

Workers' Advocate Office

2020 Annual Report

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ANNUAL REPORT OF THE WORKERS' ADVOCATE OFFICE 2020

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

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

Specifically, our dedicated team is committed to:

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

Year at a Glance

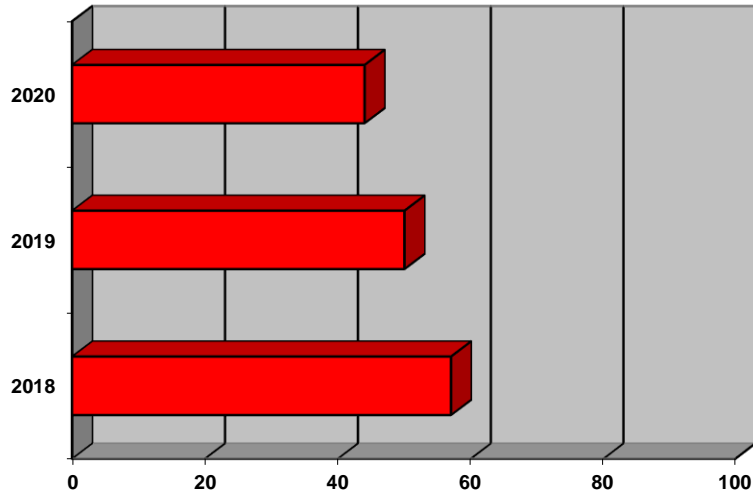
This year there has been some changes in the way in which the Office delivers services to its clients. With the onset of Covid-19, the WAO adapted to provide uninterrupted service while taking precautions to protect the health and wellbeing of our clients and staff. This means that deputy advocates have worked remotely for the most part.

In 2019, client files started to be provided by electronic secure file transfer, rather than in paper format. This process has been helpful in a number of ways. Namely allowing the expedient transfer of information, which allows advocates to access the client's information in a more streamlined manner, resulting in improvements to timelines for service delivery.

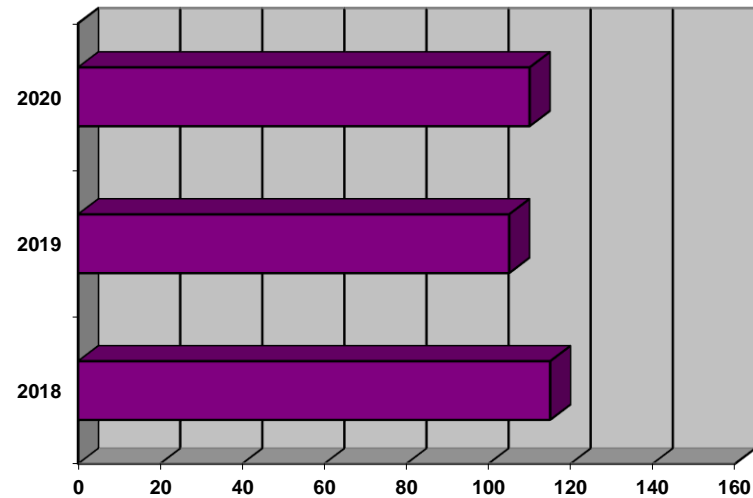
The makeup of the Office staff has seen some changes. The auxiliary on call deputy advocate has been active, providing flexible and timely capacity for both intake and case management functions. The Office's full time deputy advocate has again proven to be a significant asset to the WAO team and its clients. An acting Manager has been in place since August 2020 in order to assist with management functions as well as taking on some cases, in order to assist the deputies in their day to day work.

WAO continues to utilize early resolution principles in the Offices work with clients and the board, which improves timelines for service delivery and the Office's working relationship with the board. Over the 2020 period, the general caseload has remained largely consistent as compared to past recent years.

Number of New Clients



Number of Issues



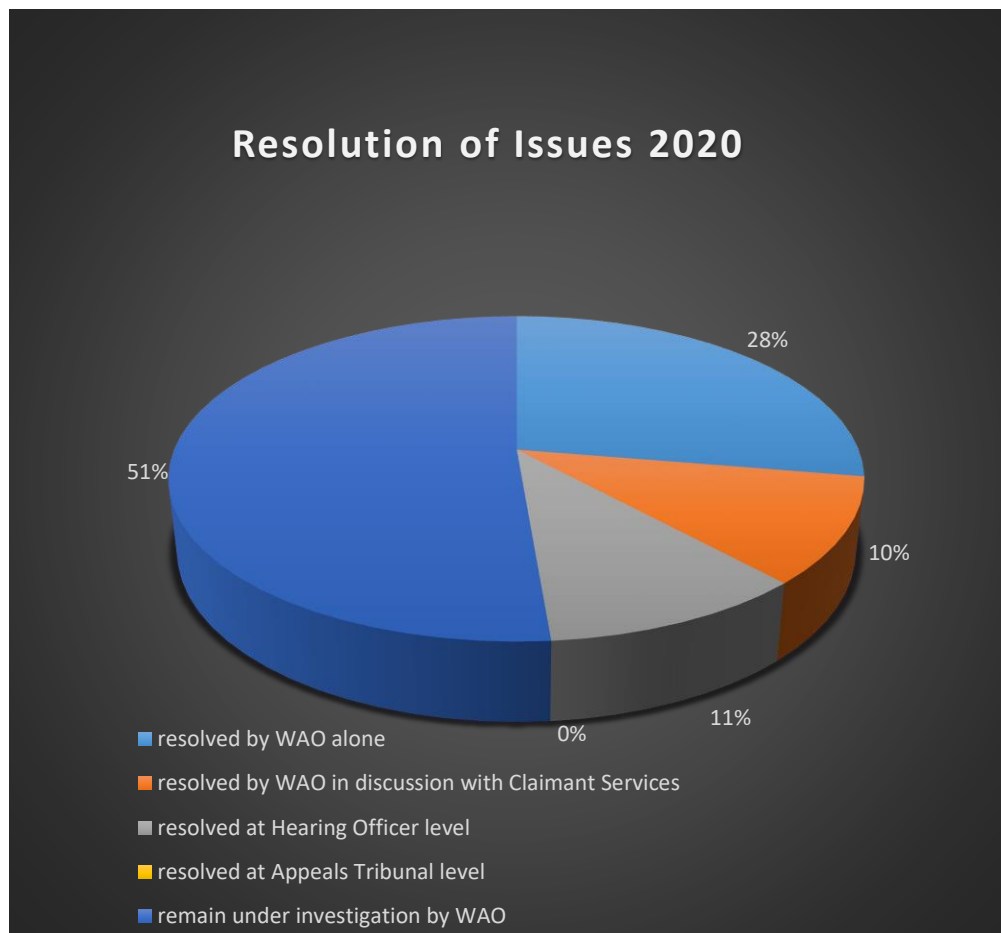
What this shows

Overall, the demand for services of the Workers' Advocate Office is fairly consistent on a year-to-year basis. In 2020, the office represented 44 new clients along with 28 existing clients whose concerns were carried forward from 2019. Issues over the year totalled 81 with, 29 issues carried forward from 2019 and 13 new general inquiries.

A client is defined as an individual who signs an authorization form requesting that the Workers' Advocate investigate their issue or concern and represent them in any challenge. The office also deals with 'general inquiries', workers or employers who contact us for information on YWCHSB processes, procedures, *Act*, policies, etc. General Inquiries do not always translate into new clients and their inquiries are usually handled within a few short conversations.

It is important to note that the number of clients is not reflective of the number of issues reviewed by the Workers' Advocate Office. An example of this is representation we provided for one client on three different and separate issues.

Critical to our work is the resolution of issues on behalf of our clients. The graphs below represent our efforts in this area.



There were a total of 76 issues handled in 2020:

28% = 21 issues were resolved by WAO alone

10% = 8 issues were resolved by WAO with YWCHSB

11% = 8 issues were presented by WAO to the Hearing Officer

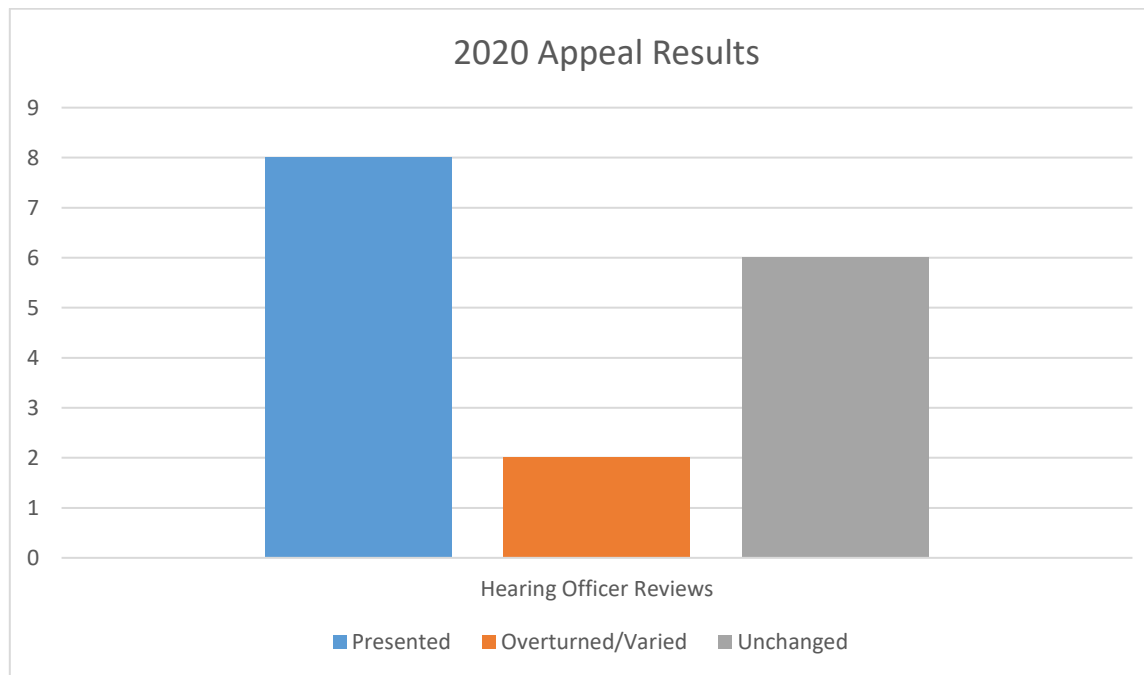
0% = 0 issues were presented by WAO to the Appeals Tribunal

51% = 39 issues remained under investigation by the WAO

Reviews and Appeals

The *Workers' Compensation Act* states that a worker has 24 months to appeal a decision on their claim. An appeal can be in the form of a documentary review or an oral hearing before a Hearing Officer. An employer can also appeal a decision.

Due to Covid -19, since March 2020 all reviews have been documentary in nature. The Workers' Advocate Office can represent the worker, if the worker chooses, in all types of reviews before a Hearing Officer, and at the Workers' Compensation Appeal Tribunal level. Our statistics show that a number of reviews are resolved at the Hearing Officer level and do not need to proceed to the Workers' Compensation Appeal Tribunal. The Appeal Tribunal is the final level of appeal available to workers through the *Workers Compensation Act*. In 2020 there were no appeals filed at the final level. Our 2020 efforts at the Hearing Officer level are shown below.



- Reviews and Appeals that were presented by the Workers' Advocate Office
- Success at having a YWCHSB decision overturned or changed in the worker's favour
- YWCHSB decision remained unchanged after review or appeal

Client Satisfaction Survey

The Workers' Advocate Office may utilize the services of the Yukon Bureau of Statistics to conduct a client satisfaction survey of clients for whom we have provided service in the previous year. The telephone survey asks clients if they would agree, feel neutral, or disagree with statements regarding the helpfulness, courtesy and respect offered by the staff. Other questions include staff efforts regarding communication, explanation of their files, and if the client was satisfied overall with the services offered. Results of the survey from 2020 are noted below.

Client Satisfaction Survey 2020

Jan to Dec 2020

Questions 1-4 (Staff were helpful/courteous/respectful professional and knowledgeable)

96%
agreed

Question 2 (Clear explanations, timely communications, kept up to date and informed)

87%
agreed

Question 3 (I was treated with dignity and respect and felt heard)

96%
agreed

Question 4 (Overall were you satisfied with the service provided)

91%
agreed

The Workers' Advocate Office is funded annually by the Yukon Workers' Compensation Health & Safety Board as outlined in the *Workers' Compensation Act*. The financial operations for the 2020 year are as follows.

	Budget	Actual Expenditures
Personnel	\$367,339	\$264,326
Office and Operations	\$61,050	\$43,453
Total	\$428,389	\$307,779

The figures above are adjusted to account for rounding and are based upon the calendar year, the fiscal year of the Workers' Compensation Health & Safety Board. The administration fee of \$42,839 paid to the Department of Justice is not included in the budgeted amount or the actual expenditures.

The 2020 expenditures were less than the budget amount approved by the Workers' Compensation Board of Directors. This is primarily because it was a year of changes. Personnel expenses were not fully spent, given some delays in getting the manager into place.

Operational costs were also lessened due to Covid-19, as staff did not travel for conferences, take part in outreach and education in communities, or take part in training. In 2020 there were no costs associated with participating in the Canadian Association of Workers' Advisors and Advocates annual general meeting, as this event was taken part in online. As both deputy advocates are highly experienced and trained, there was little need to provide training for them in 2020.

The Budget amount for 2021, presented and approved by the Workers' Compensation Board of Directors is **\$471,228**.