

Executive Board Report for February 2008

Benefits Department

Section 1

BENEFITS DEPARTMENT STATISTICS

Total number of active claims in the Benefits Department----- 528

Hearings

We have participated in a total of 26 hearings throughout the past four months with the breakdown as follows:

Hearings for December ----- 6
Hearings for January ----- 12
Hearings for February ----- 8

Decisions

We have received a total of 31 decisions since our last report with breakdown as follows:

Decisions allowed ----- 15
Decisions allowed in part ----- 5
Decisions denied----- 11

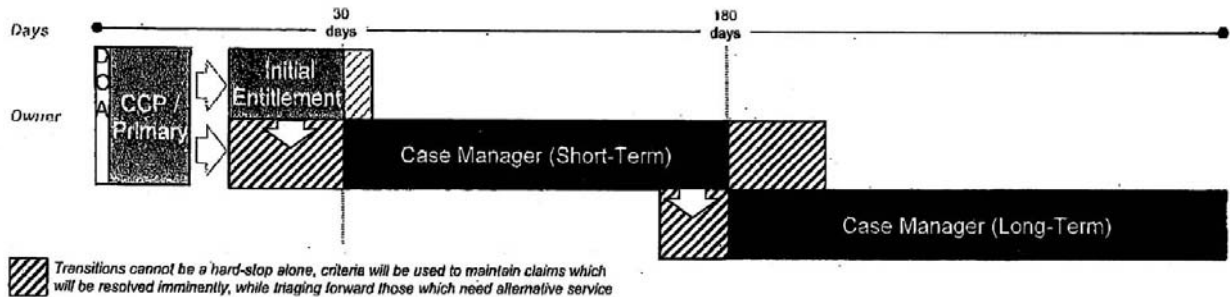
Note: Although the majority of decisions and hearings arise from WSIB claims, these statistics may also reflect a small number of EI and CPP claims that we appeal on an ongoing basis.

Since our last report in November of 2007 you will notice that the number of Hearings has decreased significantly from our last report. This is due to a slow down at the Board due to the Holiday Season. Rest assured that the Benefits Department is busy scheduling Hearings and dealing with our members concerns. Our year goes by very quickly with Hearings already booked for July, August and September.

WSIB is making changes to its approach in case management. Claims will be broken down into phases. This is to identify claims that require intervention, what type of intervention or practice is required. The goal of this re-organization is to improve decision making and response times. It replaces the old computer system with an automated system of prompts and triggers.

The changes are as follows:

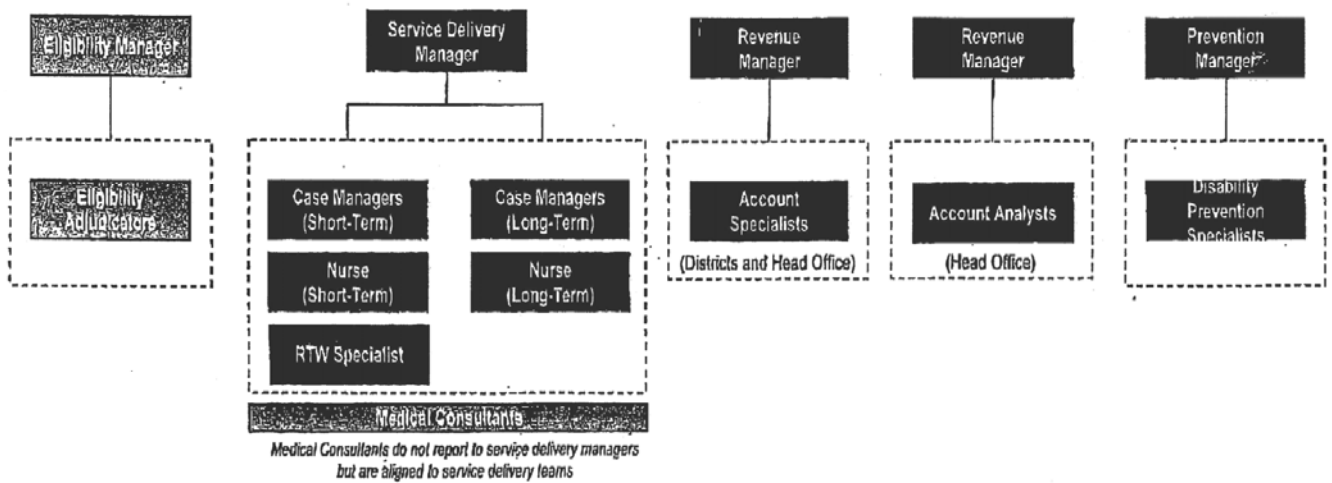
NEW APPROACHES TO CASE MANAGEMENT



- New standardized case management approaches being established for each phase of claim to ensure evidence-based best practices applied in all cases
- Criteria being developed to assist in identification of claims most at risk for chronicity so that appropriate support and intervention provided to the right cases at the right time

ROLES REDESIGN

NOTE: All job titles are preliminary and will be confirmed prior to implementation



Focus	Eligibility	ESRTW & Case Planning	LMR & Complex Cases	Productivity & Service	Prevention & Disability Mgmt
What it resolves	<ul style="list-style-type: none"> Resolves ambiguity between eligibility versus case-management focus Allows management to provide technical guidance and focus on timely & quality decisions. 	<ul style="list-style-type: none"> Resolves ambiguity around case ownership (Case Manager) Vastly increases focus on short-term early intervention directed at early, safe and sustainable return-to-work and early recovery 	<ul style="list-style-type: none"> Resolves ambiguity around case ownership Shifts focus to chronicity drivers and establishes expertise in mitigating long term effects of injuries Expertise in addressing complex cases 	<ul style="list-style-type: none"> Focuses the roles on service-oriented priorities Improves accessibility, consistency and decision-making quality for employers on revenue and account issues Resolves difficulty in managing multidisciplinary teams by creating a dedicated revenue function 	<ul style="list-style-type: none"> Provides clarity and focus on targeted workplaces Ensures appropriate tools, measurability and accountability are in place Allows a tighter alignment of system partners

The focus of these changes is to provide timely decisions, where in the past an adjudicator due to their case load may not have identified a claim that would require mediation for an appropriate return to work, a permanent impairment and the need for a NEL assessment.

WSIB wants to improve Early and Safe Return to Work. Our experience has shown that many workers have not been provided with modified work that is suitable or have incurred a secondary injury. Employers have not always been up front about the modified duties, whether they are sustainable for a permanent accommodation, what the modified job entails, if they are paying workers to stay at home or if there is value to the modified work provided. Too often workers have been accommodated

only to be sent to LMR, after the costs to the Employer has been minimized and then our workers are told they can no longer be accommodated.

It appears that the WSIB RTW Specialist is more actively involved at the worksite level, clarifying job duties, sustainability and hours of work. Although this may appear to be a positive for injured workers, the onus of co-operation will bear more heavily on injured workers to attempt modified duties and return to work based on medical recommendations.

This may prove difficult for an increasing number of injured workers. More and more family physicians are refusing patients whose medical file is more complex and are releasing patients who require WSIB forms and reports. A simple doctor's note authorizing a worker off work is not acceptable as there must be objective physical findings as to why modified and/or reduced hours of work would not be suitable.

This requires the doctor to spend more time on filling out forms and because too many doctors are running their practice as a business, they cannot process as many patients if their time is consumed with forms. This situation also causes problems for us as Representatives.

To be successful with an appeal certain issues rely on medical documentation. If this is not available or if the worker has not or cannot get a family doctor the chances of successfully appealing a decision are decreased. The College of Physicians and Surgeons are aware of the situation but are at this point in time offering only lip service, lamenting the impropriety and morality of these actions. This is not only an issue for Ontario but across Canada. Some provinces are preparing language that will curtail this practice. Hopefully, Ontario will be at the forefront in dealing with this situation and make moves to correct this situation sooner than later.

The Benefits Department will be participating in an informal get together arranged by OHCOW with staff from the Appeals branch and the Tribunal on Feb. 21/08 in Toronto. On the same day Tom Beegan, Chief Prevention Officer from WSIB, will be addressing our WSIB Support Group at the Mississauga Office.

A seminar is being held in Toronto on Feb. 29th, for RSI Day that the Benefits Department will be attending. Being involved in these different activities allows us to network, keep on top of issues and ways to address them, current thinking and approaches at WSIB and the Tribunal that would give insight on how to craft our arguments to be more successful in representing our members.

We have developed a new letter to be sent to our members along with authorization forms and other information regarding the WSIB. This letter outlines the worker's obligation and expected participation in their appeal (included in package). We are currently working on a WSIB Newsletter for February and the plan is to have another Newsletter in or about June. We are also looking at revamping the RTW course, finalizing a Mediation and WSIB course, as well as working on a Human Rights and WSIB course. The goal is to have these courses available for the fall Stewards Conferences.

There is a lot that we want to accomplish in 2008. It will prove to be a challenging and interesting year.

Respectfully submitted by the Benefits Department