

# Workers' Advocate Office

---

## *2019 Annual Report*

---

PUBLISHED BY THE GOVERNMENT OF THE YUKON  
March 2020

ANNUAL REPORT OF THE WORKERS' ADVOCATE OFFICE 2019

This Annual Report is available at [www.gov.yk.ca](http://www.gov.yk.ca)

This publication is copyright. No part may be reproduced by any process without expressed written consent by the Department of Justice.

Authorized by the Yukon Workers' Advocate Office

## Contents

---

Our Vision and Our Mission	2
From the Workers' Advocate	3-4
New Clients/Issues	5
Resolution of Issues	6
Reviews and Appeals	7
Client Satisfaction Survey	8-9
Financials	10

**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 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 was a year of change in multiple ways. A long-term deputy workers' advocate retired in the third quarter taking years of experience with her. The previous Workers' Advocate Manager was appointed to the Senate in late 2018. A new Workers' Advocate Manager was hired at the beginning of the second quarter to assist the deputy workers' advocates with the workload and management functions. Our half time administrative assistant remains in place on our team. We have recruited an auxiliary on call deputy advocate to join our team for busier periods of time.

With the rebranding of the Yukon Government we updated our web page, created fillable online forms for our clients in order to receive their authorization to represent and advocate for them more efficiently. We signed an MOU with our funder to receive client files through a secure electronic transfer system. This will significantly diminish the number of paper files that need to be housed on-site. We completed a records purge of our paper files including ensuring the paper files we had were in proper order and tagged for future disposition. We have taken initial steps to create a functional informal resolution process with the Board. These processes have come and gone over the years in different configurations. A good process for informal resolution is important as it supports our clients' ability to focus on their tasks in recovery and return to work. Early resolution will aid in avoiding lengthy appeal processes that can be counterproductive to recovery and return to work outcomes.

One theme we hear from our clients when they arrive is that they had never heard of our office and were not aware of what we did. We take a lot of calls from individuals who are having challenges in their workplace. These can be a wide array of issues, including those that are outside of our mandate to assist injured workers and their dependents to receive all entitlements under the

#### Client Quotes from 2019

*"I had great service and it changed my life."*

*"They were well informed and helpful. They replied quickly and were understanding of my personal situation, work schedule and location. They worked around me. I found this very helpful and wouldn't change anything."*

*Workers' Compensation Act.* When the situation is outside of our scope, we try to direct them to the appropriate agencies. It is extremely important that our clients are aware of our independence from YWCHSB. In an effort to inform potential clients about our office, the decision letters issued by the Board inform them that they can come to us for assistance. Our recent client survey results indicate this is paying forward as 40% of respondents indicated they learned about our office from their decision letters.

In October, the workers' advocates were invited to participate in the YWCHSB Act Review and Modernization sessions by Minister Dendys. As members of the External Advisory Group we felt that we brought some important points to the table and we were able to hear what other participants thought about a variety of issues in both the *Workers' Compensation Act* and the *Occupational Health and Safety Act*. We look forward to seeing what changes will be accepted and incorporated into the amalgamated version of the two Acts in the coming year.

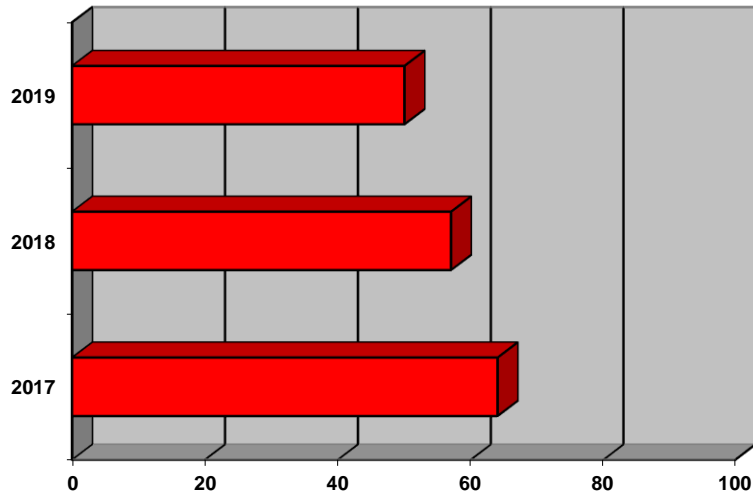
Although there remains much to be done, the staff of the Workers' Advocate Office looks forward to making improvements wherever possible to ensure that workers and their dependents are well represented.

### Client Quotes from 2019

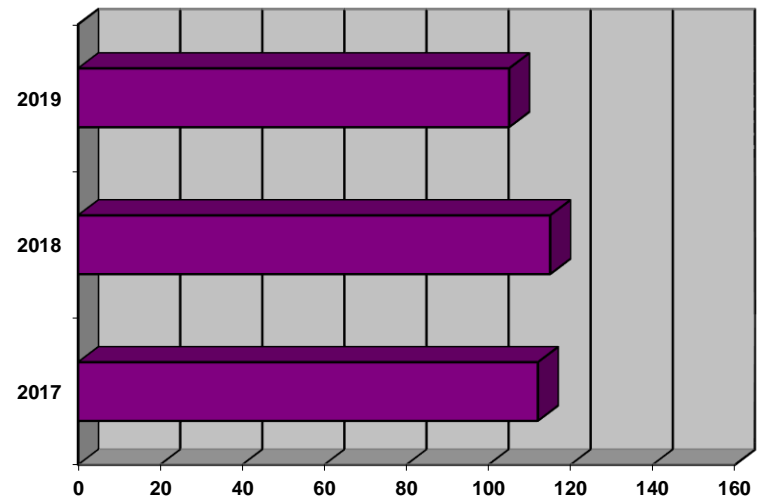
*"It was amazing. The whole experience made me feel so much better."*

*"I don't think anyone could have worked harder on my behalf; I don't think anything could be changed."*

### Number of New Clients



### Number of Issues



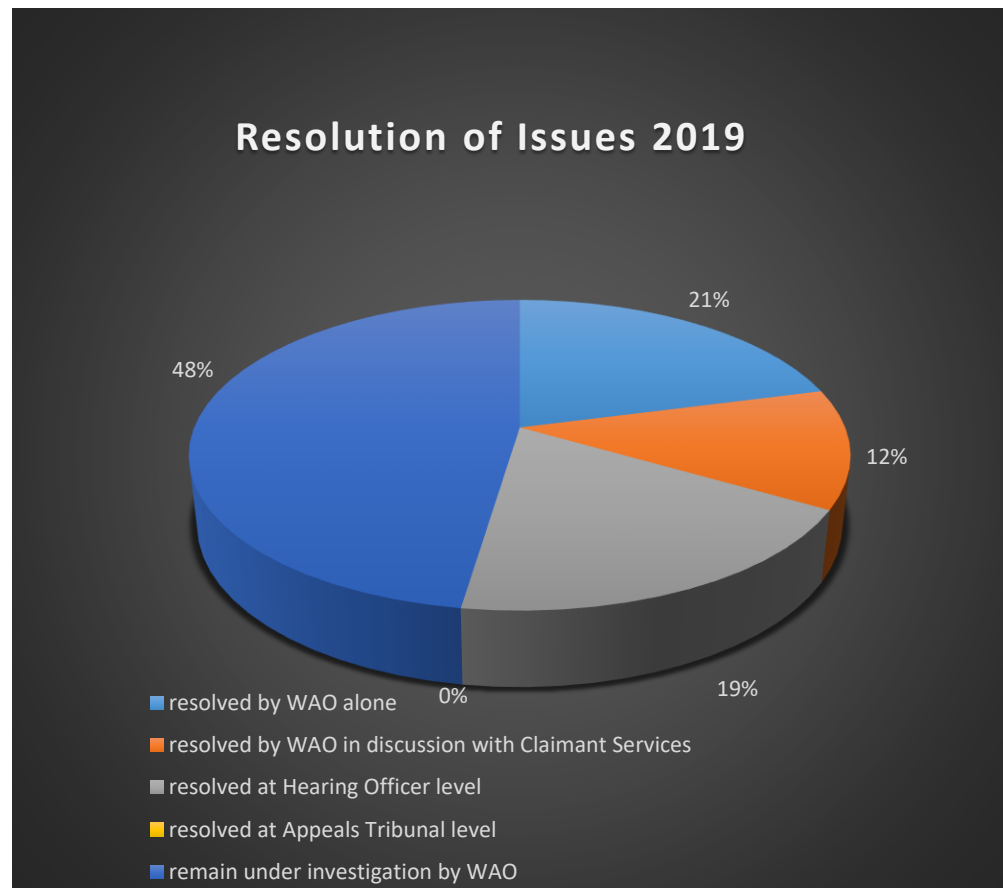
### What this shows

Overall, the demand for services of the Workers' Advocate Office is fairly consistent on a year-to-year basis. In 2019, the office represented 50 new clients along with 29 existing clients whose concerns were carried forward from 2018. Issues over the year totalled 105 new issues, 30 issues carried forward from 2018, and 21 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 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 105 issues handled in 2019:

48% = 22 issues were resolved by WAO alone

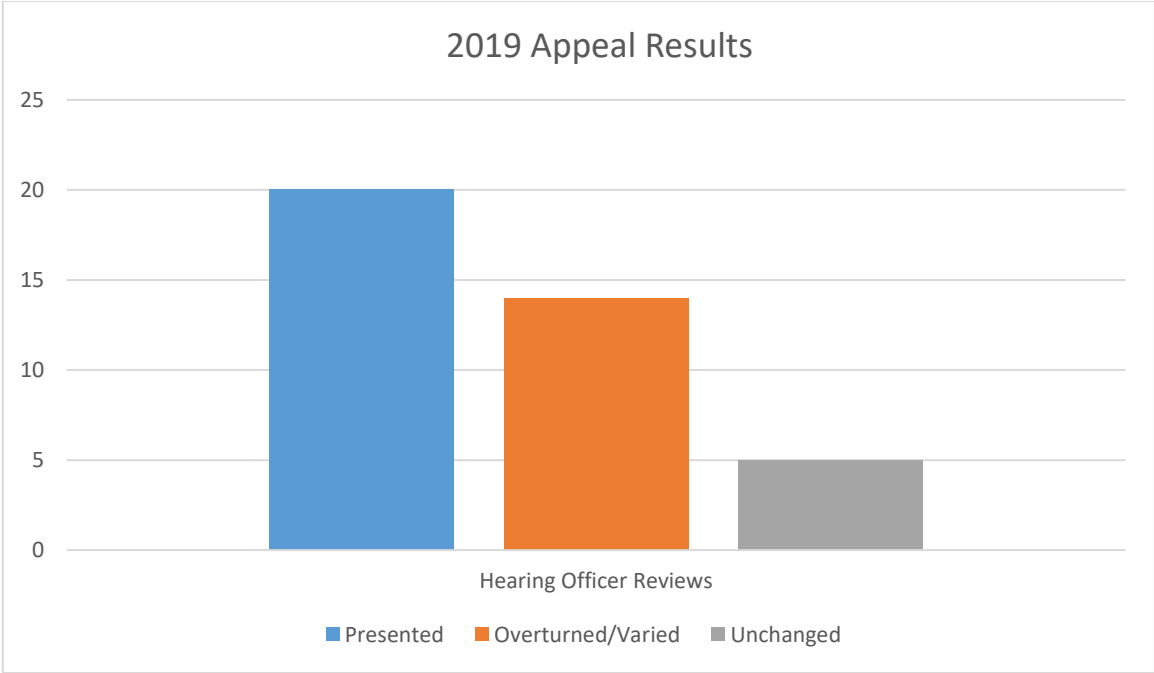
12% = 13 issues were resolved by WAO with YWCHSB

19% = 20 issues were presented by WAO to the Hearing Officer

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

**21% = 50 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 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 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*. In 2019 there were no appeals filed at the final level. Our efforts, including our success rate 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



The Workers' Advocate Office requests the Yukon Government Bureau of Statistics to conduct a client satisfaction survey annually 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 overall satisfied with the services offered. Results of the survey from 2019 are noted below.

### Client Satisfaction Survey 2019

	Jan to Dec-19
<b>Questions 1-4</b> ( Staff were helpful/courteous/respectful professional and knowledgeable)	96.25% agreed
<b>Question 2</b> (Clear explanations, timely communications, kept up to date and informed)	82% agreed
<b>Question 3</b> (I was treated with dignity and respect and felt heard)	97.5% agreed
<b>Question 4</b> (Overall were you satisfied with the service provided )	90% 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 "One thing they would change" at the end of the survey. Comments included:

*"They are very good at facilitating things for you and explaining what is happening. I am thankful for the Advocate."*

*"I don't think there's much they could change. They did a good job."*

*"Don't know anything. They did an awesome job for me."*

*"I have told a lot of people to go see the Advocate's office as they go above and beyond to help you"*

Finally, clients are asked for "General Comments" to improve the client service experience;

*"They listened; they heard me; they understood what I was saying."*

*"They helped me a lot."*

*"I had a decision that left me dumbfounded, and a friend insisted I go to YWA. That made a big difference in my life."*

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 2019 year are as follows.

	<b>Budget</b>	<b>Actual Expenditures</b>
<b>Personnel</b>	<b>\$415,192</b>	<b>\$309,705</b>
<b>Office and Operations</b>	<b>\$61,170</b>	<b>\$48,620</b>
<b>Total</b>	<b>\$476,362</b>	<b>\$358,325</b>

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 \$50,651 paid to the Department of Justice is not included in the budgeted amount or the actual expenditures. The 2019 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. The Manager position was vacant for the 1<sup>st</sup> quarter of 2019, the Manager hired in the 2<sup>nd</sup> quarter has worked half time and a Deputy Workers Advocate retired late in 2019. In addition, 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 2020, presented and approved by the Workers' Compensation Board of Directors is **\$471,228**.