



Workers' Advisor Office

Northwest Territories and Nunavut

2022

ANNUAL REPORT

Submitted to:

**Minister Responsible for the Workers' Safety and
Compensation Commission (NT)**

The Honourable Paulie Chinna

**Minister Responsible for the Workers' Safety and
Compensation Commission (NU)**

The Honourable Margaret Nakashuk

WSCC Governance Council

Prepared by:

Workers' Advisor for the NT/NU

Maia Lepage, February 2023

Workers' Advisor Office Northwest Territories and Nunavut

ANNUAL REPORT

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A Message from the Workers' Advisor

I am pleased to introduce the 2022 Annual Report for the Workers' Advisor Office of the Northwest Territories and Nunavut (WAO).

Once again, this year has been a year full of challenges, but we are proud of the work we were able to accomplish and look forward to exciting developments in 2023.



Maia Lepage
Workers' Advisor



1. Purpose of the Workers' Advisor Office

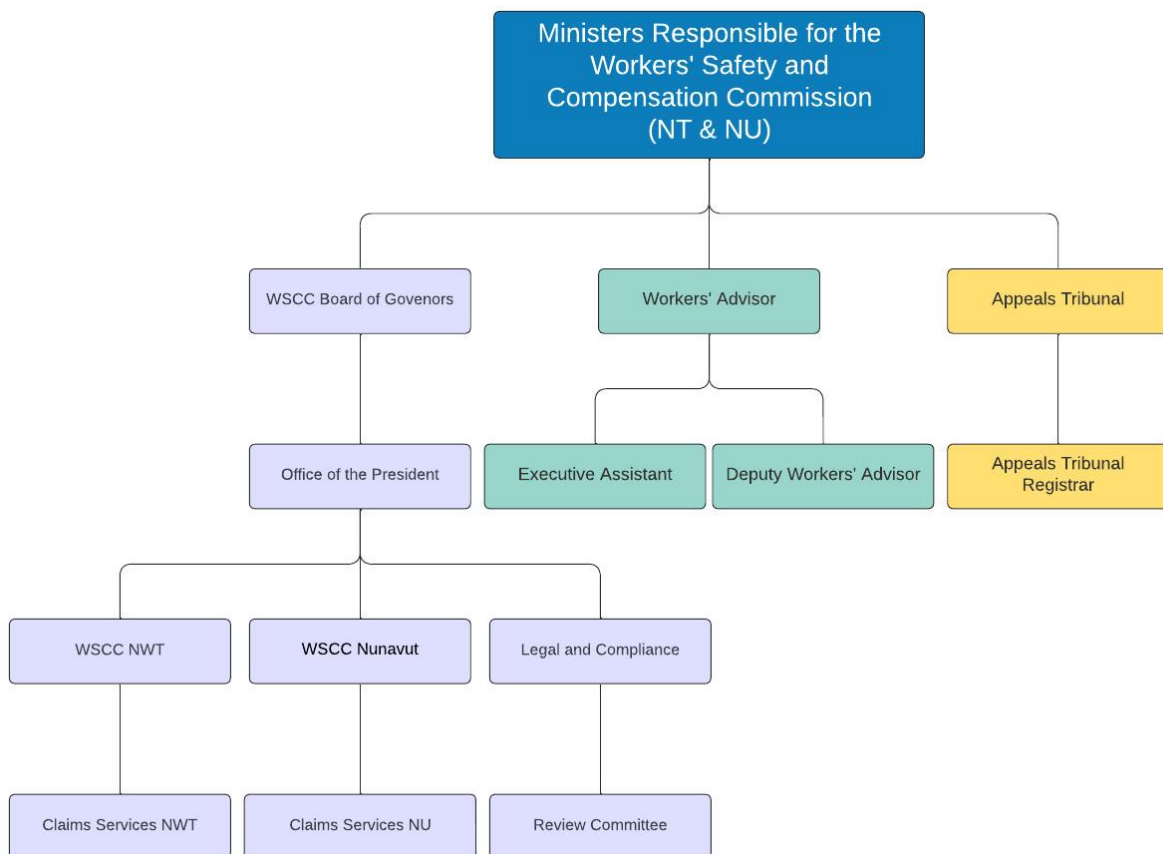
1.1 Who We Are

The Workers Advisor Office of the Northwest Territories and Nunavut was established through legislation to assist workers and others to understand the Workers' Compensation Act and to make claims for compensation.

The office is established under Section 107 of the Workers' Compensation Act in both territories and is designed to be independent from the Workers' Safety and Compensation Commission (WSCC) and the public service. The Ministers Responsible for the Workers' Safety and Compensation Commission appoint the Workers' Advisor, Deputy Advisor and staff. The Workers' Advisor reports directly to the Ministers Responsible for the Workers' Safety and Compensation Commission on a quarterly basis.

To ensure the independence of the WAO, the legislation stipulates that funding for the Workers' Advisor Office be paid from the Workers' Protection Fund.

The WAO for the Northwest Territories and Nunavut is the only Workers' Advisor office in Canada to span two jurisdictions.



* Although there are more services within WSCC, only the divisions that the Workers' Advisor Office regularly works with are listed.

1.2 What We Do

The Workers' Advisor Office (WAO) provides a range of supports and assistance to workers injured in the Northwest Territories or Nunavut.

These services include:

- Obtaining information from the WSCC on their behalf;
- Helping clients communicate with the WSCC;
- Explaining the WSCC process and decisions;
- Reviewing file evidence, and assisting the worker to obtain further evidence that may be necessary to support their case;
- Assisting workers to prepare and present submissions to all WSCC decision-making levels;
- Referring clients to other community services; and
- Providing stakeholder feedback to WSCC regarding policy and legislation changes

A worker's first contact with the WAO may take place at any stage of their WSCC process.

After discussing the worker's concerns, the WAO usually begins by obtaining and reviewing the worker's WSCC file. It is then possible for the WAO to advise the client of the options available to them.

The WAO aims to resolve issues at the Claims Services level, but in the circumstance where that is not possible, the WAO would also help prepare and represent the worker at the various decision-making authorities within the WSCC system.

The WAO may decline to further assist a client if it is clear there are no grounds on which to further their case. This may be the result of lack of objective medical evidence or a lack of statutory entitlement. In all cases, the WAO does a thorough review of a workers' file and assists as much as we can before withdrawing further assistance.



“You are a godsend to injured workers in helping them get through the very stressful processes of the WSCC. You know the WSCC legislation and policies very well. I appreciate the help I have received so far and the most detailed explanations given to me when I have questions.” – Anonymous (Taken from the WAO Exit Survey Results)

2. Workers' Advisor Summary 2022

2.1 Workers' Advisor Office Summary

General Overview:

2022 has been another busy year for the Workers' Advisor Office (WAO). We continued to see an increase in workers accessing our services. This year was significantly higher than 2021, with a 36% increase in workers (155 individual workers accessed services in 2021, compared to 206 individual workers in 2022).

Of the 206 workers that accessed services, 55% had never accessed services from the WAO in the past. Similar to our 2021 reporting, we believe this increase in new workers is reflective of our positive working relations with WSCC and their case managers increasing awareness of our office with their workers.

In February, the Deputy Workers' Advisor, Attima Hadlari, resigned after being in the role since 2007.

With this position vacant, we were able to reassess whether this position would benefit from adjustments. Originally, it was allocated as a 0.2 position, which would translate to one day a week. Given the increase in workers accessing the Workers' Advisor Office in recent years, we felt it would make sense to increase the allocation for this position.

An options paper was put together with possible changes for the Deputy Workers' Advisor role, which included options regarding increasing the allocation as well as estimates for establishing a new, permanent office in Iqaluit for the Deputy. The options paper was submitted to the WSCC Board of Governors, and in September, they approved a budget increase for the WAO to accommodate a half time position and new office.

The posting for the Deputy Workers' Advisor will be done in the Spring of 2023, and the Workers' Advisor will work with the successful candidate to establish the new office. It will be a large undertaking, but we are excited about the increase in support we will be able to offer workers.

In April, after months of being unable to fill the term position of the Executive Assistant, we successfully hired someone. Since they were not able to start until May, we were able to secure a casual to fill in.

While the Workers' Advisor was alone in the office for some time (November 2021 until April 2022), the goal was to limit the impact of services to workers. The feedback during this time period was still predominately positive and we appreciate the workers patience as we went through our staffing challenges.

The Workers' Advisor Office routinely provides feedback to WSCC and participates in open dialogue regarding possible solutions that may better serve the workers. In 2022, we provided meaningful input which helped identify possible policy gaps that existed. WSCC was very diligent in responding and was able to address these perceived gaps, specifically with the Transition Assistance Program, which is now the Retirement Transition, and the policy for Psychiatric or Psychological Disorders. We value our working relationship with WSCC and are appreciative that they continue to include us in these policy discussions.

Overall, we are pleased with our accomplishments in 2022 and look forward to the new challenges that 2023 will bring.

2.2 Recommendations

A) Remaining Recommendations for WSCC from 2019 Report (includes WSCC Interim Response):

1. Criteria for Removal of a Health Care Professional from a Claim Should Be Better

While I acknowledge that there are provisions in policy for the removal of a health care provider in certain circumstances (Policy 04.03: Choice and Change of Health Care Provider), I feel that better documentation leading up to the removals is needed.

- i. Update: WSCC Stakeholder engagement regarding Policy 04.13 Choice and Change of Health Care Provider is currently under review, with the first round of feedback due December 2, 2022 and follow up feedback due January 18, 2023. The WAO participated in both rounds of feedback and has continued to advocate for increased transparency in this process.

2. Psychiatric and Psychological Disorders

Psychiatric and Psychological Disorders represent a large majority of the cases that end up in the WAO. Mental Health needs to be treated differently than a broken bone. We believe that Policy 03.09: Psychiatric and Psychological Disorders should be reviewed and the following taken into consideration:

- a. Workers' and Employers Report of Incident should be revised to better incorporate Psychiatric and Psychological Disorders.
- b. Post-Traumatic Stress Disorder (PTSD) should be presumed as part of a claim involving traumatic events.
- c. This policy should be revisited and reasonable alternatives considered to help process legitimate claims of harassment so workers are able to access supports sooner.
- d. According to this policy, a worker is not entitled to compensation for disabilities that result from mental stress caused by the workers' relations with WSCC. The WAO feel that if there is a diagnosis confirming further injury was caused by the relations between a worker and WSCC, then the worker should be entitled to compensation. This would be in line with other policies, such as 04.02: Medical Aid and Associated Costs, which allow for compensation in the event of further injuries resulting from treatment.
 - i. Update: A review will be undertaken of forms currently being used to ensure best practice. As part of the Comprehensive Policy Review Plan recommendation (b), (c), and (d) will be considered under policy 03.09 Psychiatric and Psychological Disorders and were forwarded to the Governance Council for review in December 2022.

B) Remaining Recommendations for WSCC from 2021 Report:

1. Investigate the Feasibility of Having Dedicated Support Staff for Claims Dealing with Psychiatric or Psychological Disorders

We felt this may also help relieve pressure from the case manager and allow for the worker to better understand their claim and feel better supported by WSCC.

- i) While no update was received from WSCC regarding this recommendation specifically, policy 03.09 Psychiatric and Psychological Disorders was reviewed by the Governance Council in December 2022.

2. Update Worker's and Employer's Report of Incident Forms

- i) WSCC has committed that a review will be undertaken of forms currently being used to ensure best practice.

3. **Employer Advisor**

The establishment of an Employer Advisor Office for the NWT and Nunavut may be reasonable and we recommend that WSCC explore the feasibility of such an office.

- i. Update: The WAO did participate in stakeholder feedback regarding an Employer Advisor Office in April 2022. We did not receive follow up regarding the outcomes of this engagement.

C) Recommendations for WSCC from 2022 Report:

1. **Consider a Formal WSCC Complaint Process**

Currently, there are no formal processes in place if a worker wishes to submit a complaint pertaining to their WSCC claim. While complaints will typically escalate to management level when workers are vocal about their grievances, other workers have voiced concern that there was no formal process, so they felt they were not taken seriously. Some jurisdictions include information regarding the complaint process online so it is clear and easy to find steps a worker should take if they would like to raise concern with their worker's compensation board. We feel it would be beneficial for workers if WSCC could establish processes that are available online. These processes should outline the procedure of a complaint and an estimated timeline for when the workers should expect to receive a reply.

2. **Set Clear Expectations with Workers Regarding Timelines for Decisions**

Workers often express frustrations regarding timelines for decisions. From an issue being identified with a case manager to the conclusion of the Appeal Tribunal process realistically represents a timeline of, at best, a year of waiting. This is not always realistic for a worker, especially in circumstances where the issues are financial or deal with mental health.

At the case management level, it would be beneficial to set clear expectations by clearly identifying what is involved with reaching a decision. If the worker has assurances that there is forward movement, it may alleviate some anxieties that workers are bringing forward.

We would like to commend the Review Committee for their marked improvement in decision times. In 2021, of the 12 reviews that the Workers' Advisor was involved in, the average time from when the review was requested to when the decision was delivered was 164.4 business days. In 2022, the Workers' Advisor was involved in 18 reviews and the average improved by 47.4% and was 86.43 days start to finish.

At the Appeals Tribunal level, we feel increased communication with workers regarding expectations of timelines would also be helpful. The Workers' Advisor has not participated in many appeals, but we feel that we would have benefited from some clarity regarding the timeline expectations.

D) Recommendations for Workers' Advisor Office:

1. **CAWAA Involvement**

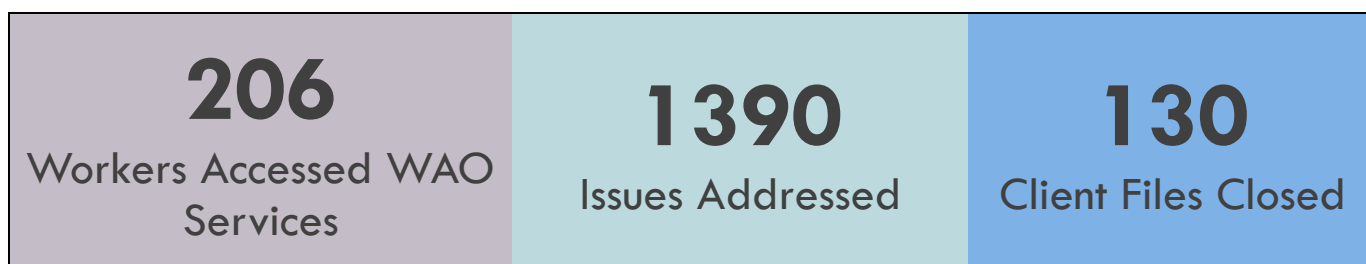
Given the ease of access to cross-jurisdictional information and input, the WAO should continue to take part in the Canadian Association of Workers Advisors and Advocates (CAWAA).

2. **Hire Deputy Workers' Advisor and Establish Iqaluit Office**

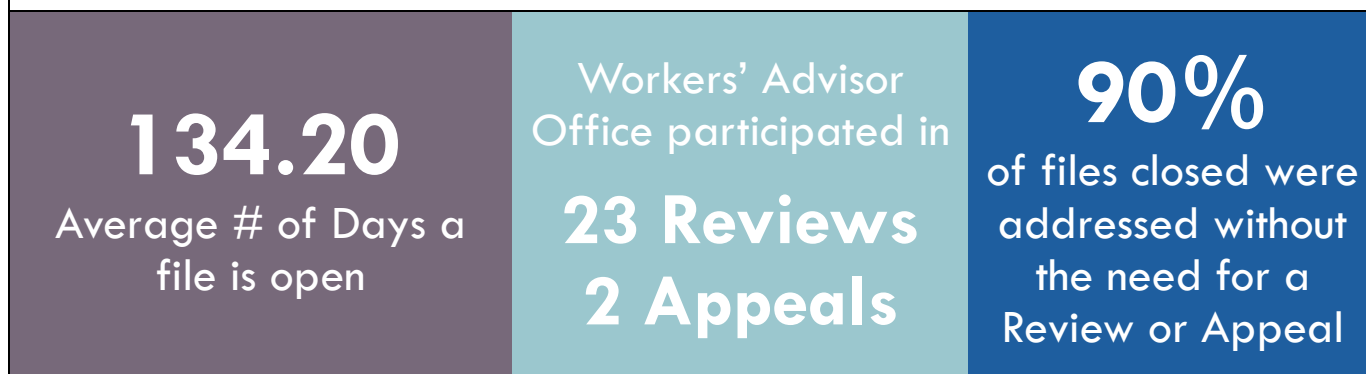
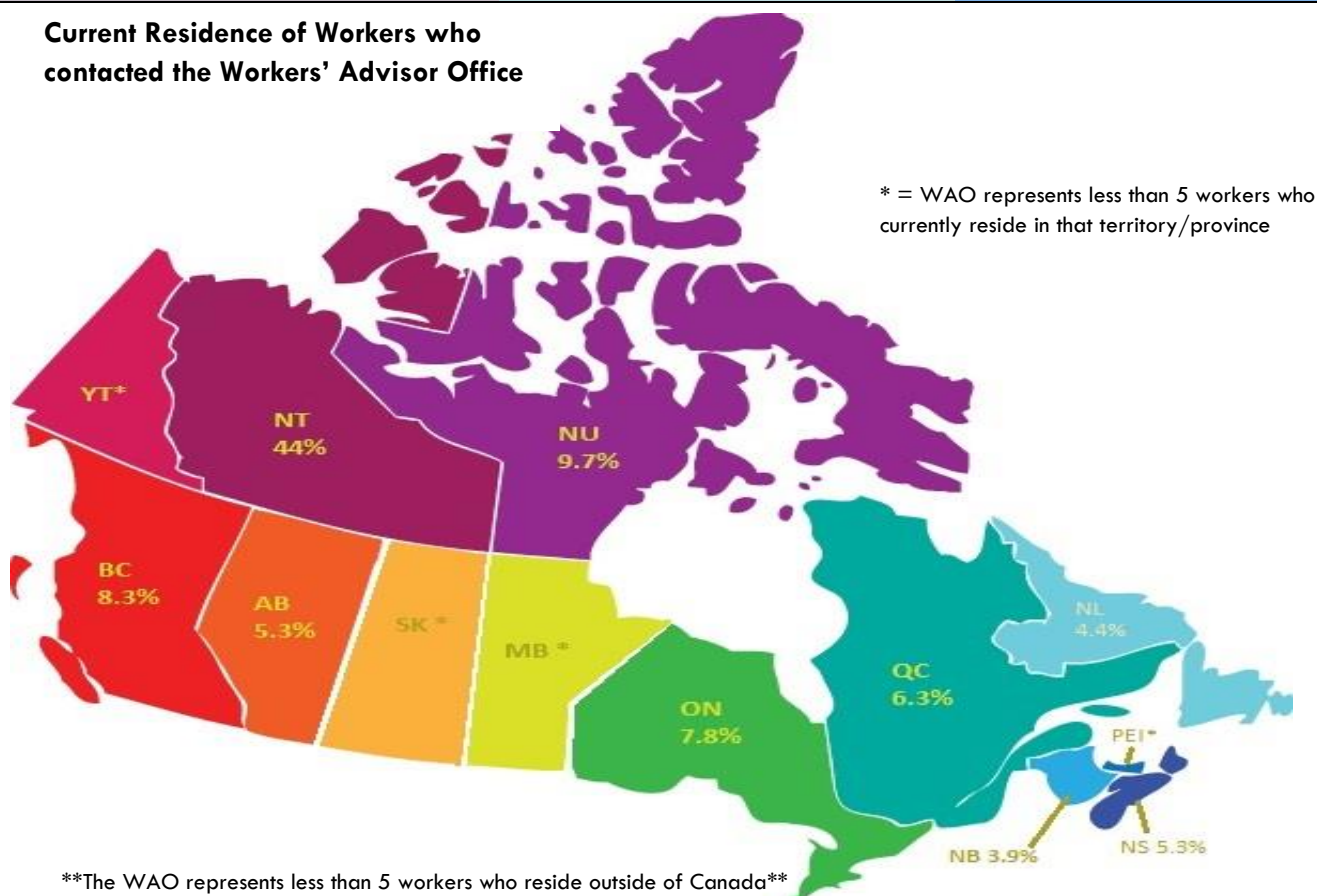
WAO will proceed with the hiring of a new Deputy Workers' Advisor. Once the new Deputy is in place, the WAO and Deputy will work together to establish a new office in Iqaluit.

3. Statistics and Demographics for 2022

3.1 2022 AT A GLANCE INFOGRAPHIC



Current Residence of Workers who contacted the Workers' Advisor Office



3.2 Northwest Territories Demographics

<p style="text-align: center;">131</p> <p style="text-align: center;">WAO Cases originated in the NWT</p>	<p style="text-align: center;">91</p> <p style="text-align: center;">Clients retained their residence in the NWT</p>	<p style="text-align: center;">70</p> <p style="text-align: center;">NT Client Files Closed</p>
<p style="text-align: center;">33.6%</p> <p style="text-align: center;">Clients from the NWT Self-Identified as Female*</p>	<p style="text-align: center;">Workers' Advisor Office participated in</p> <p style="text-align: center;">11 Reviews</p> <p style="text-align: center;">1 Appeal</p> <p style="text-align: center;">For files originating in NWT</p>	<p style="text-align: center;">66.4%</p> <p style="text-align: center;">Clients from the NWT Self-Identified as Male*</p>

3.3 Nunavut Demographics

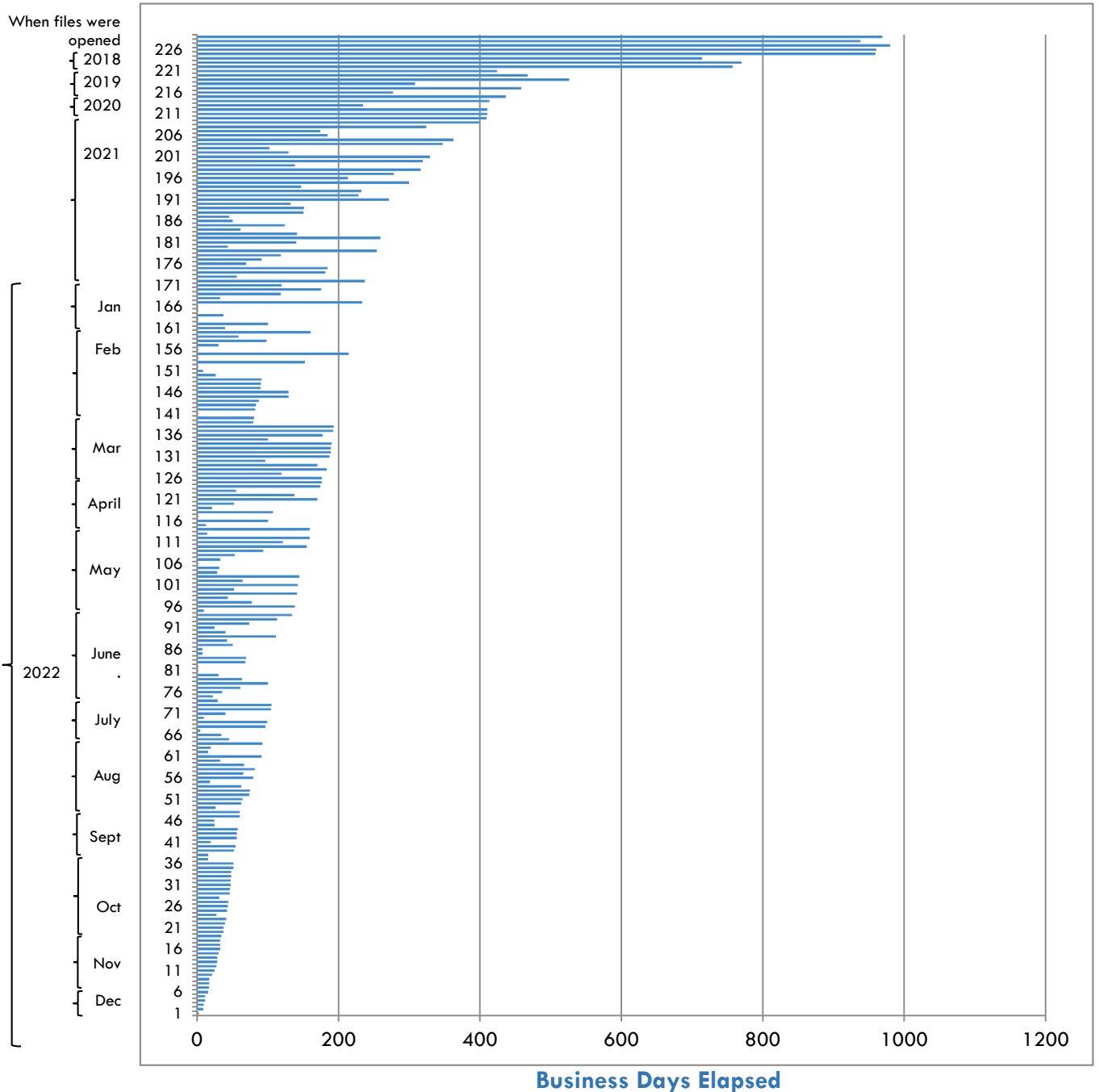
<p style="text-align: center;">75</p> <p style="text-align: center;">WAO Cases originated in Nunavut</p>	<p style="text-align: center;">20</p> <p style="text-align: center;">Clients retained their residence in Nunavut</p>	<p style="text-align: center;">29</p> <p style="text-align: center;">NU Client Files Closed</p>
<p style="text-align: center;">34.7%</p> <p style="text-align: center;">Clients from Nunavut Self-Identified as Female*</p>	<p style="text-align: center;">Workers' Advisor Office participated in</p> <p style="text-align: center;">12 Reviews</p> <p style="text-align: center;">1 Appeal</p> <p style="text-align: center;">For files originating in Nunavut</p>	<p style="text-align: center;">65.3%</p> <p style="text-align: center;">Clients from Nunavut Self-Identified as Male*</p>

*The Workers' Advisor Office uses data provided by clients for identifying gender. The Workers Advisor Office is gender inclusive and will use all gender identities in future reports as they are self-identified.

3.4 Case Management

A case is considered opened when a worker first contacts the WAO. The case remains open until issues are resolved, the worker indicates that they are no longer requiring the services of the WAO, or there has been no contact from a worker in several months. The chart below illustrates the cases that were active during 2022, with the column on the left indicating when they were first opened. While 206 distinct workers contacted the office during 2022, twenty workers accessed services after their initial case had been closed. This is reflected in the number of cases identified.

Duration of Workers' Advisor Office Cases in 2022



Cases were open an average of 134.2 days in 2022, which is an improvement from 2021 when cases were open an average of 160.22 days.

The WAO assists the worker to address their issue in the timeliest manner possible. While some issues are able to be resolved same day, such as explanation of a WSCC process, others may take several months and go through several phases. In some instances, the worker chooses to keep their file active and work with the WAO on a regular basis moving forward, even when there are no active issues.

Every case is treated as unique.

Once a file is initiated, issues are identified through discussions with the worker and if needed, through an extensive file review conducted by the WAO. On average in 2022, there were six issues identified per worker.

The three most common issues addressed in 2022 were:

1. Acceptance of Claim
2. Assistance with Reimbursements/Payments
3. Explanation of WSCC process.

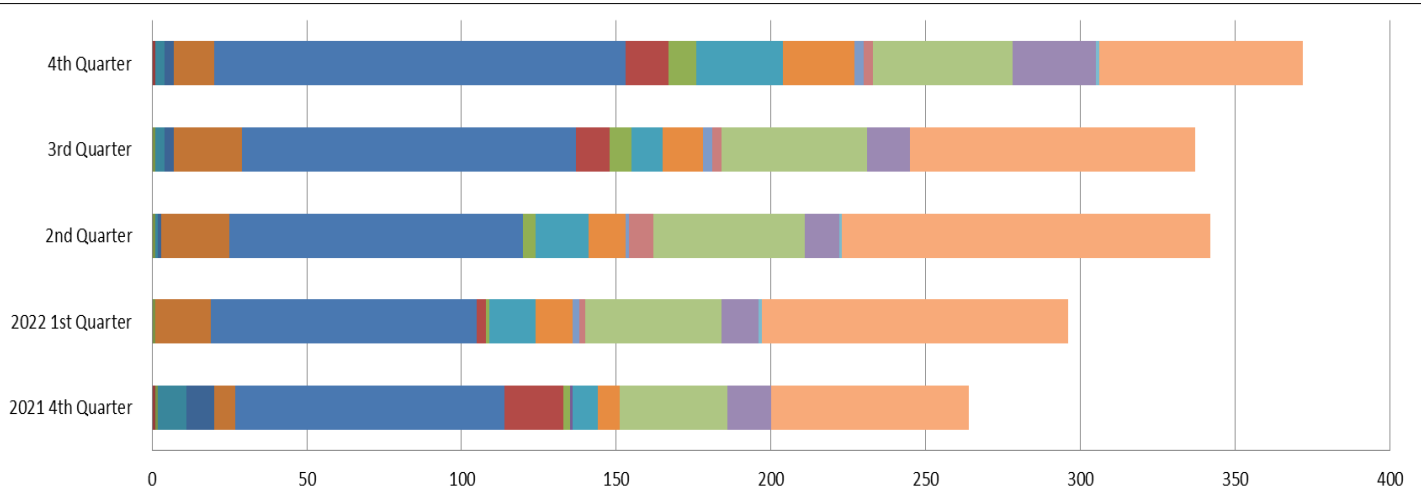
These three categories account for 47% of the workload in the Workers' Advisor Office. Acceptance of Claim and Assistance with Reimbursements/ Payments were also top issues addressed in 2020 and 2019.

Representations Made	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Total
Acceptance of Claim	54	67	75	76	272
Assistance: Reimbursements/Payments	54	57	59	59	229
Explanation of WSCC processes	50	52	24	28	154
Assistance with File	32	35	34	32	133
Assistance: Addition to Claim	29	25	27	39	120
Medical Treatment Requested by Client	31	29	30	25	115
Assistance: Review/Appeal	17	24	31	27	99
Assistance: Pension	10	14	23	26	73
Medical Evidence	5	6	16	25	52
WSCC Not Responsive to Client	10	15	7	4	36
Vocational Rehabilitation program	6	7	6	14	33
Increase in Benefits Amount	8	9	3	6	26
Change in Disability % Level (PMI)	10	5	2	3	20
Assistance: Return to Work	1	7	2	8	18
Suspension or Termination	0	0	3	6	9
Benefits Advance	0	0	1	0	1
Acceptance of Dependent Claim	0	0	0	0	0
Total:	317	352	343	378	1390

Each stage of an issue is dependent on the collection of data from different sources such as decisions from WSCC, reports from doctors' offices or legal opinions from outside council. Each issue is unique and will require information specific to the worker.

The status of an issue may fluctuate on a daily basis but, for reporting purposes, these statuses are captured as a snapshot on the last day of each month. The stats are then grouped into quarters to give a picture of the progress in the WAO over the course of the year.

Status of Issues at End of Quarter



	2021 4th Quarter	2022 1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
■ Awaiting AT decision	1	0	0	0	1
■ Awaiting AT hearing	1	1	1	1	0
■ Awaiting CP assessment	0	0	0	0	0
■ Awaiting file from Client Services	9	0	1	3	3
■ Awaiting RC decision	9	0	1	3	3
■ Awaiting RC Hearing	7	18	22	22	13
■ Client to Provide Info	87	86	95	108	133
■ Client to Provide instruction	19	3	0	11	14
■ Health Care: Awaiting information	2	1	4	7	9
■ Other: Awaiting info	1	0	0	0	0
■ WAO: File Review	8	15	17	10	28
■ WAO: Investigation ongoing	7	12	12	13	23
■ WAO: Preparing AT submissions	0	2	1	3	3
■ WAO: Preparing RC submission	0	2	8	3	3
■ WSCC: Awaiting Decision	35	44	49	47	45
■ WSCC: Awaiting info	14	12	11	14	27
■ WSCC: Investigation ongoing	0	1	1	0	1
■ Resolved	64	99	119	92	66

Waiting on information or instructions from workers represents an average of 32.4% of issues statuses.

Overall, the WAO is satisfied with how the majority of issues progress.

The WAO may make representations on behalf of a worker in support of their WSCC claim. This applies to submissions to Claims Services, the Review Committee or the Appeals Tribunal. In 2022, 90% of files resolved were able to be addressed without entering a formal review or appeals process.

	<u>Issues Addressed</u>		<u>Review Submissions</u>		<u>Appeals Submissions</u>	
	Representations	Issues Resolved	Reviews Requests	Favorable Outcome	Appeals Requested	Favorable Outcome
Pending from 2021	N/A		7	6*	1	0
January	90	26	2	1		
February	106	30	1	1		
March	121	43	1	1	1	*
April	105	34	1	1		
May	119	42	2	1		
June	128	43	2	1*		
July	101	10	2	1*		
August	136	55	4	2*		
September	106	27	n/a			
October	130	24	n/a			
November	135	36	n/a			
December	113	6	n/a			
Total:	1390	378	21	15*	2	1*

* = Decisions still pending as of December 31, 2022 (5 Review decisions pending, 1 Appeal Tribunal decision pending)