

# Workers' Advocate Office

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## *2021 Annual Report*

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ANNUAL REPORT OF THE WORKERS' ADVOCATE OFFICE 2021

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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.

### 2021 - Year at a Glance

With Covid-19 still affecting our communities, in 2021 WAO continued to provide services 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.

Over the 2021 period, the general caseload has remained largely consistent as compared to past recent years. WAO is pleased to report that during 2021 we have had a fair amount of success in both early case resolution and representation of clients on appeal.

WAO has worked with the YWCHSB to resolve case related issues from an early resolution perspective and in establishing increased communication through quarterly meetings with YWCHSB Managers.

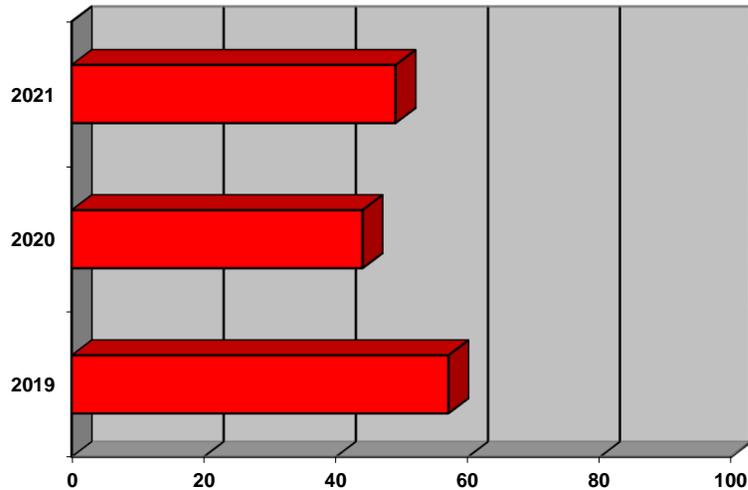
Over the years, there has been a reduction and recent stabilization of caseload. This has prompted the WAO to review its program delivery model. In 2021, WAO and YWCHSB agreed to create a pilot project allowing the WAO and the Department of Justice's Investigations Standards Office to integrate service delivery. As a result, the two organizations have committed to an integrated program delivery model with realignment of resources to reflect demand. The integrated model includes a .5 reduction in one Deputy Advocate position, and for a shared Manager's role with ISO resulting in an additional .5 reduction. We believe that this model better reflects the needs of the Office and our clients and reduces the resources required accordingly. Should there be an increased need for resources in future, the WAO remains committed to addressing this with the YWCHSB to ensure appropriate services to Yukon workers.

Given the changes to the *Workers Compensation Health and Safety Act* coming into force July 1, 2022, WAO has begun communicating with YWCHSB about changes that will affect WAO's work. We welcome established ongoing communication and engagement with YWCHSB as we work towards enhanced outcomes for injured workers.

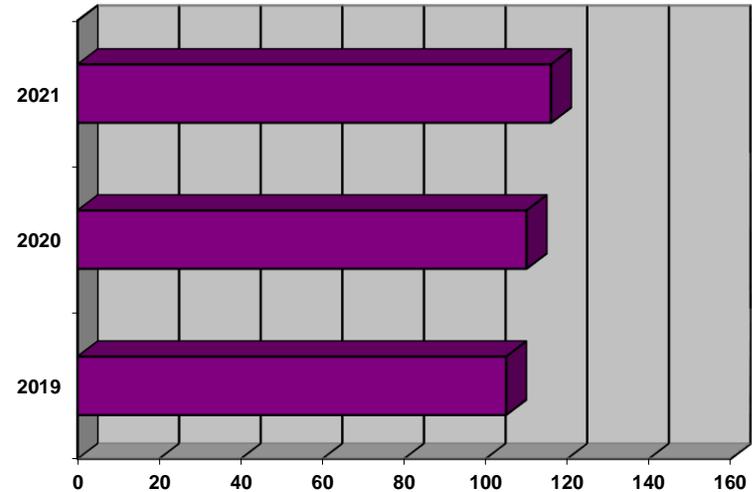
Eric Stevenson

Workers' Advocate

Number of New Clients



Number of Issues



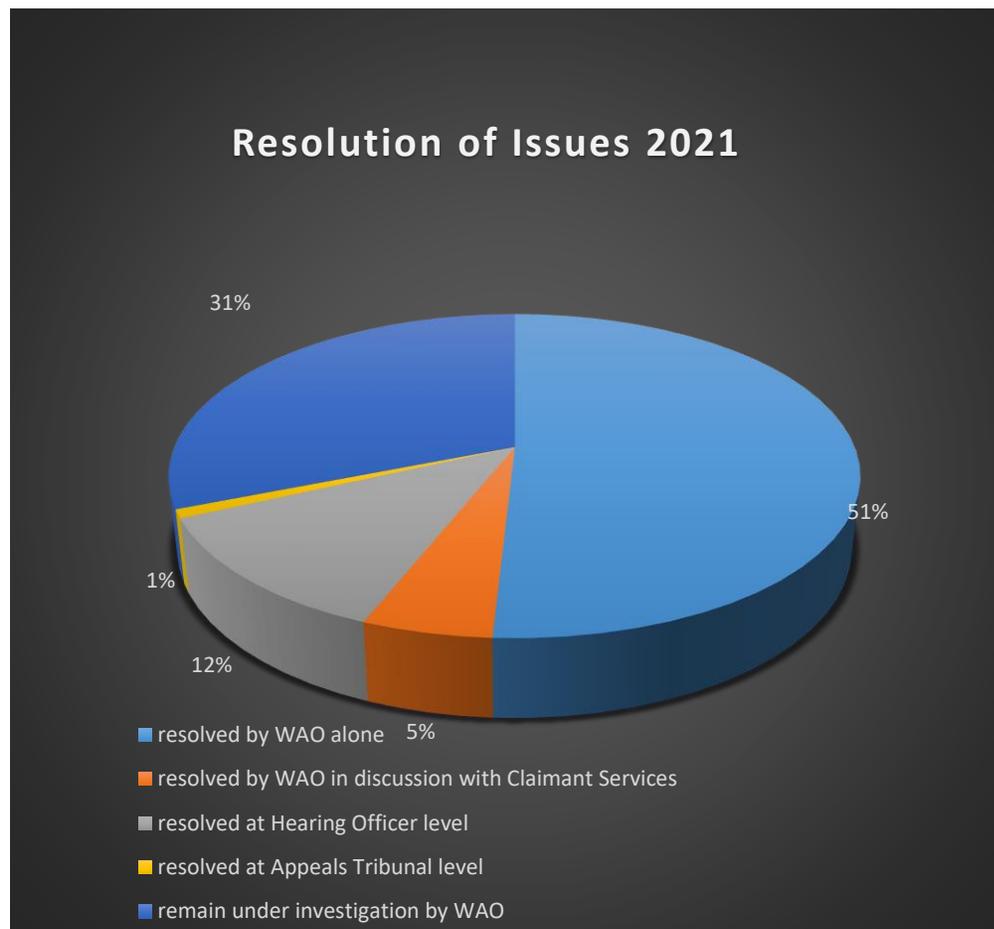
**What this shows**

Overall, the demand for services of the Workers’ Advocate Office is consistent year-over-year. In 2021, the office represented 49 new clients along with 41 existing clients whose concerns were carried forward from 2020. Issues handled over the year totalled 116. In 2020 WAO served 44 new clients and 28 existing clients, with a total of 110 issues.

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. In 2021 the office handled 3 general inquiries.

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.

The graph below represents a summary of our work on resolution of issues in 2021.



There were a total of 116 issues handled in 2021:

51% = 59 issues were resolved by WAO alone

5% = 6 issues were resolved by WAO with YWCHSB

12% = 14 issues were presented by WAO to the Hearing Officer

1% = 1 issue was presented by WAO to the Appeals Tribunal

**31% = 36 issues remained under investigation by the WAO**

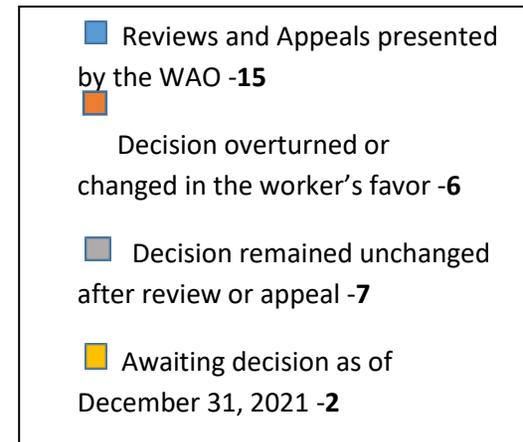
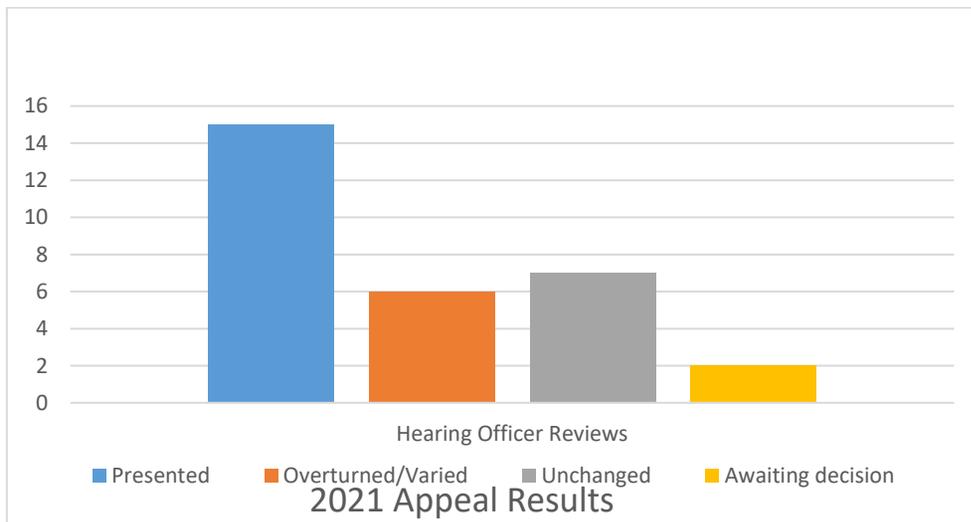
# Reviews and Appeals

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. The Workers Compensation Appeal Tribunal is the final level of appeal available to workers through the *Workers Compensation Act*.

The Workers' Advocate Office can represent workers in reviews before a Hearing Officer, and at the Workers' Compensation Appeal Tribunal. Due to Covid -19 precautions, reviews in 2021 were primarily documentary-based, with one in-person hearing.

An analysis of WAO appeals demonstrates that 40 % (6 of 15) were overturned. Approximately 47% (7 of 15) were upheld, with two outstanding at year-end. 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.

During the last half of 2021, WAO began to engage regularly with YWCHSB leadership with a view towards the continuous improvement of YWCHSB services to injured workers. This involves sharing information with YWCHSB that highlights trends and challenges that gleaned through our reviews and advocacy. YWCHSB has welcomed this proactive approach and has acknowledged value in enhanced communication and problem solving.



The Workers' Advocate Office is funded annually by the Yukon Workers' Compensation Health & Safety Board through employer contributions as outlined in the *Workers' Compensation Act*. The financial operations for the 2021 year were as follows.

|                              | <b>Budget</b>     | <b>Actual Expenditures</b> |
|------------------------------|-------------------|----------------------------|
| <b>Personnel</b>             | <b>\$ 376,432</b> | <b>\$251,857</b>           |
| <b>Office and Operations</b> | <b>\$85,050</b>   | <b>\$32,643</b>            |
| <b>Total</b>                 | <b>\$461,482</b>  | <b>\$284,500</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 \$46,148 paid to the Department of Justice is not included in the budgeted amount or the actual expenditures.

With the shift to an integrated service delivery model, there was a 9% percent reduction in overall expenditures from 2020 (\$307,779) to 2021 (\$284,500). We believe that this shift better reflects the needs of the Office, our clients and is in line with the responsible stewardship of the rate payers' contributions.

The Budget amount for 2022, presented and approved by the Workers' Compensation Board of Directors is **\$381,198**. The reduction in expenses is also reflected in the approved budget amounts for 2021 (\$461,482) and 2022 (\$381,198), a 17% reduction year over year. The budget accounts for shared costs between programs and an overall reduction of 1 FTE.