

Workers' Advocate Office

2018 Annual Report

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ANNUAL REPORT OF THE WORKERS' ADVOCATE OFFICE 2018

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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 worker's appeal process, the Workers' Advocate Office (WAO) provides independent assistance to and representation for workers who have suffered a work-related disability. We seek to ensure that the needs of injured workers and their families are 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 process.
- Ensuring that injured workers are treated with dignity and respect in their dealings with the WAO. Ensuring that all workers understand their rights and responsibilities regarding compensation in the event of workplace injury and returning to work.
- Working with the Yukon Workers' Compensation Health and Safety Board ("YWCHSB") to help understand current issues and trends so that they are addressed for future clients.
- Investigating and utilizing other dispute resolution mechanisms (such as preliminary conferences) to improve the quality of issue identification and resolution.
- Working with the YWCHSB, labour, and employer groups in raising the level of awareness of the appeal process for workers and their families.

Year at a Glance

This year was much like other years for the Workers' Advocate Office. The office was fully staffed with a Manager, two Deputy Workers' Advocates, and a half-time Administrative Assistant. Our efforts concentrate on assisting and representing injured workers.

When an injured worker first contacts our office and is established as a client, our first step, prior to meeting with them, is to request a copy of their Yukon Workers' Compensation Health & Safety Board file. This allows us the opportunity to review their file and identify issues so that we may have an informed discussion the first time we sit down together. This is part of an internal efficiency practice that eliminates the need for the worker to tell their story to a number of people on a number of occasions. Client feedback tells us that workers feel listened to when they meet with us. We think that thorough preparation for the initial meeting causes that to happen.

The office continued its efforts to resolve issues informally and in a timely manner when possible. We do this because we know that injured workers benefit when issues affecting them are resolved quickly and fairly. When informal resolution is successful, it allows injured workers time to focus on their recovery and return to work. However, not all cases can be resolved informally.

As a result of this, we continue to provide workers with quality representation in reviews and appeals at both the Hearing Officer level and in front of the Workers' Compensation Appeal Tribunal.

In those cases, in 2018 79% of the decisions in dispute were either successfully reversed or adjusted significantly in favour of the worker.

Although there remains much to be done, the staff of the Workers' Advocate Office looks forward to making improvements wherever possible to ensure that workers and their dependents are well represented.

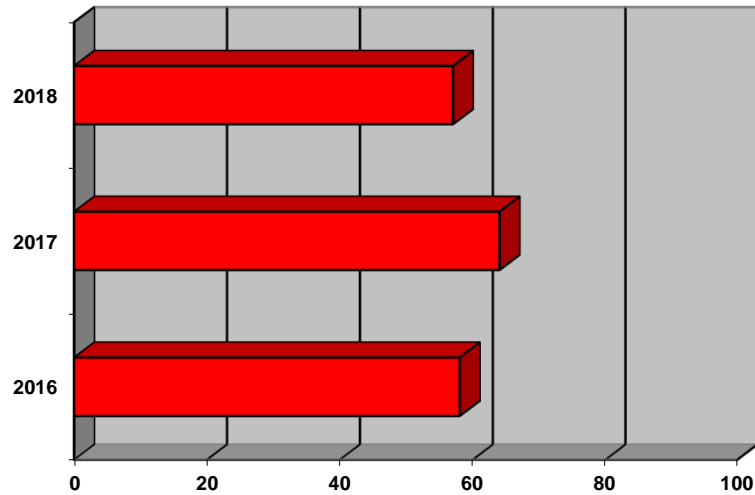
"I really appreciate the service and the customer service I received"

-Client of WAO 2018

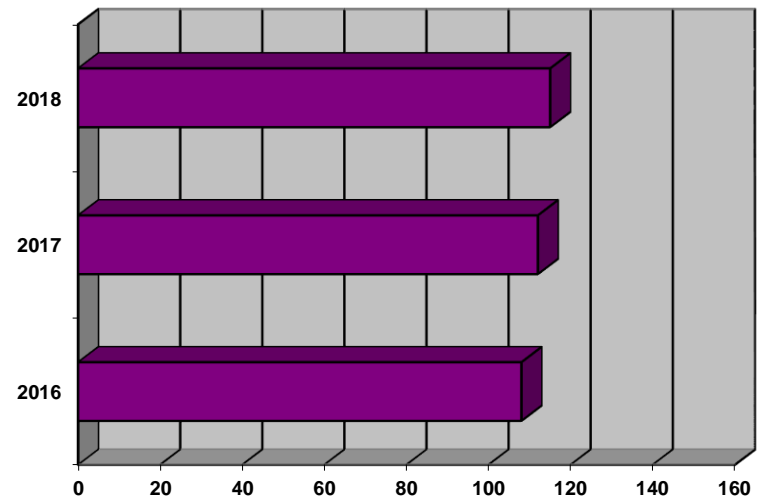
"They treated me very very well and I hope they continue to help me in the right direction"

-Client of WAO 2018

Number of New Clients



Number of Issues



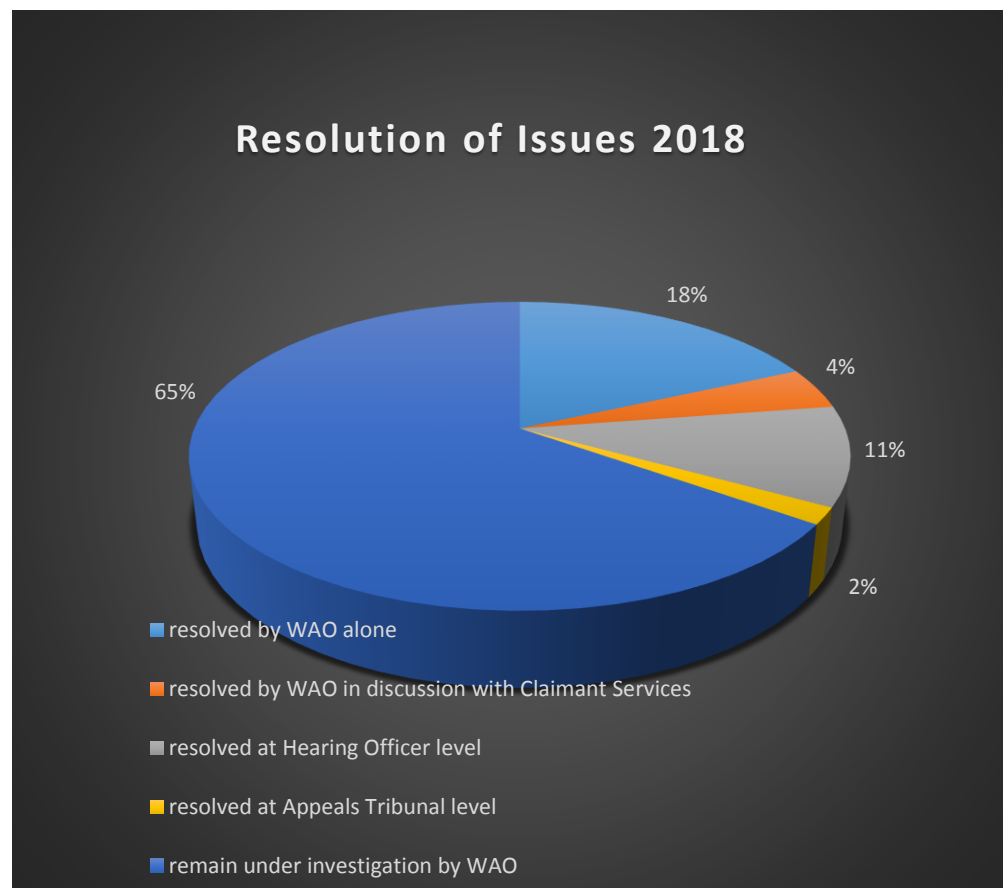
What this shows

Overall, the demand for services of the Workers' Advocate Office is consistent on a year-to-year basis. In 2018, the office represented 57 new clients along with 15 existing clients whose concerns were carried forward from 2017. Issues over the year totalled 90 new issues, 15 issues carried forward from 2017, and 27 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. They are not generally continued clients and their inquiry can usually be 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 in 2018 at the Workers' Compensation Appeal Tribunal level to one client with five Yukon workers' compensation claims for different workplace incidents.

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 115 issues handled in 2018:

18% = 21 issues were resolved by WAO alone

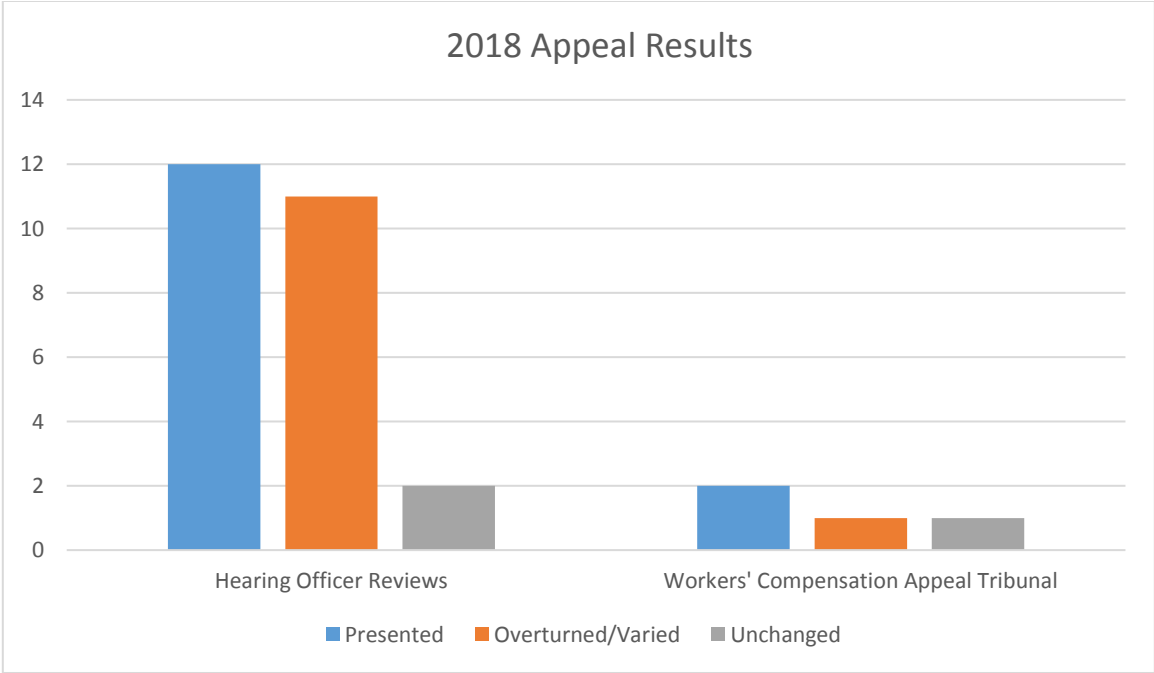
4% = 5 issues were resolved by WAO with YWCHSB

11% = 12 issues were presented by WAO to the Hearing Officer

2% = 2 issues (6 claims) were presented by WAO to the Appeals Tribunal

65% = 75 issues remained under investigation by the WAO

Perhaps the most visible element of the work of the Workers' Advocate Office is representation of workers before a Hearing Officer or the Workers' Compensation Appeal Tribunal. Within the *Workers Compensation Act* 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. The Workers' Advocate Office represents 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 successfully 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*. Our efforts, including our success rate in this area 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

The Workers' Advocate Office requests the Yukon Government Bureau of Statistics to conduct a client satisfaction survey of approx. 50 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 overall satisfied with the services offered. Results of the survey from 2018 are noted below.

Client Satisfaction Survey 2018

	Jan to June-18	July to December-18
Questions 1-4 (Staff were helpful/courteous/respectful professional and knowledgeable)	95% agreed	100% agreed
Question 2 (Clear explanations timely communications, kept up to date and informed)	97.5% agreed	65% agreed
Question 3 (I was treated with dignity and respect and felt heard)	100% agreed	96.5% agreed
Question 4 (Overall were you satisfied with the service provided)	90% agreed	80% agreed

The client satisfaction survey provides useful information for the Workers' Advocate Office by asking clients how they learned about our services. The majority of respondents learn of our efforts through the Yukon Workers' Compensation Health & Safety Board.

Survey respondents are also asked for General Comments at the end of the survey. Comments included:

"The advocate is very kind; they moved through things at an appropriate speed. They always updated me on the phone when there was something new, and followed that up with an e-mail. They have never left confidential information on my voicemail and I appreciate that"

"The advocate has been a godsend. I can't say one bad thing about working with them"

"They tried their best for me"

"I think they really look out for the rights of the workers. They give you confidence that even if your claim is denied, everything was done properly in presenting the claim"

Finally, clients are also asked for suggestions to improve the client service experience;

"Keep doing everything just the way you are doing it"

"With what was happening, the advocate couldn't have done any better"

"Advertise more. I didn't know about the office and it was very helpful to me"

In order to address this last point, the Workers' Advocate Office will once again be doing community outreach in 2019.

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 2018 year are as follows.

	Budget	Actual Expenditures
Personnel	\$409,268	\$399,343
Office and Operations	\$56,750	\$50,005
Total	\$466,018	\$449,348

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 \$46,602 paid to the Department of Justice is not included in the budgeted amount or the actual expenditures. The 2018 expenditures were less than the budget amount approved by the Workers' Compensation Board of Directors. Costs associated with participating in the Canadian Association of Workers Advisors and Advocates have been reduced. Staff vacancies were accommodated with existing resources; experienced staff minimized training costs. The Workers' Advocate Office and the Coroner's Service share office space.

The Budget amount for 2019, presented and approved by the Workers' Compensation Board of Directors is \$476,362.