118 over 73 for the last reporting period. The increase in e-mail enquiries may be attributed to a number of live webinars addressing the new Rate Framework, along with the launch of the new website – allowing employers to ask questions via email directly from the website. So, as with telephone enquiries, it is difficult to predict service demand or maintain consistent/stable numbers. It is important that employers do have an alternative method of getting answers to their questions, especially outside agency core business hours. In addition, it is worth noting, that where the referral source was available, 5% of the instances of advice provided in 2019-2020 went to employers who came to the agency via the OEA website – slightly below the previous year.

The OEA website is organized into construction and non-construction focused portals, plus the user-friendly, searchable, organization of information within those divisions. The website, in conjunction with the availability of our live Advice Centre services, ensures that employers have ready access to the information they need, as and when needed, to meet their WSI responsibilities.

As planned, the OEA launched its new updated website, with a new design and functionality, this year. The new website is more user friendly. Specifically, the new website allows employers to register to view recorded webinars on a variety of workplace safety and insurance related topics. In addition, employers may send e-mail queries directly from the website. Subsequent to the launch, the website was again updated to reflect changes stemming from the implementation of the Rate Framework. The website continues to be updated to reflect changes in the Workplace Safety and Insurance System – keeping Ontario employers informed and up-to-date with current and relevant information.

Twitter continues to be a significant adjunct to our outreach activities. The OEA has approximately 2,800 followers as of the end of the current reporting period. The OEA continues to investigate and assess other social media opportunities as a cost effective means to increase our marketing 'reach'. Additional detail about these efforts is contained in the "Value to Clients" section of this Report.

In 2019-2020, the OEA continued its focus on education sessions for stakeholder groups covering such topics as WSIB's appeal processes, work reintegration and other topics, such as mental stress. Employer Specialists routinely provide educational presentations for local employer groups. Employers, and employer associations, have historically established on-going relationships with their regional representatives; the goal of maintaining, and increasing, regional contact and local presence remains a priority for OEA staff. We note that 2% of all advice provided by the OEA in 2019-20, where the referral source was available, arose from contact with OEA personnel – through such things as presentations or regional outreach.

As noted in previous reports, a small employer typically 'needs' advice services only once every seven or eight years, or so. Given such intermittent need, it is an ongoing challenge for the OEA to be and remain 'front-of-mind' as a primary resource for Ontario employers with regard to their workers' compensation issues. Increasing awareness across all business sectors of our free, expert and confidential services and sustaining that awareness among our client community, remain the most significant outreach challenges for the OEA.

## ***Workplace Safety and Insurance Representation Services***

The agency primarily represents employers with fewer than 100 employees in disputes arising under the *Workplace Safety Insurance Act* (WSIA), at both the Workplace Safety Insurance Board (WSIB) and at the Workplace Safety Insurance Appeals Tribunal (WSIAT) (see Figure 5), per its mandate. At the WSIB operating level, representation services involve negotiation, which is provided by an Intake Adviser or by an Employer Specialist, by means of telephone calls and/or correspondence. At the two appeal levels (WSIB Appeals Branch and WSIAT), as well as in return-to-work or work re-integration negotiations, Employer Specialists provide the representation services. At this level, representation involves a range of activities, from negotiation to appearing at mediations or hearings with the employer, and managing the case on their behalf.

The OEA, through its representation services, plays an important role in reducing conflict in the Workplace Safety Insurance (WSI) system. OEA Intake Advisers and Employer Specialists maintain good working relationships with staff at the WSIB. Agency personnel work with their WSIB counterparts to ensure that Ontario employers have high quality representation within the system. The agency's focus on reaching unrepresented employers continues; staff work with the Board to have referrals made to the OEA where appropriate. Our involvement in such things as return to work (RTW) plans and negotiations ensures an equal footing for both workplace parties, and supports a solution that returns employees to the job in a timely, cost-effective manner, removing some strain from the system. Similarly, agency staff works closely with the WSIB Collections Branch, to facilitate the payment of premiums that are due and to ensure that employers pay their share in a sustainable way that complements their on-going business needs.

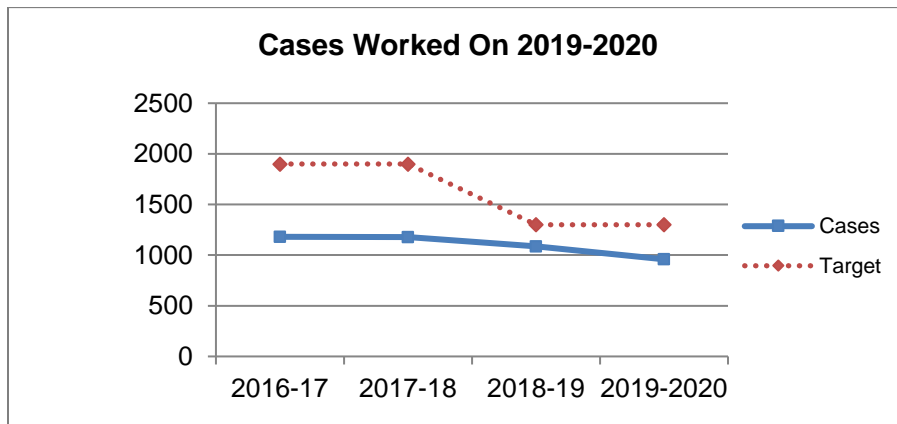
Negotiations continue to be a preferred interim resolution step, since they usually offer a more timely, more efficient solution. Because employers need to, and have a preference for, spending their resources on activities associated with direct contributions to their profitability, an appeal is usually the second-choice dispute resolution method. In response to this employer bias, the OEA continues to promote the early resolution of disputes. Performance Measure A1 (see Appendix A) reflects the agency's achievement in this effort: in 2019-2020 the OEA resolved 61% of disputes without a hearing, compared to last year's 54%. Although, both are below the 65% target level, we have seen an improvement during the last fiscal year. Since OEA staff have no direct control over whether an employer and/or worker agrees to a negotiated settlement, the agency is pleased with the way it has been able to contribute to the lessening of conflict within the WSI system through the resolution of so many disputes without an associated hearing.

While these efforts often successfully conclude cases at the Board operating level, many cases do proceed to appeal. Also, some employers do not learn of the availability of OEA (free) services until their case has progressed to the appeal stage. Of the 959 cases worked on in 2019-2020, Employer Specialists represented employers in 217 cases that involved mediations/negotiations. Whether cases proceed to appeal or not, agency staff always strive to resolve matters as quickly as possible. In a system where 95% of appeals are worker-driven, OEA involvement improves balance in the system, ensuring that employers' perspectives and needs are being both represented and respected.

Further analysis of the 959 cases worked on during the 2019-2020 reporting period reveals the following:

- 453, or 47.2%, were resolved, higher than last year's 38.6%;
- 375 cases, or 39.2%, were new in-year, an increase over last year's 34%;
- 40% of all cases worked on in year had 'successful' or 'mixed' outcomes.

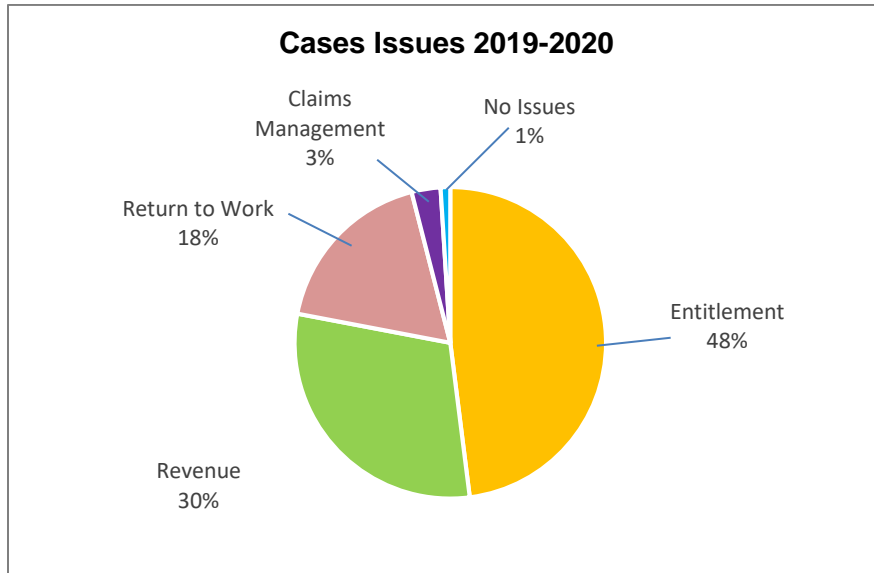
Figure 3



In comparison with the data for instances of advice, analysis of the representation issues remains markedly different. As in last year’s report, Entitlement is the number one concern for employers represented by the OEA – representing 48% of representation issues. Revenue is in second place as the primary issue for 30% of employers (an increase from last year). Return to Work 18% and Claims Management 3% are in third and fourth place respectively (identical to last year). These statistics are reflective of the areas having the largest impact on employers and where agency assistance can be most beneficial.

Figure 4





With regard to client satisfaction, 98.7% of employers surveyed indicated that they were satisfied with their OEA representation, an increase over last year; 92.3% also said that they would recommend agency services to others. Both continue to be higher than the target level of 90% and indicate a client community that is very aware and appreciative of the work done on their behalf by agency staff.

Customer satisfaction is of the utmost importance to the OEA.

## ***Education of Employers***

On average, a small employer has a workplace injury occur only once every seven or eight years. At the time of the injury, the employer's need for information about claims management and return to work is acute. Chances are, however, that most small business owners do not have the requisite information at their fingertips, since most of their time and resources are of necessity focused on business growth and profitability. Compounding this lack of information is the fact that few small employers have the time or available staff to attend seminars or education sessions, either when a need arises or on a pro-active basis.

Accordingly, the OEA's educational strategy continues to be a multi-channel approach which makes information available to employers in a variety of formats that are timely, relevant and accessible. The focus of the agency's education strategy has been to ensure that employers expand their understanding of the WSI system as part of the representation process; posting useful information and tools on the OEA website; assisting stakeholders with their education initiatives where appropriate; and, more recently, providing webinars directly to interested parties, with registration available via the OEA website. The agency is also leveraging Twitter, tweeting educational information and reaching out to stakeholders directly.

One of the goals of the agency's representation services is to build self-reliance for employers within the WSI system, by making sure that they understand their roles and responsibilities under the *Workplace Safety and Insurance Act*. This includes teaching employers how to improve their claims management and return-to-work procedures, so that employers will be more independent and knowledgeable in the future. Performance Measure A2 (see Appendix A) shows the proportion of OEA clients who used agency services for the first time in 2019-2020. Last year, the OEA reported new clients at the 59% level – exceeding the target of 50%; the comparable figure for 2018-2019 is 56%. It would appear that our outreach efforts continue to be successful in bringing new clients

to the OEA. The new website (with the recorded educational webinars) will be advertised utilizing e-bulletins to our database of employers, along with our Twitter account. The agency will continue to try and improve the impact of its outreach and education efforts, and bring as many Ontario employers as possible to the OEA to address their WSI system needs.

In addition to the ‘hands-on’ education provided through casework, the OEA strives to meet the needs of its broad customer base by providing WSIB-related information through a variety of access/delivery mechanisms:

- ‘Director’s Message’ updates are posted on the OEA website as well as sent to the OEA electronic database as an e-bulletin.
- Topical e-bulletins continue to go out to the OEA database on an ad hoc basis, whenever there is anything deemed worthy of communicating to Ontario employers.
- The OEA electronic database now contains the email addresses of approximately 45,000 employers – consisting of email addresses obtained from the WSIB, along with clients of the OEA and presentation/webinar participants.
- Employers using the website can sign up for e-bulletin subscriptions while visiting.
- The OEA Services Overview brochure will be redesigned in 2020-2021 – to reflect the branding of the new website.

In 2019-2020, the OEA focused on meeting the need in the employer community for additional information about changes in policies under consideration at the WSIB and various other topical issues. The OEA also presented as invited guest speakers for different stakeholder groups.

The OEA has continued to provide 'live' presentations to stakeholder/employer groups. During the 2019-2020 fiscal year, the Workplace Safety and Insurance Board eliminated Small Business, Workwell and Safety Group programs – to be replaced with the Excellence Program. The Excellence Program is a single health and safety program that encourages continuous improvement. The program provides businesses with the opportunity to invest in their workplace health and safety, which could result in lower premium rates, earning rebates and recognition. The elimination of the Small Business, Workwell and Safety Group programs, coupled with the cancellation of the education sessions associated with these programs, eliminated key education session/outreach opportunities for the OEA. In addition, increased sensitivity by system partners to proceed only with the presentations meeting minimum attendee requirements also led to a number of cancellations – eliminating key education session/outreach opportunities for the OEA. As a result, the OEA conducted 20 live presentations/workshops – with 373 employers attendees (versus last year's achievement of 60 live presentations with 1400 employer attendees). In addition, OEA staff participated in a number of "Meet and Greet" events with WSIB front line staff (referral sources) – with 55 people attending.

The OEA has engaged with Senior Management of the Excellence Program, seeking to be recognized as a Return To Work (RTW) subject matter expert which would enable the agency to participate in the program through an information session geared to enrolled employers. In the new year, the OEA hopes to meet with the WSIB Excellence Program staff to share information about our services and how we can assist employers enrolled in the program.

In preparation for the Excellence Program, the OEA initiated the development of a RTW information session. We will submit the session to the Excellence Program for endorsement and plan to deliver the session to enrolled employers via webinar in the 2020-2021 fiscal year.

The agency will continue to use webinars and ‘live’ presentations as opportunities arise and are considered appropriate.

The agency provided 6 webinars live to the public in the 2019-2020 reporting period. The webinars focused on the changes stemming from the Rate Framework and were extremely well received with 934 participants taking part. In comparison, the OEA provided 2 live webinars last year with 197 participants.

The OEA has updated all our presentations – reflecting the changes stemming from the Rate Framework. All our presentation topics will be delivered by live webinars during the 2020-2021 fiscal year – with appropriate marketing utilizing our e-bulletins, our website and Twitter. All new live webinars will be recorded and posted on the OEA website, in order to make them available to the most employers as soon as possible. Webinars have been proven to be an ideal way to fulfill the OEA education mandate, directly providing relevant information to employers at locations convenient to them, and with the least time commitment from them. It is also a very good way for the OEA to disseminate information about upcoming issues, such as changes in policies or procedures, to affected employers in a timely fashion. Visitors to the OEA website can view all of the OEA educational webinars. These webinars will continue to be available on the new website – along with a mechanism to ask questions and request further information while watching the webinar.

At the end of the 2019-2020 fiscal year, the OEA adapted to the COVID-19 pandemic response by developing and implementing an Alternate Service Delivery Action Plan in which staff and resources were deployed remotely, consistent with the approach of the Ontario Public Service.

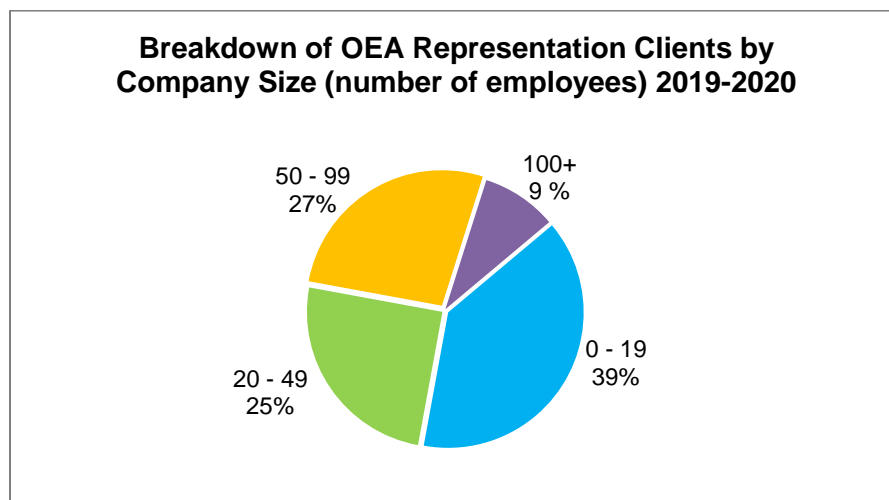
OEA services of advice, education and representation were maintained while staff worked remotely, allowing the OEA to continue to provide vital services to the employers of Ontario.

## Part 3 OEA Clients

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Since the OEA's mandate is to serve primarily those employers with fewer than 100 workers, the merit review undertaken before the OEA represents an employer includes determining their size. In fiscal 2019-2020, 9% of clients provided with agency representation had more than 100 employees – down from last year.

Figure 5



It is not administratively viable to screen employers contacting the OEA Advice Centre in order to deny advice to those with more than 100 employees; and permitting access to advice to all Ontario employers is also accepted as beneficial to the system, overall. Thus 20% of all advices for 2019-2020 were provided to employers with 100 plus employees. This is also down from last year.

The OEA will continue to provide advice services to all Ontario employers who contact us.

The sectorial analysis below is based upon WSIB classifications. The breakdown is consistent with the prevalence of small to medium sized employers in the different industry sectors. The construction industry continues to be the agency’s largest client group at 33%, a decrease from last year’s figure of 37%, and reflects the significant impact of Board policies on this sector. Other sectors are little changed from previous reporting periods, mirroring the overall business distribution of Ontario employers.

**Figure 6**

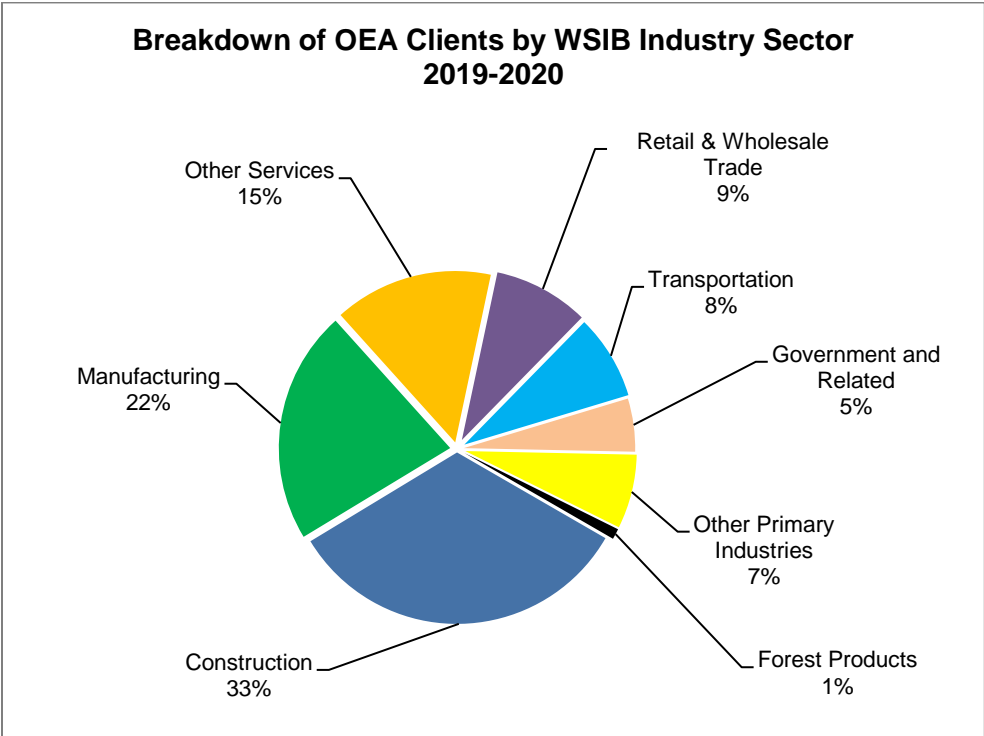
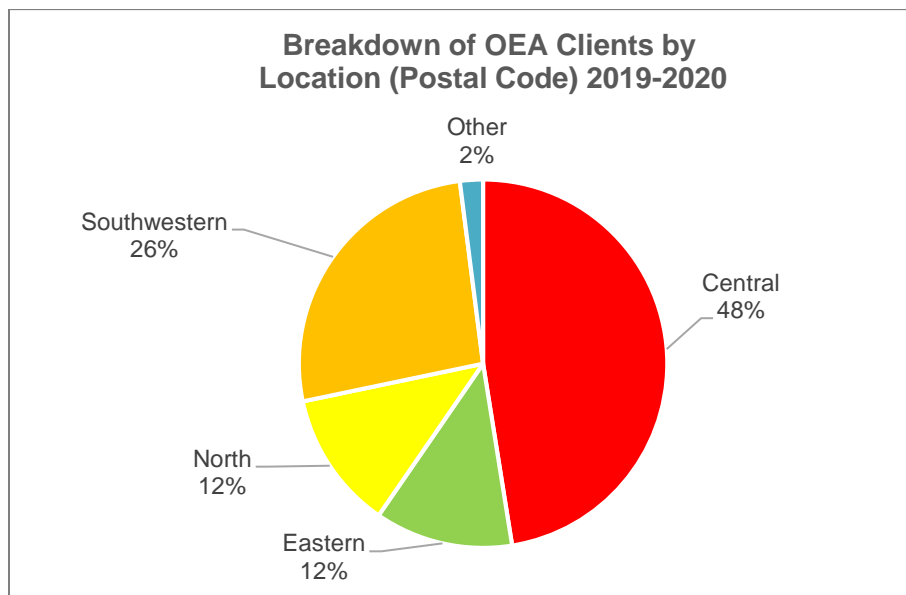


Figure 7 provides the breakdown of the regional distribution of OEA clients for 2019-2020. Service delivery reflects the population and business demographics of the province, with the Central area, which includes the Greater Toronto Area, comprising the largest client group. The distribution is very similar to last year. The agency’s location of Employer Specialists around the province facilitates the provision of representation services to employers in their local area, as appropriate.

**Figure 7**



## ***Value to Clients***

Historically, informing Ontario employers of the existence of the OEA and the availability of free advice and representation services has been a significant challenge – and that challenge persists. There is no doubt, given our high satisfaction ratings, that the services being provided by the agency are valued. Providing that satisfaction to a larger number of employers continues to be our focus and goal.

Outreach and marketing is therefore a constant and ongoing effort. For the 2019-2020 fiscal year, the OEA reports the following activities:

- In total, more than 20 presentations on such topics as work reintegration, return to work, the WSIB Rate Framework, and Mental Stress – as well as an Introduction to the OEA - were provided to various stakeholder and employer groups by OEA staff. A total of 373 participants attended OEA staff presentations this year.



- The OEA services overview brochure is scheduled for a redesign in 2020-2021, to reflect the branding of the new website.
- As mentioned earlier, 6 live webinars were presented by the OEA. Recorded webinars are posted on the OEA website where they are accessible to a much larger audience on a more timely basis. In addition, users have to register to view the online webinars, adding valued names of interested parties to the OEA electronic database. These webinars will be updated on the OEA website – along with a mechanism to ask questions, or request additional information, on line.
- The OEA maintains a Twitter presence. Since starting on Twitter in January 2013, the OEA has gained approximately 2,800 followers – 2,594 English and 161 French. Tweets are posted several days a week and include updates on changes in WSIB policy, ‘did you know’ facts from the OEA website, and special tweets when the Board issues news releases on such things as premium changes for the upcoming year. Followers include employer associations and organizations, as well as individuals. Additional social media channels continue to be evaluated as a means to effectively extend the agency’s reach to the Ontario employer community.
- The new OEA website will continue to be advertised through sending e-bulletins to the OEA electronic database and through our Twitter account.

Most of these efforts will be maintained and augmented in the next fiscal period.

## ***Part 4 Overview of Section 50 Program and Activities***

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### ***Advisory and Representation Services***

Since April 2012, the OEA has been responsible for the provision of advice and representation services for Ontario employers facing Section 50 complaints under the Ontario Occupational Health and Safety Act.

There are 2 Employer Representatives at the OEA responsible for delivering on this mandate. In addition to the information and guidance provided on the OEA section 50 website, employers can call the Advice Centre for assistance. Referrals for representation services come through those two sources or through a direct referral from the OLRB (Ontario Labour Relations Board).

The OEA provided the following services to the employer community in 2019-2020:

- 11 general informational calls were taken.
- 28 case-specific enquiries (advices) were provided.
- 16 representations (cases) were undertaken.
- 11 of the 16 representations were either settled or withdrawn, and 1 was voluntarily withdrawn by the applicant, in the year. Settlements range from the simple provision of a Letter of Employment to a (usually small) monetary payment. In most settled cases, the employer got a full and final release of any and all claims arising from employment or the termination thereof.
- Although detailed surveying of clients regarding their satisfaction was not undertaken during this period, informal feedback from employers has been very positive – especially considering the negative environment within which these services are required and delivered.
- Geographically, the case distribution ranged across the province as follows – Northern 7.5%; Southwestern 25%; Eastern 12.5%; Central 55%.

It must be noted, however, that the demand for Section 50 representation is intermittent and variable. Any representation is extremely time sensitive because of the stringent time limits imposed by the OLRB for responses to complaints. The OEA is staffed to provide advice and representation as and when requested.

## **Part 5 Client Testimonials**

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We are pleased to provide the following excerpts from communications received from OEA clients, commenting on the services they received from its staff; note that no spelling edits have been made to the quotes:

*I have sincerely enjoyed the time that I have spent working with you as my OEA representative. Thank you for the generosity of your time, knowledge and patience. As a result of your expertise and guidance, I have a much deeper understanding of WSIB related matters for my career. I have learned a great deal from you, and your involvement has helped me achieve many successful outcomes.*

*Once again, thank you for your commitment and assistance. My appreciation for your contribution to my future success is immeasurable.*

G.B.  
Sudbury

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*She is truly dedicated and hard-working person. Such a delight to find these days. You are truly fortunate to have her as part of your staff! And, we are equally fortunate to have her working with us!*

E.D.  
St. Catharines

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*I'd like to thank you once more for your great service, recommendations and extensive knowledge of the procedures to take/dealing with WSIB when stuff like this happens.*

Z.T.  
Ottawa

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*What fantastic news. I am speechless!!*

*I can't begin to thank you enough for the great work and perseverance you put into this case.*

T.B.  
Nairn Centre

---

*We finally sought your help in June of 2018 and you worked to get us a 25% cost reduction that came through in April 2019. We were happy to see some progress and felt we still had a long way to go. After consulting with you, we made the decision to appeal and seek 90% cost relief even though you had made clear the risks involved.*

*Due to your diligence and hard work, in March 2020 we received notice from WSIB that we won our appeal!*

*In future we now know that the Office of the Employer is the place to go to get help and support that businesses deserve.*

S.K.  
Jordan Station

---

*We can't thank you enough for all your support and incredible work helping us to recover these funds. We have shared the existence of your department with other small business owners with hopes of spreading the word to help others should they run into problems with WSIB as well.*

R&L  
Ottawa

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*It has been a long haul and I can't imagine trying to navigate all of it without your expertise and sensitive assistance!*

M.C.  
Ottawa

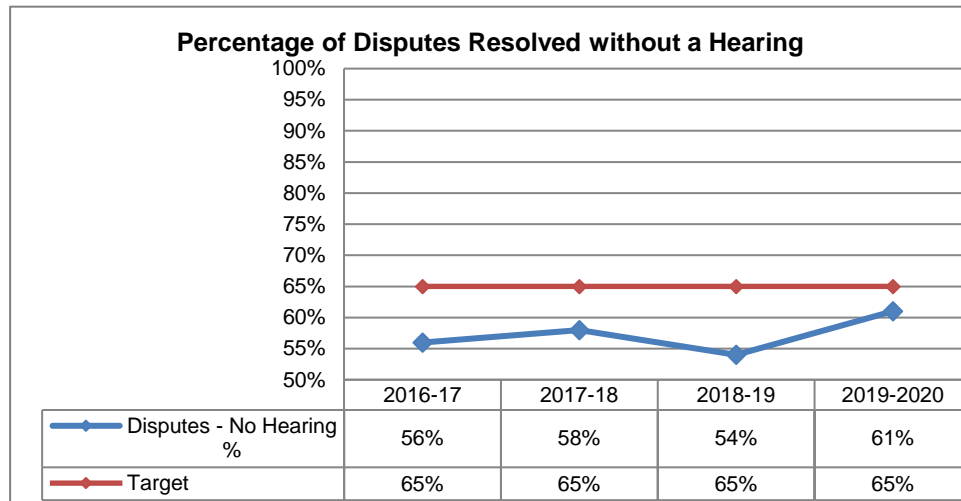
The OEA routinely receives letters of appreciation after presentations to employer stakeholder groups and we are proud that our participation contributes to greater employer knowledge of the WSI system and awareness of resources that are available to help them.

## Appendix A: OEA Performance Measures 2019-2020

**Key Activities:** Advice and Representation Services

A1

**Performance measure for 2019-2020** Percentage of disputes resolved without a hearing



### Agency Contribution

OEA staff employs alternate dispute resolution strategies such as negotiation and mediation to help employers resolve disputes at an earlier stage.

In revenue matters where the dispute only involves two parties (i.e. the WSIB and the employer), every effort is made to resolve matters at the operating level. However, 95% of appeals are worker-driven and employers often contact the OEA for assistance after the dispute has proceeded to the appeal level. This limits the target that can realistically be achieved.

### What does the graph show?

While the OEA consistently contributes to the reduction of adversity in the workplace safety and insurance system and helping employers to manage disputes more efficiently and effectively, the measure is not directly controlled or controllable by the OEA. Ultimately, since most appeals are worker-driven and employers have the final decision on whether or not to settle prior to a hearing, this measure will fluctuate according to employer climate and issues in any given year. This year the agency did not meet its target. The OEA continues to help a substantial number of employers prior to the hearing stage.

### 2019-20 Commitments

The commitment for 2019-20 was 65% of disputes resolved without a hearing, which was not met.

### Long-term Target

The long-term target is 65%

Proposed for Publication	Internal Use Only	<input checked="" type="checkbox"/> Existing Measure	<input type="checkbox"/> New Measure
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## Appendix A: OEA Performance Measures 2019-2020

<b>Key Activities:</b> Advice and Representation Services		A2														
<b>Performance measure for 2019-2020:</b> Percentage of clients served in year that used OEA services for the first time																
<p style="text-align: center;"><b>Percentage of New Clients Served</b></p> <table border="1" style="margin-left: auto; margin-right: auto; border-collapse: collapse; text-align: center;"> <thead> <tr> <th></th> <th>2016-17</th> <th>2017-18</th> <th>2018-19</th> <th>2019-20</th> </tr> </thead> <tbody> <tr> <td>—◆— New Clients</td> <td>50%</td> <td>52%</td> <td>56%</td> <td>59%</td> </tr> <tr> <td>...◆... Target</td> <td>50%</td> <td>50%</td> <td>50%</td> <td>50%</td> </tr> </tbody> </table>		2016-17	2017-18	2018-19	2019-20	—◆— New Clients	50%	52%	56%	59%	...◆... Target	50%	50%	50%	50%	<p><b>Agency Contribution</b></p> <p>Client feedback consistently calls on the OEA to ensure that more employers are aware of our services. The OEA also strives to ensure that employers become more self-reliant through casework.</p> <p>This measure helps to determine whether the agency is expanding its reach to those eligible employers who are paying for OEA services in their WSIB premiums, but who have not previously accessed our services.</p>
	2016-17	2017-18	2018-19	2019-20												
—◆— New Clients	50%	52%	56%	59%												
...◆... Target	50%	50%	50%	50%												
<p><b>What does the graph show?</b></p> <p>We continue to try and inform as many employers as possible of our no-charge, confidential services. While we have met our target level, much work remains to be done to ensure that more Ontario employers are aware of, and avail themselves of, the OEA and its services.</p>	<p><b>2019-20 Commitments</b></p> <p>The commitment for 2019-20 was 50% new clients served in year. This target was exceeded.</p> <p><b>Long-term Target</b></p> <p>The long-term target is 50%.</p>															
Proposed for Publication	Internal Use Only	<input checked="" type="checkbox"/> Existing Measure	<input type="checkbox"/> New Measure													



## Appendix A: OEA Performance Measures 2019-2020

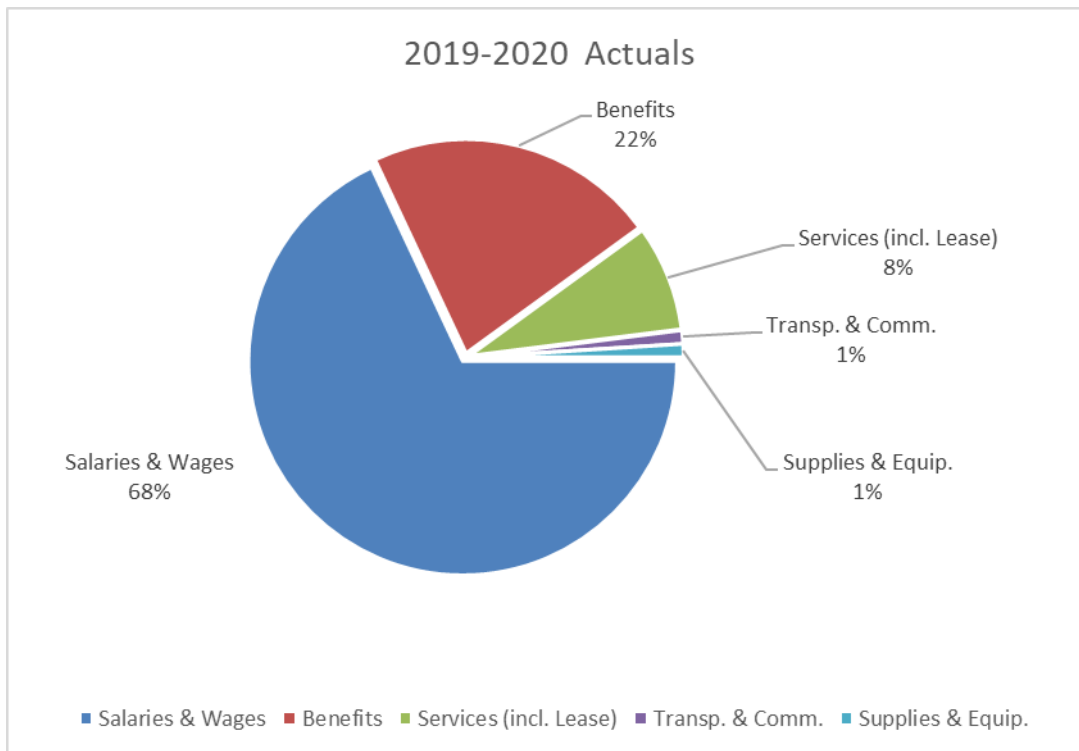
<b>Key Activities:</b> Advice and Representation Services		A3																
<b>Performance measure for 2019-2020:</b> A customer satisfaction rate of 90% or higher																		
<p style="text-align: center;"><b>Percentage of Satisfied Clients</b></p> <table border="1" style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <thead> <tr> <th></th> <th>2016-17</th> <th>2017-18</th> <th>2018-19</th> <th>2019-20</th> </tr> </thead> <tbody> <tr> <td>—◆— Satisfied Clients</td> <td>98%</td> <td>99%</td> <td>94%</td> <td>98%</td> </tr> <tr> <td>...◆... Target</td> <td>90%</td> <td>90%</td> <td>90%</td> <td>90%</td> </tr> </tbody> </table>		2016-17	2017-18	2018-19	2019-20	—◆— Satisfied Clients	98%	99%	94%	98%	...◆... Target	90%	90%	90%	90%	<p><b>Agency Contribution</b></p> <p>The primary complaint heard by agency staff is that employers were not aware of its services sooner. Most employers using the agency's services are very satisfied with the services they receive.</p> <p>In addition to OPS customer service standards, the OEA has a number of internal standards, policies and performance measures, including those for telephone services and for file review, client follow up, etc., to maximize the service experience of OEA clients. The OEA's case management system was designed to provide tools to OEA staff that help them monitor and meet these expectations.</p> <p>Additional refresher customer service staff training will be provided.</p>		
	2016-17	2017-18	2018-19	2019-20														
—◆— Satisfied Clients	98%	99%	94%	98%														
...◆... Target	90%	90%	90%	90%														
<p><b>What does the graph show?</b></p> <p>OEA clients are very satisfied with the service they receive.</p> <p>Note that this graph shows the combined rate for both OEA WSI business streams – Advice Centre and Employer Representation.</p>	<p><b>2019-20 Commitments</b></p> <p>The commitment for 2019-20 was a 90% client satisfaction rate. This target was exceeded.</p> <p><b>Long-term Target</b></p> <p>The long-term target is 90%.</p>																	
Proposed for Publication	Internal Use Only	<input checked="" type="checkbox"/> Existing Measure	<input type="checkbox"/> New Measure															

**Appendix B: OEA Financial Report 2019-2020**

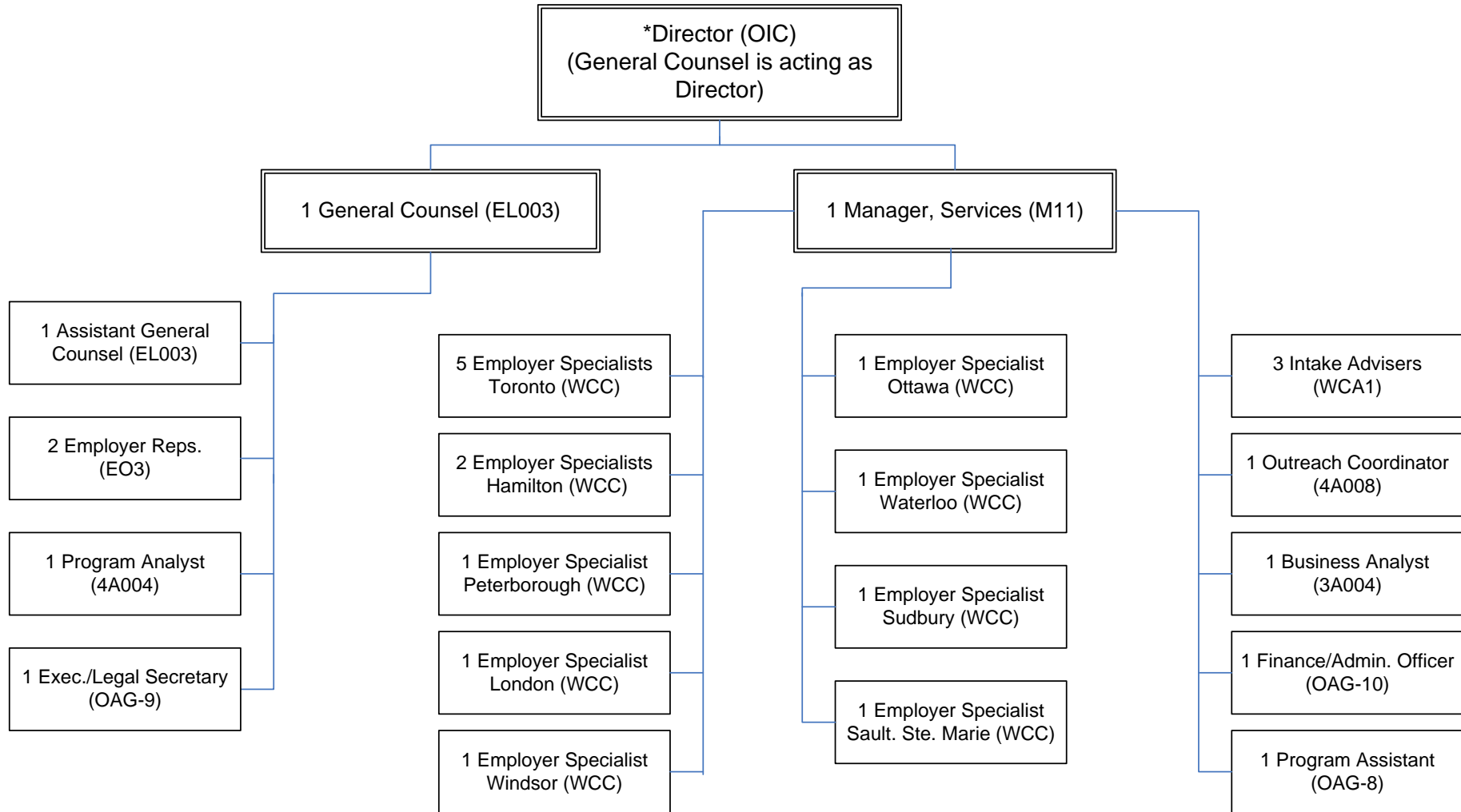
All Figures in \$000.0 thousand (except "% of Variance" column)

<b>Account</b>	<b>Year-end Budget</b>	<b>Year-end Actuals</b>	<b>Variance</b>	<b>% Variance</b>
Salaries & Wages	2,582.7	2,490.4	92.3	3.6%
Benefits	594.1	811.5	(217.4)	-36.6%
ODOE:				
Transportation & Communication	148.7	53.2	95.5	64.2%
Services (Including Lease)	355.9	288.0	67.9	19.1%
Supplies & Equipment	89.8	24.3	65.5	72.9%
<b>Total ODOE</b>	<b>594.4</b>	<b>365.5</b>	<b>228.9</b>	<b>38.5%</b>
<b>Grand Total</b>	<b>3,771.2</b>	<b>3,667.5</b>	<b>103.7</b>	<b>2.8%</b>

**Figure 8**



## Appendix C: OEA Organization Chart



\*The General Counsel is currently acting as the Director.

# Office of the Employer Adviser

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Toronto, Ontario

M5G 2P1