

Annual Report

2022 -2023

OEA | Office of the
Employer Adviser

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A Message from the Chair

Dear Stakeholders,

I would like to thank you for your ongoing support and opportunity for the Office of the Employer Advisor (OEA) to be of service to you.

The last few years have allowed us to provide advice, representation, and education to thousands of Ontario employers. We reached employers through our webinar program, through presentations to employer associations, presentations in partnership with a health and safety association, and supported individual employers with their WSIB issues and OHSА unlawful reprisal issues through advice and representation.

Currently, we are experiencing lower than average advice and case numbers. Historically and at present, raising awareness about how OEA services can help Ontario employers is a focus for the OEA. To address this, we are re-focusing our regional networking, updating our social media presence and continuing outreach to employer associations.

Finally, we look forward to connecting with employers throughout the province, employer associations, health and safety associations and system partners, in-person, virtually and via social media. We hope to see an increase in the advice and representation we provide in WSIB matters and OHSА unlawful reprisals and receive feedback about the responsiveness and accessibility of OEA services.

In closing, 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.

Sincerely,

Jim Dimanis

OEA Mandate

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 to include the *Ontario Occupational Health and Safety Act*, Section 50, and its Regulation 33/12 to “educate, advise and represent in proceedings before the Board [Ontario Labour Relations Board, OLRB] employers that have fewer than 50 employees’. This section of OHSA relates to worker allegations that they have been unfairly treated by their employer after raising a health and safety issue.

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 advice and education to Ontario employers regarding workplace safety and insurance matters and health and safety reprisal issues. Our representation work focuses on employers with fewer than 100 employees in the workplace safety and insurance mandate and fewer than 50 employees in the OHSA unlawful reprisal mandate.

Overview of Program and Activities

How the Program Works

The OEA helps 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. Clients using OEA services receive timely access to accurate information, make better business decisions, operate safer workplaces and avoid appeals.

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.

Experienced staff in the OEA Advice Centre provide just-in-time individualized advice and information to all Ontario employers who have WSI questions or concerns. 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 Advice Centre is most often reached by phone. Employers can also raise issues outside business hours and at their convenience by email at askoea@ontario.ca.

The agency 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). At the WSIB operating level, representation services involve negotiation by means of telephone calls and/or correspondence. At the two appeal levels (WSIB Appeals Division and WSIAT) and at return-to-work or work re-integration

negotiations, Employer Specialists and Employer Representatives 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's webinar series is an example of education offered to employers that also raises public awareness of the OEA's services, so the agency is top of mind as an employer's solution of choice for workplace safety insurance issues. Local networking and corporate marketing projects will occur in 2023-24.

Corporate staff support webinars, OPS finance and human resource processes, digital outreach, content development for the website and many related initiatives.

Advice Services

Intake Advisers in the agency's Advice Centre strive to respond to all employers' calls 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.

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. For instance, providing support to complete a WSIB form and 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. Our staff strive to answer employer calls when they occur, with the goal of minimizing 'telephone tag', and aligning to an employer's schedule, resulting in prompt and timely advice.

Fiscal 2022-23 saw a decrease in the advice provided over the previous year: 1,148 this year, compared to 1,698 last fiscal year and 2,133 for 2020-21 year. The complexity of the advice continues to increase, changing the nature of what we are providing at the Advice Centre level.

Advice numbers in 2022-23 reflect several system wide factors. Initially, claims due to Covid-19 were charged at the schedule level, not to individual employers, meaning that employers were less likely to question or appeal a claim and not likely to need advice from the OEA in that area. For accident dates on or after July 1, 2022, Covid-19 claims are charged to individual accounts in Schedule 1. For Schedule 2, starting in 2022, Covid-19 claims are charged to the individual employer's account. Advice numbers were also influenced by the introduction of the Rate Framework, the WSIB's new complex actuarial calculation used to determine premium rates for Schedule 1 employers, and associated approaches to employer audits.

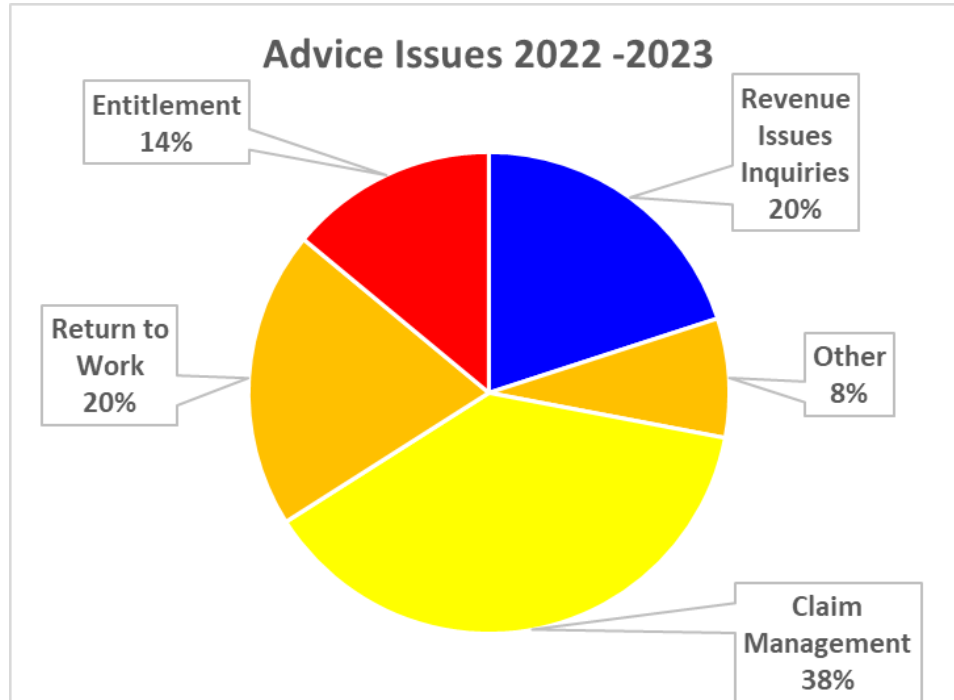
Looking forward, increasing our contact with smaller employers to our pre-pandemic advice numbers is an area of focus. WSIB’s Safety Check data source indicates that in 2022, Schedule 1 and 2 registered claim volume was close to pre-pandemic levels, with less than 1 percent fewer claims than in 2019. And, for most Schedule 1 employers, 2023 is the last year of the Rate Framework transition; we are keen to support employers’ experiences with the full implementation of the rate framework and possible interest to manage claims more actively.

Figure 1



This year, the greatest area of focus for employers was Claims Management, at 38%, (36% in 2021-22). Revenue represented 20% of all calls (22% in 2021-22). Return-to-Work questions were also similar to last year at 20% (19% in 2021-22) and so were entitlement questions at 14% (16% in 2021-22).

Figure 2



Representation Services, Workplace Safety and Insurance

The OEA plays an important role making the system more accessible to small employers and reducing conflict in the Workplace Safety Insurance (WSI) system.

The OEA's regionally located Employer Specialists provide advice and representation to Ontario employers. 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 (HSAs), community and business groups, the webinar program, or existing and former OEA clients. Employer Specialists and Employer Representatives also routinely provide educational presentations for local community groups, in person and virtually during this past year. Employers, and employer associations, have historically established on-going relationships with their regional representatives; maintaining and increasing regional contact and local presence remains a priority for OEA staff.

OEA staff also 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 matters as return to work (RTW) plans and negotiations supports a solution that returns employees to the job in a timely, cost-effective manner, removing some strain from the system. Similarly, agency staff work closely with the WSIB 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.

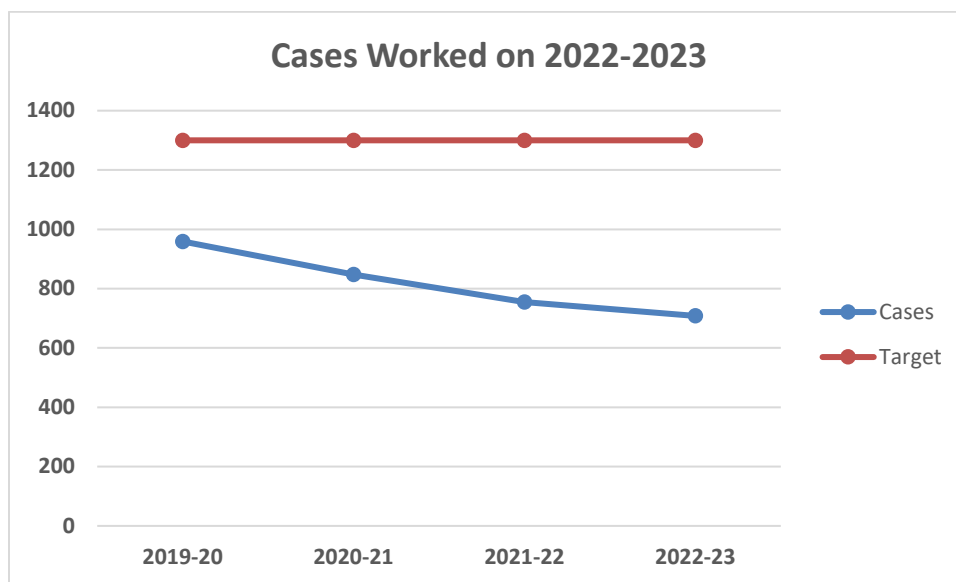
Negotiations continue to be a preferred interim resolution step, since they usually offer a more timely, more efficient solution. In 2022-2023 the OEA resolved 67% of disputes without a hearing, compared to last year's 60% and 68% in 2020-21. Since OEA staff have no direct control over whether an employer 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 (pre-paid) services until their case has progressed to the appeal stage. During 2022-2023, there were 708 cases worked on (755 cases in 2021-22; 847 cases in 2020-21). Employer Specialists represented employers in 109 cases that involved mediations/negotiations (83 cases in 2021-22; 149 in 2020-21). Whether cases proceed to appeal or not, agency staff 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 708 cases worked on during the 2022-2023 reporting period reveals the following:

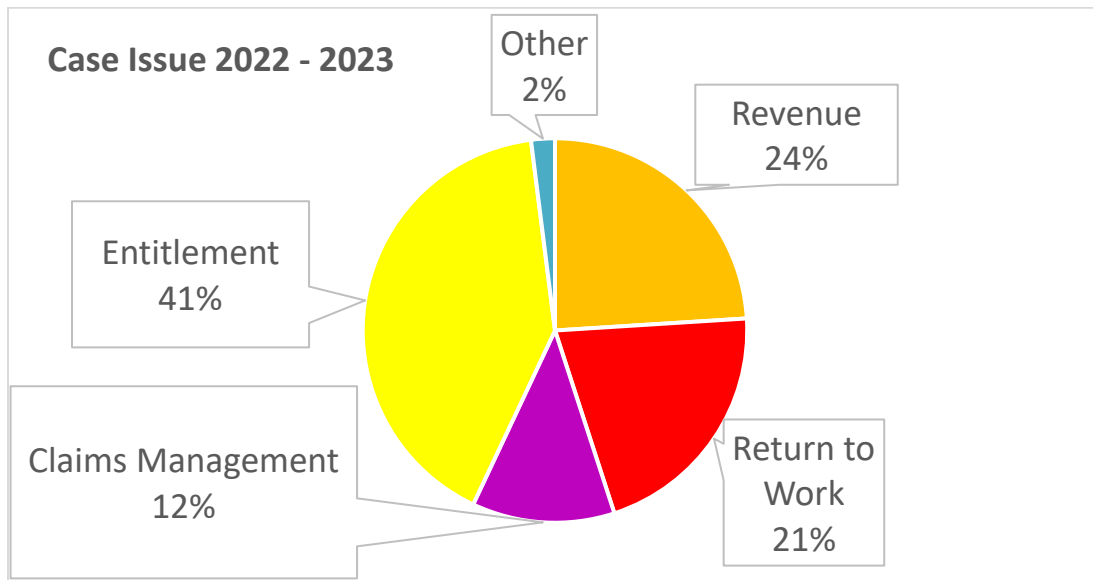
- 359, or 51% were resolved, an increase from last year's 35%.
- 28% of cases (195) were new in-year, a slight decrease compared to last year's 31%.
- 33% of cases worked on had 'successful' or 'mixed' outcomes (46% in 2021-22).

Figure 3



When employers contact the agency for representation, the focus is most often entitlement issues at the system's appeal levels, which comprised 41% of issues (52% in 2021-22). Revenue is in second place as the primary issue for 24% of employers (a slight increase from last year's 22%). Return to Work 21% and Claims Management 12% are the remaining key areas of interest for representation.

Figure 4



Overview of Section 50 Program and Activities

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

The OEA provided the following services to the employer community in 2022-2023:

- 18 general information calls
- 33 case-specific advice
- 3 representation cases were settled and withdrawn

Representation cases are time sensitive because of the time limits of the OLRB process to respond to complaints. Cases that proceed to the OLRB start with a mediation and generally resolve at that stage. Settlements range from an employer providing a Letter of Employment to a (usually small) monetary payment. In most settled cases, the employer receives a full and final release of any and all claims arising from employment or the termination thereof.

- the distribution of client contact ranged across the province as follows, Northern 4%; Southwestern 44%; Eastern 19 %; Central 33%

Education and Raising Awareness of OEA Services

The agency's education work aims to raise awareness and understanding about the WSI system, OHSA s. 50 reprisals and the services that the OEA offers to employers, prepaid through WSIB insurance premiums.

The OEA's multi-channel approach makes information available to employers in a variety of formats that are relevant and accessible. The OEA shares updates, practical tips and information with Ontario employers and stakeholders about our areas of specialty using webinars, our website (www.employeradviser.ca), social media via Twitter @askOEA, and e-mailed newsletters. The use of technology allows the OEA to maximize its resources to cost effectively and efficiently reach out to Ontario employers, share information about WSI responsibilities and raise awareness about how the OEA can help.

It is an ongoing challenge for the OEA to remain 'front-of-mind' as a primary resource for Ontario employers about their workers' compensation issues. Increasing awareness across all business sectors of our prepaid (free), expert, and confidential services and sustaining that awareness among our client community is the key outreach and marketing goal for the OEA. During 2022-2023 43% of client interactions were from a first time OEA user; and the OEA is proud to offered advice and representation to repeat clients and earn referrals within the business community.

Website, www.employeradviser.ca

The website ensures that employers have ready access to the information they need to meet their WSI responsibilities. Employers have options to reach out for assistance through a contact form on the website, our email address (askOEA@ontario.ca), and our toll free and local phone numbers.

Live Webinars

In 2022-2023, the OEA offered live webinars to the employer community. Our 11 webinars cover such topics as completing a Form 7, return to work, the WSIB's appeals

process and mental stress. The webinars were presented in a series during November-December 2022 and February-March 2023, resulting in 22 webinars offered to employers. Employers could choose to watch the whole series or dip into topics of interest. The OEA's webinar series continues to align well with the move to virtual meetings necessitated by the COVID-19 pandemic. This approach was positively received with 4383 participants attending the webinars.

Of the 4383 participants, 1200 completed a post webinar e-survey (27.4% response rate). When asked "Did the information session help you understand the topic?", 82.4% of the participants who completed the survey rated the session a 4 or 5, on a scale of 1 to 5 with 5 representing "completely".

In addition, when asked "Overall, how would you rate the information session?" 84.5% of the participants who completed the survey rated it 4 or 5, with 5 representing the highest rating.

Webinars have proven to be an effective and popular 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.

OEA live webinars are scheduled and advertised using e-newsletters and the OEA on Twitter @askOEA. Live webinars focus on substantive, timely issues impacting employers, for example claims management, return to work and the WSIB's premium rate setting process. The OEA returned to in person presentations this year through partnership with Workplace Safety and Prevention Services (WSPS).

E-Bulletins

The OEA e-bulletins are now sent to approximately 278,000 employers. This electronic database consists of email addresses obtained from the WSIB from employers who signed up for e-services, along with clients of the OEA and presentation/webinar participants. Employers can also sign up for e-bulletin subscriptions while visiting the OEA website.

Twitter

The agency is leveraging Twitter, tweeting practical information in French and English. The OEA has approximately 2,700 followers. Tweets are posted several days a week and include updates on changes in WSIB policy, 'did you know' facts from the OEA website, notices for upcoming webinars and special tweets when the Board issues news releases on such things as premium changes for the upcoming year.

Employer Associations

The OEA management team actively participates in meetings and events of stakeholder organizations, including the Ontario Business Coalition, the Ontario Mining Association, and the Canadian Manufacturers and Exporters. This year, we were thrilled to work in partnership with the Canadian Black Chamber of Commerce and Workplace Safety Prevention Services where our expert staff presented sessions to their members.

System Partners

The WSIB's Health and Safety Excellence Program (HSEP) provides employers with an opportunity to invest in health and safety culture while earning rebates on WSIB premiums. Employers registered in the program work with approved program providers to develop an action plan in different areas of focus. The OEA engaged with Excellence Program leadership and was recognized as a return-to-work subject matter expert. In 2020-2021, the OEA developed a new return to work information session with employer tools that met the educational requirements of the Excellence Program. Initially offered as a free-standing session, the return-to-work webinar is now offered as part of the OEA's webinar series and participants were asked to identify their registration in the Excellence program.

More generally, the OEA engages with the WSIB at all levels of the business: claims, revenue, appeals, policy consultations and stakeholder relations. The agency values and nurtures these connections.

OEA staff also engage with the WSIAT on a regular basis, and our expert staff have appreciated the Tribunal’s training and stakeholder sessions.

The OEA also works with the Office of the Worker as opportunities arise.

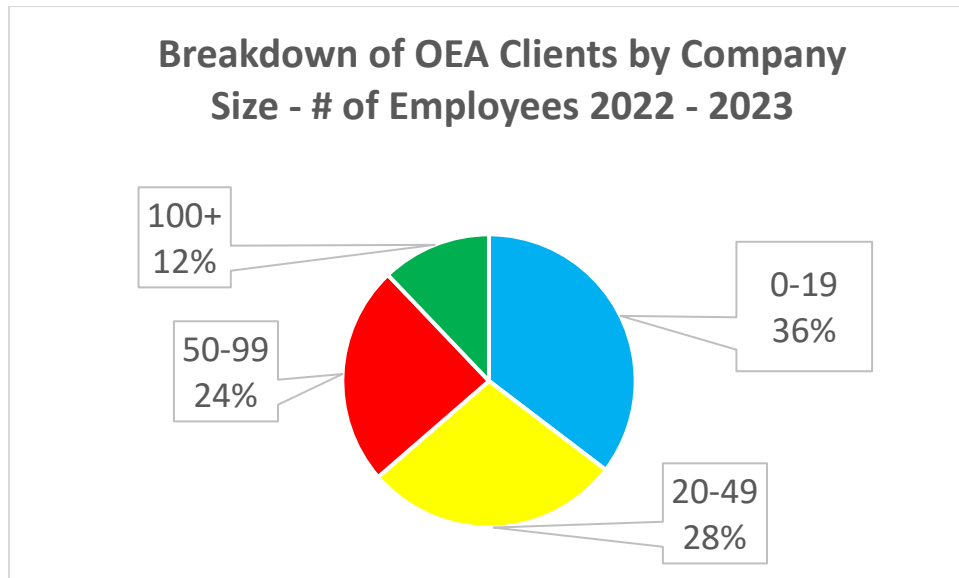
OEA Clients

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. 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 beneficial to the system overall. During the year, 22% of all advice was provided to employers with 100 plus employees and 13% of OEA clients provided with representation services had more than 100 employees. These rates are consistent with prior years.

The OEA will continue to provide advice services to all Ontario employers who contact us, contributing to an accessible system.

Figure 5 provides the breakdown of all OEA clients by company size (numbers of employees) for 2022-2023.

Figure 5



An industry sector view of OEA clients in Figure 6 is based on 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 32% and reflects the significant impact of Board policies on this sector. Other sectors mirror the overall business distribution of Ontario employers.

Figure 6

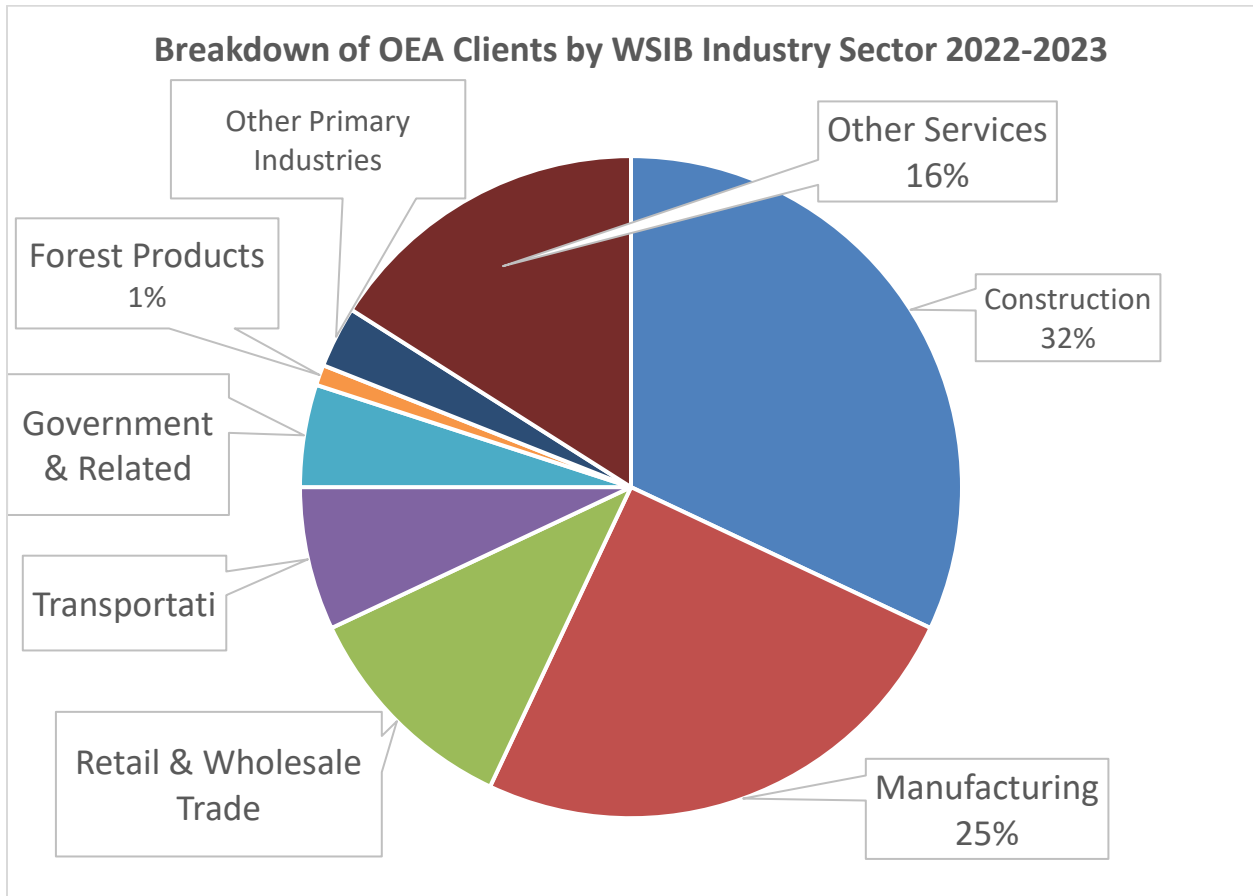
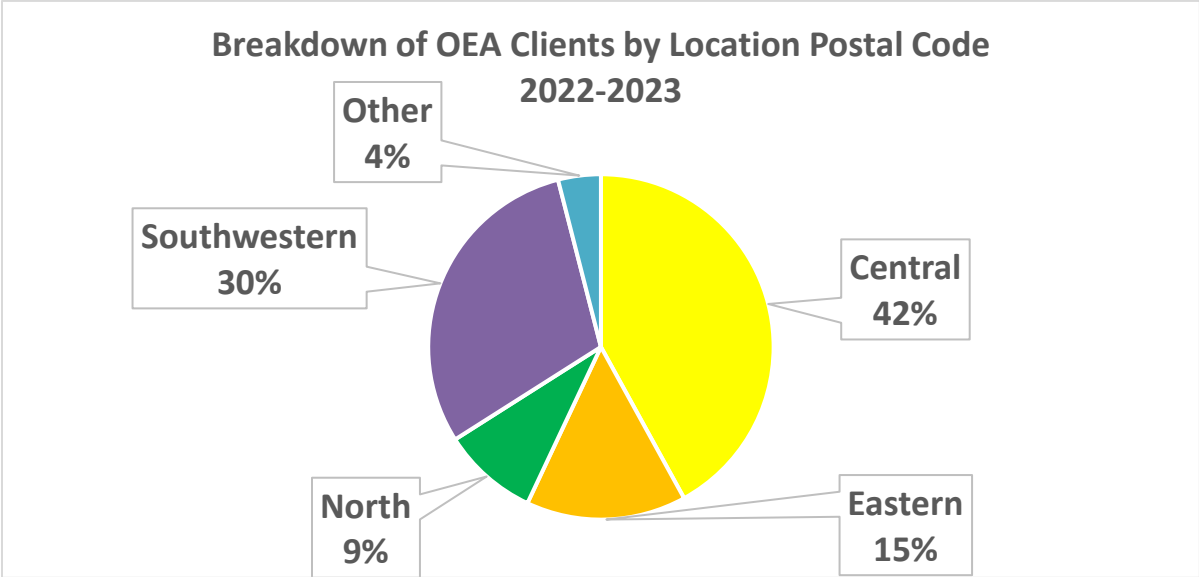


Figure 7 provides the breakdown of the regional distribution of OEA clients for 2022-2023. Service delivery reflects the population and business demographics of the province, with the Central area, which includes the Greater Toronto Area, comprising the largest client group. The distribution is similar 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



Client Satisfaction

Client satisfaction is assessed for both the Advice Centre and Representation services.

Feedback on advice provided by the Advice Centre, as measured through random telephone surveys, is 100% for this fiscal year. Clients willing to recommend the services of the OEA to other employers is also 100%.

The client satisfaction feedback surveys for representation services indicated that 98% of employers were satisfied with their OEA representation, 93% 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 appreciative of the work done on their behalf by agency staff.

The current client satisfaction metrics are based on telephone surveys and a specific statistical methodology to ensure data is not skewed (e.g., responses are taken from a cross-section of Intake Advisers and Employer Specialists) and are dependent on a number of factors that impact the number of eligible clients that can participate in a survey in any given year (e.g., the number of files closed). Employers represented in a case are only eligible to be surveyed once a file is closed.

The OEA is 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 and client service is of the utmost importance to the OEA.

Appendix A: OEA Performance Measures 2022-2023

KEY ACTIVITY: ADVICE AND REPRESENTATION SERVICES

PERFORMANCE MEASURE FOR 2022-23 -- ADVICE PROVIDED TO EMPLOYERS



Appendix A: OEA Performance Measures 2022 -2023

What does the graph show?

Advice numbers rose in 2019-20 as the agency worked to capture the different topics raised by clients during interactions to track in more detail the key issues to employers.

Advice numbers declined during 2020-21 through 2022-2023 during the Covid-19 pandemic and implementation of the Rate Framework, the WSIB's new complex actuarial calculation to determine Schedule 1 employer premium rates.

Agency Contribution

The OEA provides advice and information to employers about their workplace safety and insurance questions and issues. and supports employers with their questions about s. 50 OHSR matters.

Employers access services through phone, email or website contact page.

This service supports as they employers navigate the WSI system and is an intake and referral function for the agency's representation services.

2022-23 Commitments

Our 2022-23 goal is to increase advice services by 5-10% over 2021-22.

Long-term Target

The long-term target is to return to pre-pandemic advice numbers

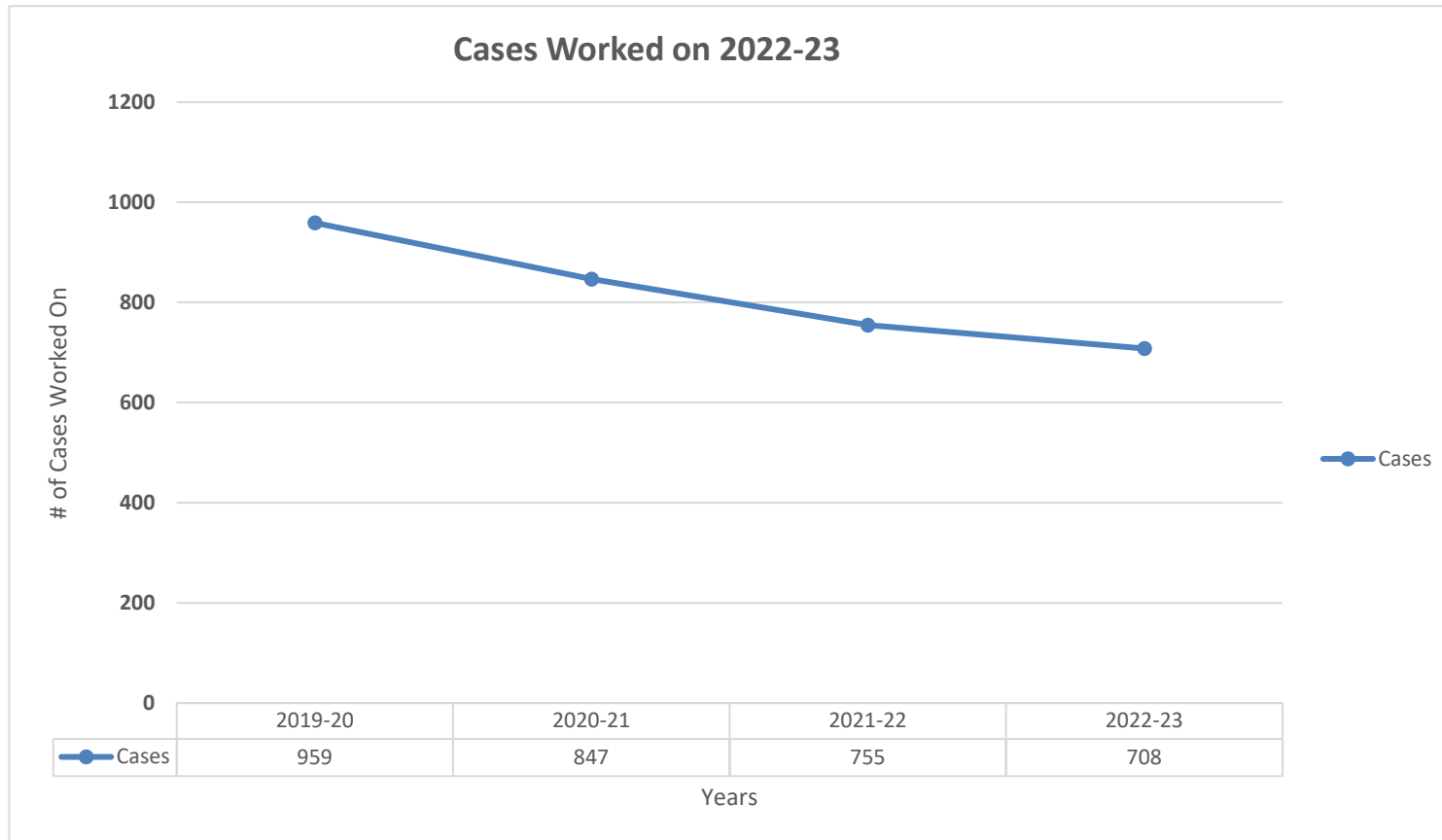
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Appendix A: OEA Performance Measures 2022 -2023

APPENDIX A PERFORMANCE MEASURES (cont'd)

Key Activity: Advice and Representation Services

Performance measure for 2022-23 -- Representation Cases



Appendix A: OEA Performance Measures 2022 -2023

Agency Contribution

The agency's expert, specialist staff provide representation before administrative tribunals in WSIB matters and OHSA unlawful reprisals.

Employers value the services in specialized areas of law, our services are pre-paid through WSIB premiums, and enable small-mid sized business owners to focus their time and energy on their business.

What Does the Graph Show?

Representation numbers decreased during the Covid-19 pandemic and implementation of the Rate Framework, the WSIB's new complex actuarial calculation to determine Schedule 1 employer premium rates.

2022-23 Commitments

The commitment for 2022-23 is to increase our representation services by 5-10% over our 2021-22 experience.

Long-term Target

The long-term target is to return to pre-pandemic representation numbers.

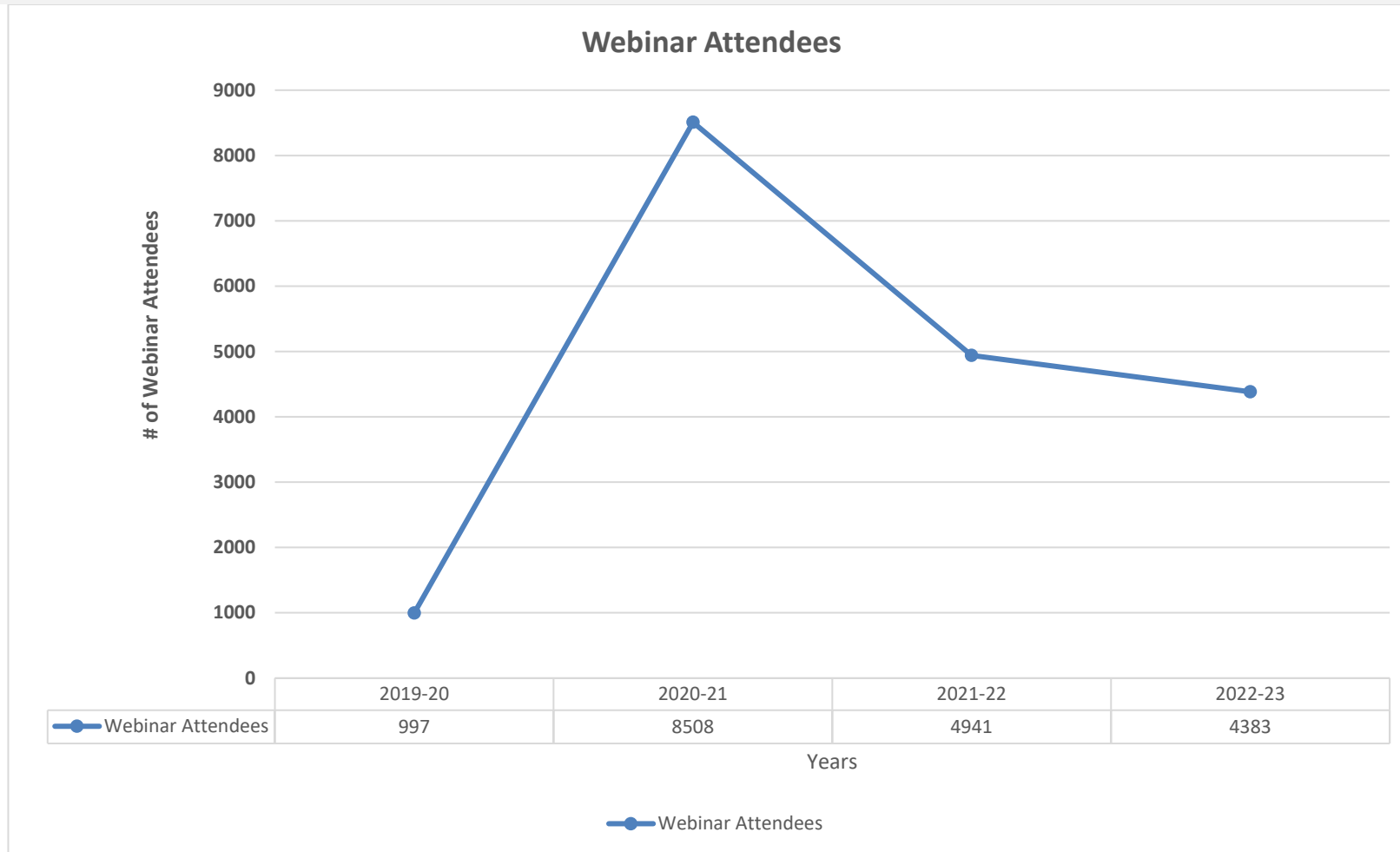
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Appendix A: OEA Performance Measures 2022 -2023

APPENDIX A PERFORMANCE MEASURES (cont'd)

KEY ACTIVITIES: EDUCATION AND INFORMATION TO EMPLOYERS

PERFORMANCE MEASURE FOR 2022 -23: WEBINAR SESSION ATTENDANCE



Appendix A: OEA Performance Measures 2022 -2023

Agency Contribution

The OEA is a key source of information for employers about WSIB matters, from claims issues to registration and premium rates, and OHSA unlawful reprisals.

The agency has developed and presented a series of e-information sessions to share information with employers, raise awareness of responsibilities and draw attention to OEA services.

What does the graph show?

The OEA's provides information about WSIB matters and OHSA unlawful reprisals to employers to raise awareness of employer responsibilities, WSIB process and OEA services. Webinars were a successful approach during 2020 and 2021. The agency continued with this approach in 2022-23. Sessions are presented by the agency's expert, specialized staff.

2022-23 Commitments

The commitment for 2022-23 is to offer 2 series of our webinars.

Long-term Target

The long-term target is to offer 2 webinar series each year, with updates in response to feedback and questions.

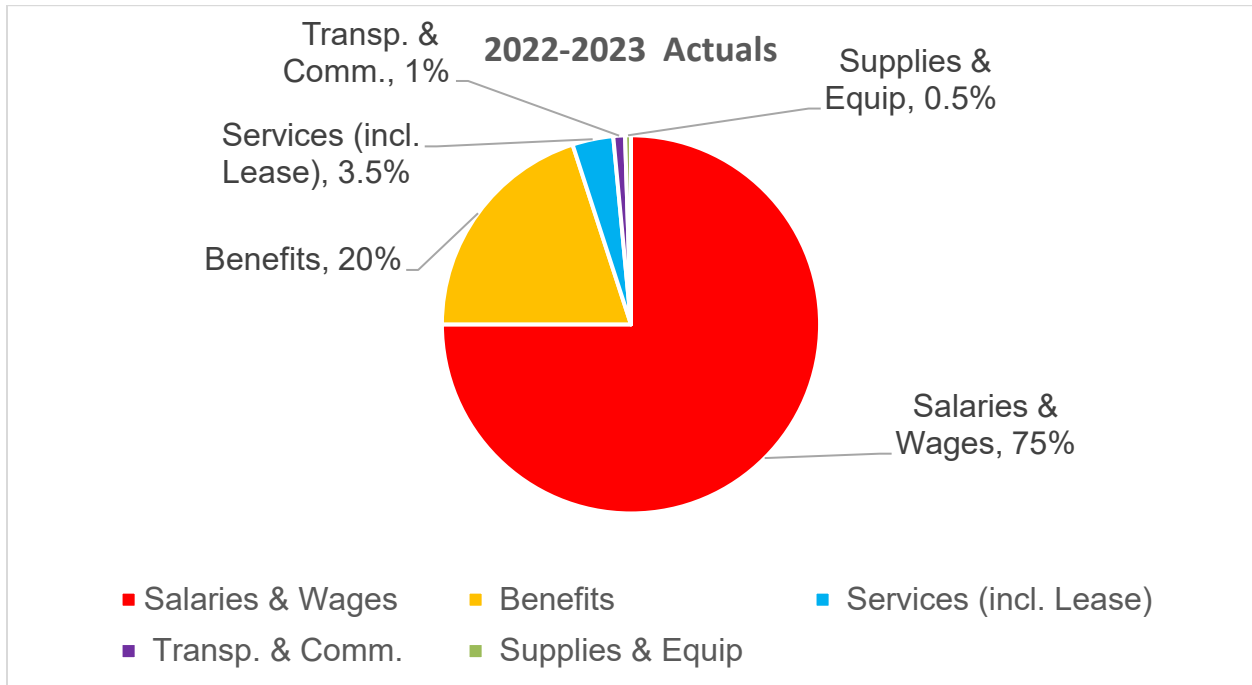
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Appendix B: OEA Financial Report 2022 - 2023

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

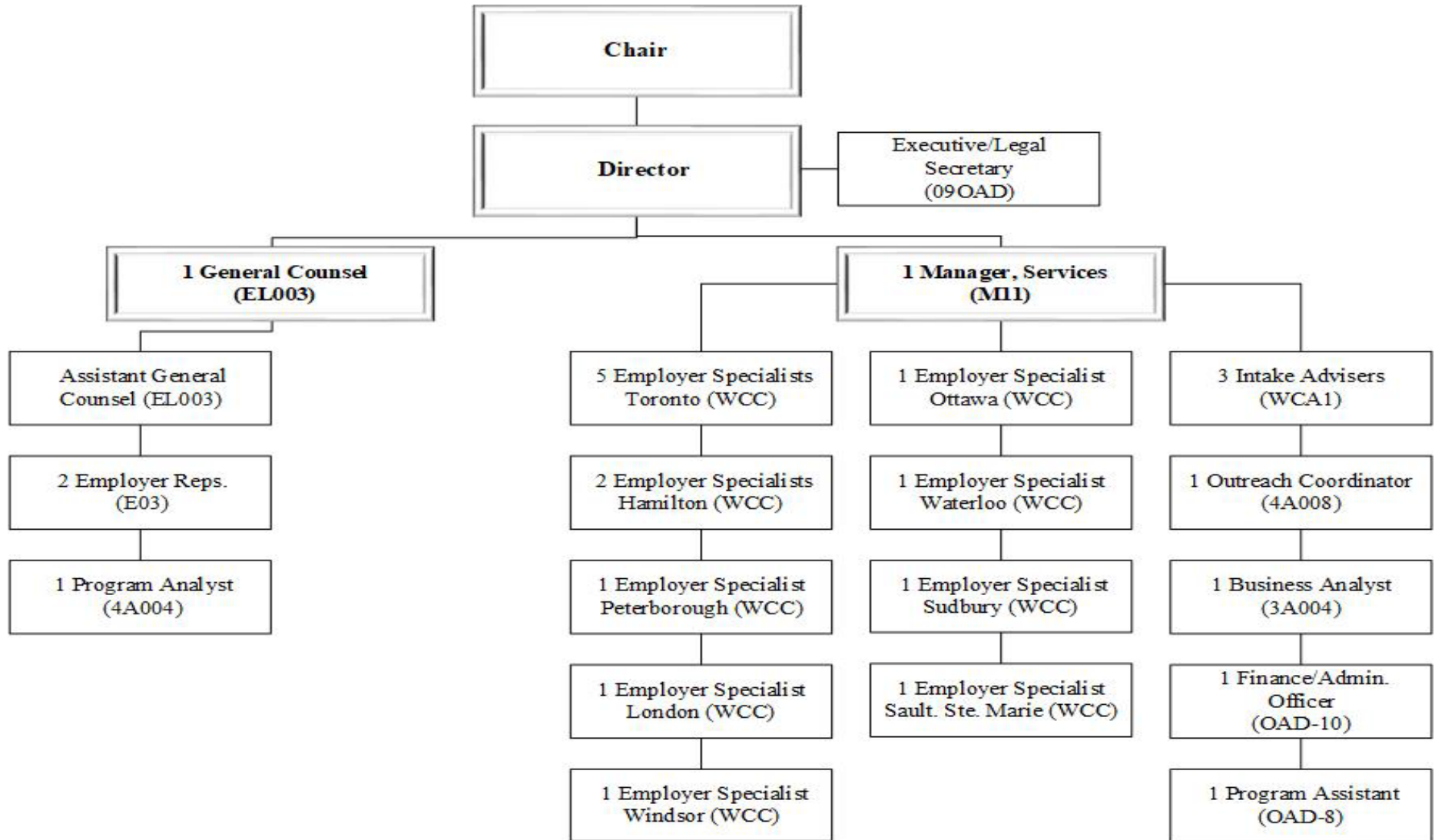
Account	Expenditure Estimates	In-year Board Approvals	Year-end Budget	Year-end Actuals	Variance	% Variance
Salaries & Wages	2,753.6	(200.0)	2,553.6	2,355.4	198.2	7.8%
Benefits	734.20	(20.0)	714.2	636.6	77.6	10.9%
ODOE:			-			
Transportation & Communication	148.7	(80.0)	68.7	32.6	36.1	52.6%
Services (Including Lease)	294.1	(100.0)	194.1	119.6	74.5	38.4%
Supplies & Equipment	89.8	-	89.8	22.7	67.1	74.8%
Total ODOE	532.6	(180.0)	352.6	174.9	177.7	50.4%
Grand Total	4,020.4	(400.0)	3,620.4	3,166.8	453.6	12.5%

Figure 8



Appendix: Reporting of Appointee Remuneration		
Appointee	Total Annual Remuneration	Per Diem Remuneration Rate
Dimitrios (Jim) Dimanis, Chair	2,813	\$225

Appendix C: OEA Organization Chart



OEA Organization Chart

Chair

- Director

Director

- 1 General Counsel (EL003)
- 1 Manager, Services (M11)
- 1 Executive / Legal Secretary (09OAD)

General Counsel

- Assistant General Counsel (EL003)
- 2 Employer Representatives (E03)
- 1 Program Analyst (4A004)

Manager, Services

- 5 Employer Specialists – Toronto (WCC)
- 2 Employer Specialists – Hamilton (WCC)
- 1 Employer Specialists – Peterborough (WCC)
- 1 Employer Specialists – London (WCC)
- 1 Employer Specialists – Windsor (WCC)
- 1 Employer Specialists – Ottawa (WCC)
- 1 Employer Specialists – Waterloo (WCC)
- 1 Employer Specialists – Sudbury (WCC)
- 1 Employer Specialists – Sault. Ste. Marie (WCC)
- 3 Intake Advisers (WCA1)
- 1 Outreach Coordinator (4A008)
- 1 Business Analyst (3A004)
- 1 Finance / Admin Officer (OAD-10)
- 1 Program Assistant (OAD-8)

Contact Us

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