

# VFMA Dispute Resolution and Appeals Process Working Groups Kick off

April 18, 2023

# Agenda



Context

Recommendations

Expectations

Project team

Work groups

Governance

Next Steps

Conceptual Design

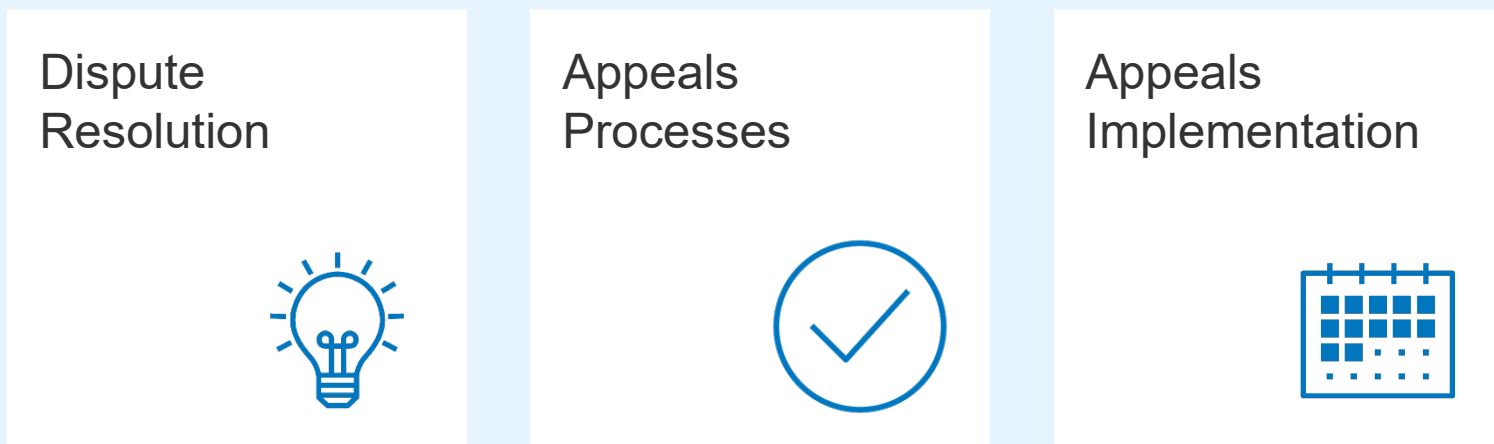
Appendices

Appendix 1-4: Detailed implementation plans

Appendix 5-7: Project management slides

# Context

KPMG conducted a Value for Money Audit (VFMA) of the Dispute Resolution and Appeals Process. The objective of the VFMA was to ensure that the WSIB is providing efficient and effective administration of the dispute resolution, appeals and implementation process, and reaching fair outcomes for injured/ill persons or businesses while enabling process compliance and adhering to the principles of administrative law and natural justice. The VFMA identified related risks, issues, gaps and challenges, and provides recommendations on opportunities to strengthen the process, while aligning with WSIB's strategic goals. The audit focused on three areas:



Implementation of the VFMA recommendations is a multi year project, with delivery over 2023-2024; endorsed as a corporate priority.

[WSIB Dispute Resolution and Appeals VFMA - Final Report November 30](#)

# WSIB action plan as per the VFMA recommendations

## Recommendations

### Dispute Resolution

#### 1.1 Mediation and Early Resolution

- WSIB should establish expertise in ADR within front line decision makers and ASD to provide early resolution and reduce the volume of cases going to appeals.
- ADR processes should only commence once the WPP has clearly outlined the reasons related to the decision they are objecting to, why it should be changed, and the proposed remedy
- ADR training and accreditation should be provided to front line decision makers and AROs with requirements for continuing professional education
- Reviews of overall dispute resolution and decision/reconsideration effectiveness should be assessed through a quality assurance function
- The WSIB should work with the Ontario government in order to consider making legislative changes to existing timelines and implement a 30 day timeframe to submit the ITO, 30 days to submit any supplemental information and 30 days to complete the ADR and reconsideration process and communicate the decision back to the worker.

## Management Responses

- WSIB will explore opportunities to **introduce ADR within appropriate cohorts of front line decision makers and AROs**. Efforts will be made to establish longer-term strategic relationships with external centres of excellence to support training and accreditation for continuous professional education.
- WSIB will **review the current approach to front line reconsiderations**. Enhanced adherence to the requirements of Section 120 of the WSIA will be applied such that **workplace parties must: a. clearly outline the reasons for their objection and explain why the decision should be changed; b. provide any necessary supporting documentary evidence, and; c. describe their proposed remedy.**
- WSIB will **expand its existing processes, procedures, capabilities and resources within ASD and front line dispute resolution to assess, evaluate and review referrals from the front line decision making area to ensure decisions standards are met and the issues in dispute are appeal ready. will inform a continuous improvement loop that aligns and integrates the agendas related to policy development and updates as well as skills training for decision makers.**

# WSIB action plan as per the VFMA recommendations

## Recommendations

### Dispute Resolution

#### 1.2 – Timelines for Submission and Completeness of Appeal Readiness Form (ARF)

- The WSIB should implement a timeline of one year following the initial decision date for ARFs to be submitted.
- WPP's should be mandated to include their proposed resolution on the ARF, which will help define the resolution method, the scope of the dispute and the necessary expertise and documentation required.
- the WSIB should move to an electronic form submission method which only allows forms with complete data fields to be submitted

#### 1.3 – Review of front line decision maker Reconsideration / Dispute Resolution Decision

- A quality assurance check of appeal readiness including the reconsideration process and decision quality should be undertaken to ensure decisions are made appropriately and in line with policy.
- A Quality Assurance Function\* (\*defined on slide 7) should be established within ASD where these quality assurance checks would reside both for the dispute resolution and appeals processes.

## Management Responses

- WSIB's ability to adopt the recommendation to **implement a time limit of one (1) year following the initial decision date is contingent on legislative change** as outlined in the Management Response in 1.1. In the interim, WSIB will consider policy solutions as outlined in 1.1.
- Aligned with the management response in 1.1, there is an **opportunity to build on the current intake and triage process or explore other options within to introduce more discipline to the process.**
- WSIB will **explore opportunities through IT to move to an electronic forms submission method**, contingent on appropriate enterprise prioritization and allocation of funding.
  
- We are pleased this recommendation aligns with an identified Process Strength and an **initiative already underway** in the ASD. This mechanism could **build on ASD's current intake and triage initiative to confirm jurisdiction, evidence of appropriate reconsideration and decision standards prior to an appeal being formally registered.**
- WSIB will **expand its existing processes, procedures, capabilities and resources within ASD and front line dispute resolution to assess, evaluate and review referrals** from the front line decision making area to ensure decision standards are met and the issues in dispute are appeal ready

# WSIB action plan as per the VFMA recommendations

## Recommendations

### Dispute Resolution

#### 1.4 Fragmentation of the Dispute and Appeals Process

- In line with leading rehabilitation and return to work practices and timelines, the WSIB should consolidate all issues and matters under dispute, including future considerations which may arise from decisions made, and seek to resolve cases through a holistic approach to decision making for all matters under dispute affecting the individual. Decision making should be tied back to the ARF and the proposed remedy sought by the disputing party.
- The case management system should be enhanced to support information and decision making requirements for all matters in dispute affecting the individual.
- Current legislative, policy and procedural barriers to ensure a holistic approach is taken should be re-examined by the WSIB.

## Management Responses

- WSIB will **continue to focus on the holistic review of all issues in dispute for an individual**. As outlined in the Management Response to 1.2, greater clarity and discipline by the workplace parties in describing the reasons for the objection, **ensuring that all relevant and necessary documentary evidence has been provided and the remedy sought**.
- Through the ASD, efforts to **promote holistic resolutions will ensure final decisions**
- WSIB will also **explore opportunities through IT to enhance the case management system to provide an injured/ill person-centric view of all possible issues in dispute** (vis-a-vis intent to object forms) across all claims in the interest of “whole-person’ holistic resolutions (contingent on appropriate enterprise prioritization and allocation of funding)

# WSIB action plan as per the VFMA recommendations

## Recommendations

### Appeals Services

#### 2.1 Appeals Division Processes

- The WSIB should amend the current processes of the Appeals Services Division to ensure continuous improvement, and establish a stronger linkage and appropriate feedback mechanism to policy development and training requirements
- A quality assurance (QA) function\* (defined on slide 7) should be set up within the Appeals Services Division where these checks would reside.
- Linkages to WSIB training and policy development functions should be strengthened and reinforced through the findings and recommendations of the quality assurance function.

## Management Response

- The primary objective being to **provide customers with more options in resolution mechanisms, faster and more streamlined service with efficiency and effectiveness to delivering outcomes** (aligning to the principles of return to work and recovery). This recommendation aligns, in part, with the identified Process Strengths (see slide 8) about ASD's approach to **improving the intake and triage function to ensure appeal readiness and decision standards**.
- WSIB is committed to **reviewing ASD's processes and functions to ensure appropriate mechanisms for continuous improvement that inform policy development and updates as well as skills training for WSIB staff**. See the Management Response to Recommendation 1.1.
- The results of any **such reviews and any resulting mechanisms that identify trends, in conjunction with reviews of ARO decisions and decisions from the Workplace Safety and Insurance Appeals Tribunal (WSIAT), will create and inform a continuous improvement loop that aligns and integrates the agendas related to policy development and updates as well as skills training** for decision makers.

# WSIB action plan as per the VFMA recommendations

## Recommendations

### Appeals Services

#### 2.2 Refresh of the Appeals Services Division

- In line with leading practices, the WSIB should consider refreshing the appeals services terminology and introduce plain language that is accessible and understandable. Terms such as “Appeals Officer“ should be reviewed with the aim of moving towards terms such as Resolution Officer or Resolution Specialist.

#### 2.3 Appeal Hearing Method

- The WSIB should move the hearing method determination process from the Appeals Registrar to the Quality Assurance (QA) Function\* (defined on slide 7). This QA process will help ensure that cases are thoroughly vetted for appeal readiness before proceeding
- Criteria for in person / virtual hearings should be implemented through consideration of factors such as geographical location, suitability and appropriateness of technology, and worker accessibility

## Management Response

- The objective is to provide customers with more options in resolution mechanisms, faster, more streamlined service, and efficiency and effectiveness in delivering decision outcomes. WSIB will **review existing processes and functions** to ensure they are aligned with the above principles and **support refreshed terminology that is plain, accessible and easily understood, where possible.**
- WSIB supports the need for **enhanced communication between the workplace parties and front-line decision makers earlier in the dispute resolution process using ADR.**
- Where the ADR approach is not successful and a formal appeal is required, the level of communication between the workplace parties and an ARO should be minimal and based on the available information, without need for an oral hearing noting the interactions conducted during the dispute resolution phase. The exception would occur in those cases where an oral hearing or mediation/arbitration is required based on the issues in dispute.
- WSIB will also **explore moving the hearing method determination (along with introduction of other streaming/readiness criteria) to an expanded function/capability in ASD earlier in the process and before proceeding with a formal appeal.** The review will ensure decision standards have been met and appeal readiness confirmed. It is anticipated there will be less need for oral hearings, either in-person or virtually, given the efforts around earlier communication and possible resolutions between the front line decision makers and the workplace parties.



# WSIB action plan as per the VFMA recommendations

## Recommendations

### Appeals Services

#### 2.4 – Online Portal for Tracking Appeals Status and Document Sharing

- The WSIB should expand the use of the online portal for employers and representatives.
- The case management system should be enhanced to support information and decision making requirements for all matters in dispute affecting the individual.

## Management Response

- **Efforts are currently underway to expand the use of the on-line portal for employers.** WSIB will also explore opportunities to allow access for representatives, contingent on appropriate enterprise prioritization and allocation of funding. WSIB will also **explore opportunities through IT to enhance the case management system to provide an injured/ill person-centric view of all intents to object across all claims in the interest of holistic resolutions** (contingent on appropriate enterprise prioritization and allocation of funding).

# WSIB action plan as per the VFMA recommendations

## Recommendations

### Appeals Implementation

#### 3.1 Return to Work

- The WSIB should ensure that RTW decisions meet the expedited decision timeline of 30 days as required in section 120 of the WSIA.
- The WSIB should maintain its investment in RTW specialization within the ASD to improve the efficiency and effectiveness of decision making, and use ADR to facilitate improved and more timely decisions.

#### 3.2 – Delay in Appeals Implementation

- ARO decisions should specify the implementation requirements including supplementary information requirements.
- The implementation plan should be reconciled to the ARF and the proposed remedial action suggested by the WPP
- The WSIB should reinforce the 30 day timelines for appeal implementation and ensure this is measured across the organization.

## Management Responses

- WSIB will **explore opportunities to leverage the 30-day time limit and expedited appeal process for any return to work issues and for those return to work issues that are related to other issues in dispute.**
- WSIB will also continue to **support RTW specialization within ASD with a focus on ADR to improve the efficiency and effectiveness of decision making.** Return to work issues are the priority and shall be expedited in any claim regardless of whether they exist on their own or are bundled with other issues.
- **timely and expeditious resolution of disputes** is imperative for people with claims if they are to benefit from leading rehabilitation and return to work practices. In addition, the timely resolution of disputes aligns with current legislative requirements related to cooperation, return to work and reemployment.
  
- As an interim measure, WSIB will **review the manner in which ARO decisions are written with a view to including specific implementation requirements, where possible, along with supplementary information requirements.** In addition, the direction on issue/entitlements or benefits flowing from the decision or implementation requirements will be linked back to the remedy initially sought by the objecting party, where identified. As part of the process and function review, efforts will be made to **align the ARO decision implementation plan with the ARF and proposed remedial action.** WSIB is also **committed to enforcing and measuring the 30-day timeline for appeal implementation** across the organization, subject to the availability of information required to implement the appeal

# WSIB action plan as per the VFMA recommendations

## Recommendations

### Other

#### 4.1 Representative community

- WSIB should work with the Law Society of Ontario and other relevant parties to establish a list of qualified representatives from which workplace parties can draw upon. This would include exploring the potential for specific competency and training requirements for the representative community in terms of workers' compensation and work place injury with the Law Society

#### 4.2 – Final Decisions of the WSIB

- The WSIB should exclude decisions based on standardized calculations from its internal appeals process and rely on the calculation from the initial decision maker and any quality assurance steps undertaken (e.g. during the reconsideration process, if required)

## Management Responses

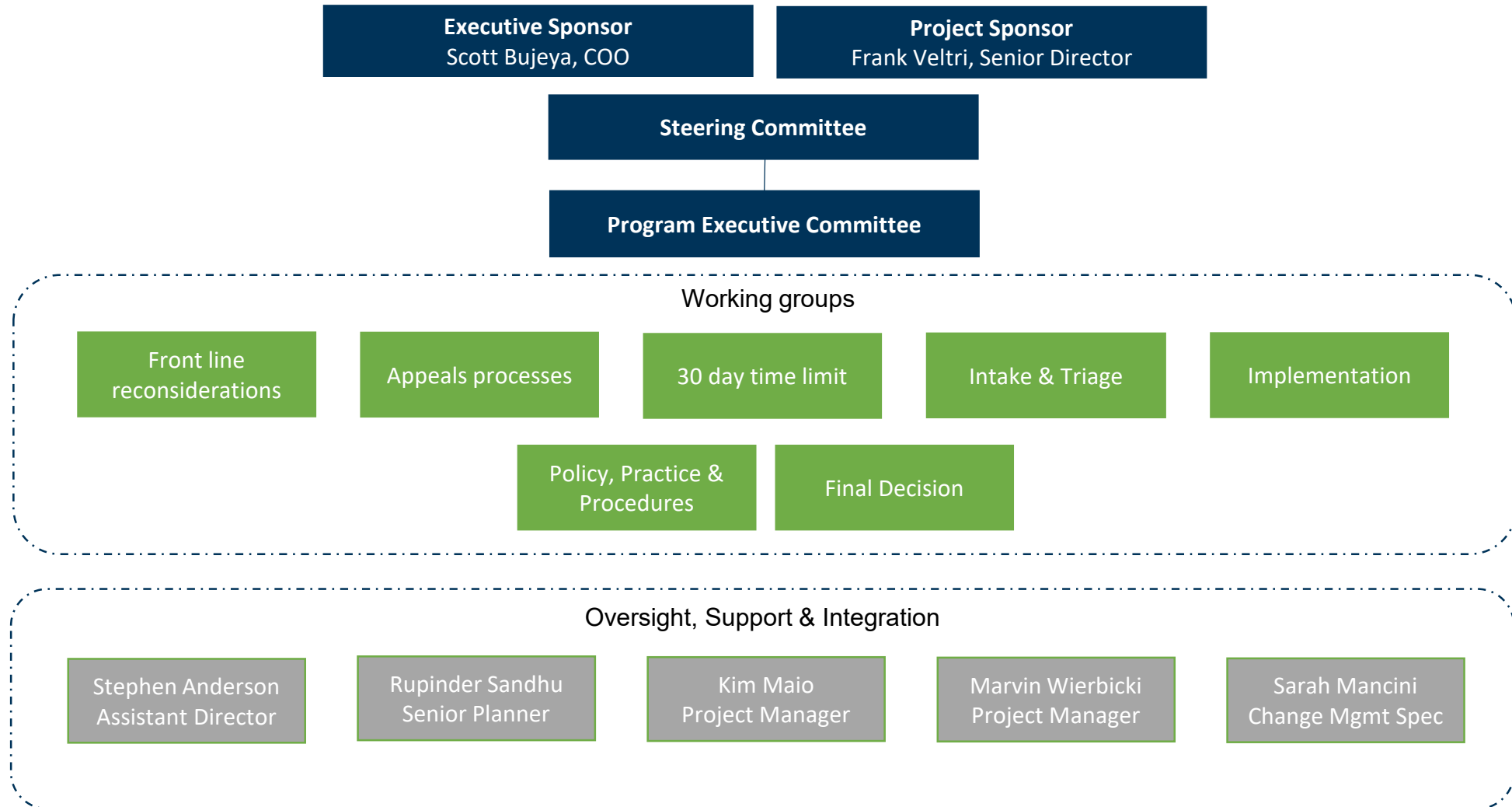
- To be explored by other areas outside Operations
  
- WSIB will **explore which decisions could be made final decisions of the WSIB and, therefore, only appealable to WSIAT, subject to a robust internal review process that ensures decision standards are met and the outcome aligns with policy.**

# Working group expectations

Each work group will be managed as sub-projects, the ASD and Ops leads will be tasked to work collaboratively to deliver on and implement the recommendations.

- Leads and VFMA implementation direction have been endorsed by senior leadership;
- High priority project in which your active participation and engagement to implement is required and critical; \*
- Each working group will be responsible to create a plan (inclusive of deliverables, milestones and tasks\activities - all dated) to full implementation for the recommendations (high-level timing in the VFMA report as bookends).
- Working group mini project plans of activities, milestones and deliverables that will be inputs into the integrated project plan;
- Responsible to execute the working group's plan; execute tasks and activities to reach project milestones and have deliverables per the implementation schedule(s);
- Work within and amongst Ops programs to obtain approvals by program head(s) as required in the creation of draft documents to design/outline people and process changes and the required supports for implementation (requirements, process maps, narrative guides, CLiCK documents, etc.)
- Proactively identify, raise and resolve risks, issues, and/or dependencies/interdependencies;
- Provide status updates and RAID log (risks, actions, issues, dependencies) inputs to PM and other supports

# Project Team



# Working groups

Working group	Focus area	
1	<b>Front line reconsiderations</b>	<ul style="list-style-type: none"> <li>• Explore and implement ADR in appropriate front line cohorts (Q4 2023/Q1 2024)</li> <li>• Review front line reconsideration approach (Q4 2023)</li> <li>• Develop process to ensure WPP's describe why they disagree (ITO), ensure relevant info is available, remedy is outlined (ARF), and consolidate all issues in dispute (Q2 2023)</li> </ul>
2	<b>Appeals processes</b>	<ul style="list-style-type: none"> <li>• Explore and implement ADR in appeals – support RTW specialization (Q4 2023/Q1 2024)</li> <li>• Consolidate &amp; bundle issues to same ARO (Q4 2023)</li> <li>• Decisions address proposed remedy, related issues, and implementation requirements (Q4 2023)</li> <li>• Refresh ASD terminology/plain language (Q2 2024)</li> <li>• Develop ARO specialization based on QA process (Q1 2024)</li> <li>• Move hearing method determination to QA function (Q1 2024)</li> </ul>
3	<b>30 day time limit considerations</b>	<ul style="list-style-type: none"> <li>• Explore current state opportunities to leverage the 30 day time limit and expedite appeal process for any RTW and related issues (Q4 2023)</li> <li>• Explore future opportunities with all OSE decision makers to use 30 day time limit at the time of decision, when there are RTW and other issues (Q1 2024)</li> </ul>

# Working groups (continued)

Working group	Focus area	
4	<b>Intake and triage</b>	<ul style="list-style-type: none"> <li>Expand existing intake and triage approach to perform QA functions and stream incoming appeals (Q2 2023)</li> <li>Build on current I&amp;T process – ensuring WPPs describe why they disagree, ensuring relevant info is available, remedy is outlined and consolidate all issues in dispute (Q2 2023)</li> <li>Implement quality assurance checks of appeal - confirm jurisdiction, evidence of appropriate recon and decision standards before registration of appeal (Q2 2023)</li> <li>QA function assumes hearing method determination - Review placement of QA function, appeals streamlining criteria and hearing method determination. (Q1 2024)</li> </ul>
5	<b>Implementation</b>	<ul style="list-style-type: none"> <li>ARO decisions include implementation requirements &amp; supplementary information requirements (Q3 2023)</li> <li>ARO decisions link direction on issue/entitlements/benefits flowing with implementation requirements and desired outcome from the ARF (Q1 2024)</li> <li>Enforce 30-day timeline for appeal implementation and measure organizational performance (Q1 2024)</li> </ul>
6	<b>Policy, Practices &amp; Procedures</b>	<ul style="list-style-type: none"> <li>Legislative changes to existing time limits (Q1 2025)</li> <li>Policy changes to existing time limits using authority provided under Sections 131 and 159 of the WSIA. (Q4 2024)</li> <li>Implement 1 year time limit for ARFs submission - P&amp;P Solution (Q4 2023) Policy Solution (Q4 2024)</li> <li>Fragmentation - Re-examine current legislative, policy and procedural barriers to ensure holistic approach (Q1 2024)</li> <li>Establish criteria for in person / virtual hearings (Q4 2024)</li> </ul>
7	<b>Final decisions</b>	<ul style="list-style-type: none"> <li>Explore which decisions could be made final and appealable directly to WSIAT (Q1 2024)</li> </ul>

# Governance model

Role	Names	Responsibilities	
<b>Executive Sponsor</b>	<ul style="list-style-type: none"> <li>Scott Bujeya, Chief Operating Officer</li> </ul>		
<b>Project Sponsor</b>	<ul style="list-style-type: none"> <li>Frank Veltri, Senior Director, Appeals Services</li> </ul>		
<b>Steering Committee</b>	<ul style="list-style-type: none"> <li>Scott Bujeya, Chief Operating Officer</li> <li>Frank Veltri, Senior Director, Appeals Services</li> <li>Cathy Wright, Vice President, Case Management</li> <li>JS Bidal, Vice President, Integrated Delivery</li> </ul>	<ul style="list-style-type: none"> <li>Julie Thurlow, Vice President, Specialized Claims</li> <li>Connie Galdame, Vice President, Case Management</li> <li>Darshi Gurusinghe, Vice President, Employer Account Services</li> <li>Tiffany Turnbull, Vice President, Policy and Consultation</li> </ul>	<ul style="list-style-type: none"> <li>AFC and BoD reporting obligations</li> <li>Strategic oversight</li> <li>Final approval on overarching program design elements</li> </ul>
<b>Program Executive Committee</b>	<ul style="list-style-type: none"> <li>Sal Cavaricci, Senior Director, Specialized Claims</li> <li>Darren Keen, Senior Director, Case Management</li> <li>Joe Civello, Senior Director, Eligibility and Payment Services</li> <li>Joanne Lam, Senior Director, Quality</li> </ul>	<ul style="list-style-type: none"> <li>Ahsan Khan, Director, Employer Service Centre</li> <li>Sesley Aidoo, Communications Coordinator, Strategic Communications *</li> <li>Christopher Misura, Manager Policy and Consultation*</li> <li>Jawdat Saleh, Legal Counsel, Legal Services*</li> <li>Rupinder Sandhu, Senior Planner, Planning and Analysis*</li> </ul>	<ul style="list-style-type: none"> <li>Final review and approval on: substantive content (i.e. CLICK content, process flows, approach/methodologies)</li> <li>* members are resources to the Program Executive Committee and do not have an approval function</li> </ul>
<b>Working Group Leads</b>	<ul style="list-style-type: none"> <li>Group 1: Front line reconsiderations</li> <li>Group 2: Appeals Processes</li> <li>Group 3: 30 day time limit considerations</li> <li>Group 4: Intake and triage</li> <li>Group 5: Implementation</li> </ul>	<ul style="list-style-type: none"> <li>Group 6: Policy, Practice and Procedure</li> <li>Group 7: Final Decision</li> </ul>	<ul style="list-style-type: none"> <li>Leads will act as project managers for their group / provide content knowledge and technical direction</li> <li>Working groups will include representatives from the appropriate business areas</li> <li>Support will also be required from CLICK / Change Management etc. to complete process mapping and/or draft documents</li> </ul>



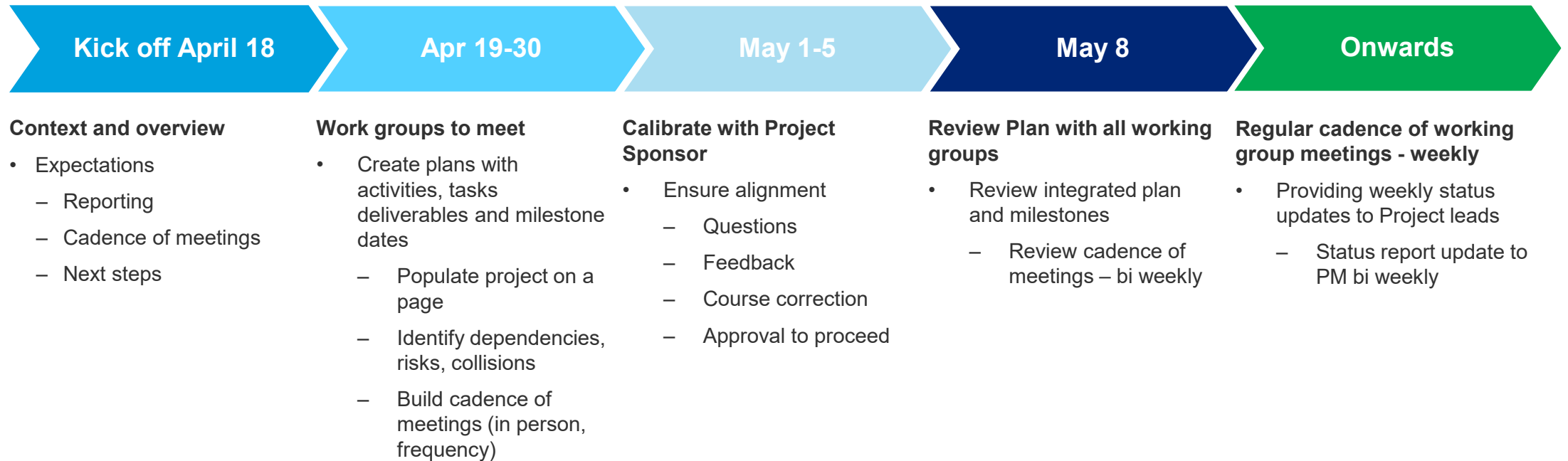
# Governance model

	Working Group	Names			
1	Front line reconsiderations	<b>James Strachan, Appeals</b> <b>Deidra Hynes, Appeals</b>	Margaret Mancini, SIP Elizabeth Furlano-Borrelli, OD Frank Lucchetta, SIP	Laurie McMann, MSIP Kendra Dunn, Case Management Nancy Nasso, OD Vicki Poposki, ESC	Ryan Moisan, Eligibility Louise Shannon, Case Management Danielle Porter, OD
2	Appeals processes	<b>Caroline Jordan, Appeals</b> <b>Melissa Tofano, Appeals</b> <b>Mary-Anne Kimevski, Appeals</b>	<b>Goretti Moes, Appeals</b> Lindsay McKay, HRBP		
3	30 day time limit considerations	<b>Scott Clark, Appeals</b> <b>Goretti Moes, Appeals</b>	Lui Tassone, RTW Laurie McMann, MSIP	Kristine Nolis, Policy Michelle Morgan, Case Management Vicki Poposki, ESC	Jamie-Lea Pollock, Eligibility
4	Intake and triage	<b>Goretti Moes, Appeals</b> <b>Melissa Tofano, Appeals</b>			
5	Implementation	<b>Scott Clark, Appeals</b> <b>Deidra Hynes, Appeals</b>	Craig Kramer, AIT Kendra Dunn, Case Management	Joanne Doiron, Payment Elizabeth Furlano-Borrelli, OD	Kristine Nolis, Policy Michelle Morgan, Case Management
6	Policy, Practice & Procedures	<b>James Strachan, Appeals</b> <b>Scott Clark, Appeals</b> <b>Caroline Jordan, Appeals</b>	Christopher Misura, Policy Steven Goncalves, Policy	Viki Popski, ESC Katherine Servinis, ESC	
7	Final Decision Criteria	<b>Mary-Anne Kimevski, Appeals</b> <b>Caroline Jordan, Appeals</b>	Karlene McCandless NIHL Sindy Marsh, MSIP	Joanne Doiron, Payment Louise Shannon, Case Management	

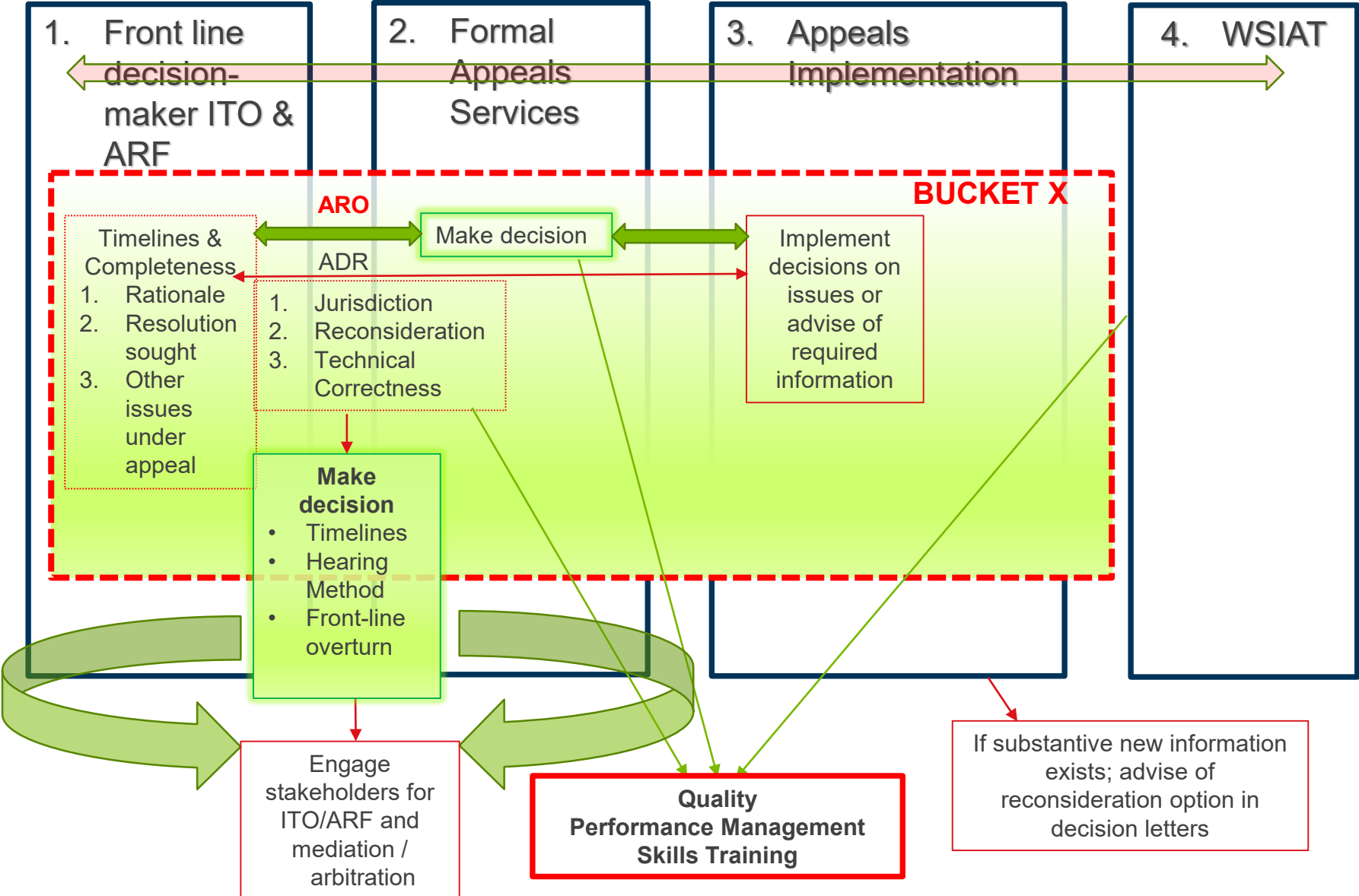
## Supporting Directors

Rob Fanelli, Case Management	Anthony Kelly, Specialized Claims
------------------------------	-----------------------------------

# Working Groups– next steps



# Dispute Resolution & Appeals Functional design: VFMA



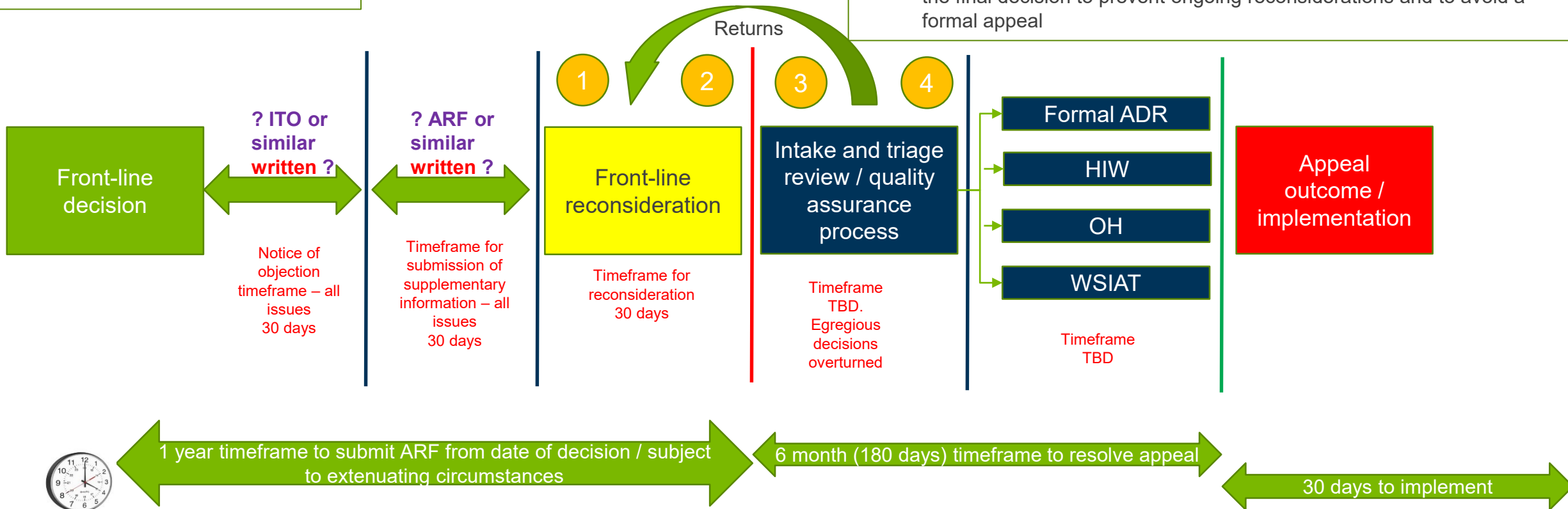
# Future state: dispute resolution and appeals

## Assumptions:

1. No changes in legislation
2. Role agnostic
3. Appeal notice timeframes TBD
4. Access service levels out of scope
5. Specified timeframes for each phase of the process to be established

## Considerations:

- 1 Reconsideration by original decision maker (where still available/made – e.g., eAdjudication) Consideration of specialization around the reconsideration process in the front-lines either by role or team function.
- 2 Manager sign-off an ongoing requirement
- 3 Threshold criteria for assessing reasons for objection/disagreement
- 4 In certain circumstances, intake and triage may reconsider and render the final decision to prevent ongoing reconsiderations and to avoid a formal appeal



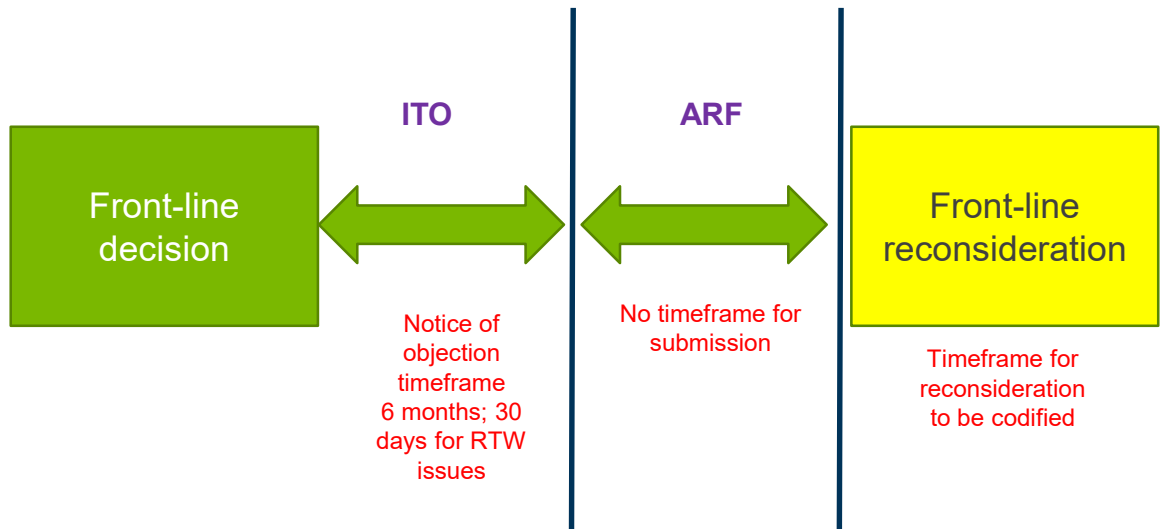
# Interim state: dispute resolution Q3-2023/Q1-2024

## Assumptions:

1. No changes in legislation
2. Role agnostic
3. Appeal notice timeframes TBD
4. Access service levels out of scope
5. Specified timeframes for each phase of the process to be established

## Considerations:

1. Reconsideration by original decision maker or different decision maker / role? Consistent approach should be taken across all decision making areas
2. Consider removing dispute resolution process from ongoing case management activities / considerations to be developed where there are concurrent disputes and ongoing entitlement requiring case management
3. Threshold criteria for assessing reasons for objection/disagreement.
4. Bolster front line reconsideration training for dedicated cohorts of staff (? Same decision making role/classification or higher)
5. Dedicated reconsideration cohorts would also receive advanced ADR training and reside within the business units
6. Quality review process for incoming ARFs to ensure compliance with s.120 requirements?
7. Leverage 30-day time limit for RTW appeals and expand/redefine RTW criteria through P&P refresh



## Implementation requirements:

**Working Group 1:** Review of front line reconsideration approach / process / timeframes / expectations. Review cohorts for ADR training / determine continuum of ADR training / establish partnership with external firm for training / certification / target implementation for Q4-2023

**Working Group 3:** Expand criteria for RTW issues / Review RTW criteria for expedited resolution / redefine criteria / develop process / front-line expectations / [excludes default of 30 day for RTW and other claims-related issues]



# Interim state: appeals Q3-2023/Q1-2024

## Considerations:

1. Intake and triage assesses quality of referral from front-line AND ensure s.120 requirements are adhered to by objecting parties
2. Consider requirements for intake and triage function going forward
3. Does the intake and triage function have decision making authority as well?
4. Formal ADR (including med/arb) process to be developed / P&P updated
5. Resolution methodology to be addressed earlier in the process – part of P&P refresh
6. Final decision consideration for issues involving standardized calculations

## Assumptions:

- No changes in legislation
- Role agnostic
- Appeal notice timeframes TBD
- Access service levels out of scope
- Specified timeframes for each phase of the process to be determined
- Intake and triage process fully implemented

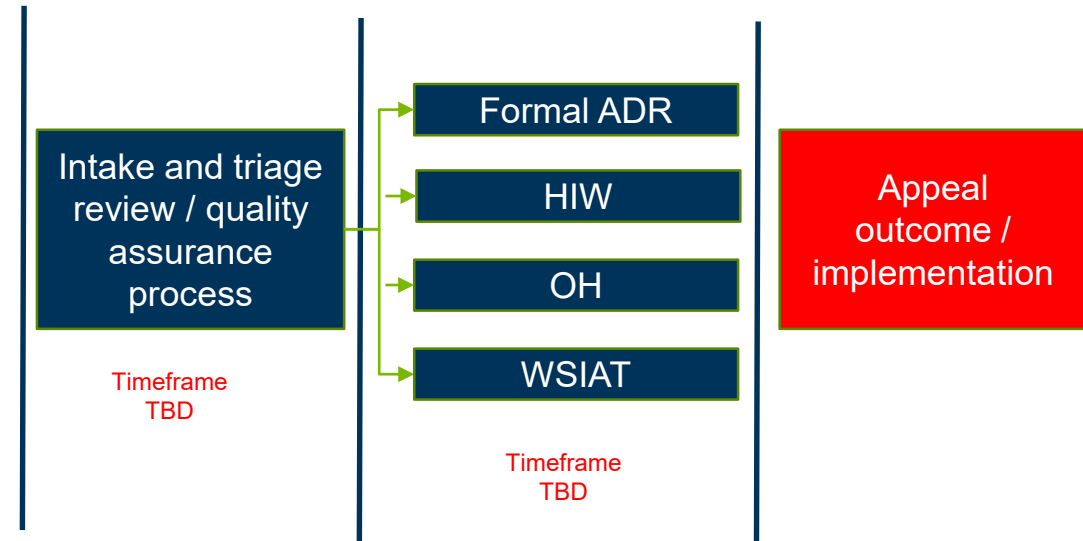
## Implementation requirements:

**Working Group 4:** Review intake and triage role / process / external facing considerations / decision making authority / earlier resolution method determination

**Working Group 2:** Develop formal ADR approach for Appeals (med/arb); includes criteria for suitable cases / approach / expectations / finality

**Working Group 7:** Define criteria for standardized calculation type issues and develop process (pilot approach?) / robust reconsideration / sign off process by responsible business areas /

**Working Group 6:** P&P alignment for proposed changes



Measurement of dispute resolution process from ARF receipt

# Interim state: appeals implementation Q3-2023/Q1-2024

## Considerations:

1. Develop consistent appeals implementation approach across all decision making areas
2. ARO decision template to be updated to align with ARF to outline implementation requirements
3. Implement measurement framework that allows for reporting against the 30 day implementation timeline across all program areas

## Implementation requirements:

**Working Group 5:** Redesign ARO decision template to include implementation requirements. Review current appeals implementation approach across all decision making areas / design appropriate evaluation and reporting framework to ensure 30 day appeal timeline is consistently met

## Assumptions:

- No changes in legislation
- Role agnostic
- Appeal notice timeframes TBD
- Access service levels out of scope
- Specified timeframes for each phase of the process to be determined
- Intake and triage process fully implemented

Appeal  
outcome /  
implementation



Measurement of dispute resolution process from ARF receipt

# Appendices



# Appendix 1: Dispute resolution

			2023				2024				2025			
Audit Recommendations		WSIB Action required	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
<b>1</b>	<b>DISPUTE RESOLUTION</b>													
<b>1.1</b>	<b>Mediation and early resolution capabilities of front line decision makers</b>													
i	Establish expertise in alternative dispute resolution (ADR)	Explore opportunities to introduce ADR within appropriate cohorts of front line decision makers and AROs												
ii	Develop clear expectations for when ADR process may begin	Review current front line reconsideration approach												
iii	Develop ADR training, accreditation and continuing education requirements	Establish longer-term strategic relationships with external centres of excellence												
iv	Implement QA function to review overall dispute resolution/reconsideration effectiveness	Expand existing Appeals intake and triage approach to perform QA function to ensure decisions standards are met and the issues in dispute are appeal ready.												
		QA reviews, in conjunction with reviews of ARO and WSIAT decisions, will inform a continuous improvement loop that aligns and integrates the agendas related to policy development and skills training for decision makers												
v	Implement QA function to assess whether cases to to formal appeals, directly to WSIAT, or return to the front line for further reconsideration	Expand existing Appeals intake and triage approach / QA function to stream incoming appeals												
vi	Consider legislative changes to existing time limits	Review proposal for legislative changes with MLITS.												
<b>1.2</b>	<b>Timelines for submission and completeness of ARF</b>													
i	Implement timeline of 1 year following initial decision date for ARFs submission	Policy solution												
		ASD Practices and Procedures update												
		Legislative solution												
ii	WPP's mandated to include proposed resolution on the ARF	Build on the current intake and triage process or explore other options to introduce more discipline to the process												
iii	Adopt electronic form submission method	Explore opportunities, subject to IT constraints, to move to an electronic forms submission method												
<b>1.3</b>	<b>Review of front line decision maker reconsiderations</b>													
i	Implement quality assurance check of appeal readiness	Expand current intake and triage initiative												
ii	Implement QA within ASD	Expand existing processes within ASD and front line dispute resolution to ensure decision standards are met and the issues in dispute are appeal ready												
<b>1.4</b>	<b>Fragmentation of the dispute and appeals process</b>													
i	Consolidate all issues and matters under dispute with decision making tied back to the ARF and the proposed remedy sought by the objecting party	Holistic review of all issues in dispute for an individual. Greater discipline to be expected of the workplace parties in describing the reasons for the objection, ensuring all relevant information available and remedy sought outlined												
ii	Enhance case management system to support information and decision making requirements for all matters in dispute affecting the individual	IT opportunities to be explored												
iii	Re-examine current legislative, policy and procedural barriers to ensure a holistic approach	Review to be undertaken												

# Appendix 2: Appeals processes

			2023				2024				2025			
Audit Recommendations		WSIB Action required	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
<b>2</b>	<b>APPEALS DIVISION PROCESSES</b>													
<b>2.1</b>	<b>Appeals Division Processes</b>													
i	Amend current ASD processes to ensure continuous improvement and establish stronger linkage and appropriate feedback mechanism to policy development and training requirements	Review to be undertaken												
ii	Implement QA function within ASD	Expand current intake and triage initiative												
iii	Linkages to training and policy development functions should be strengthened and reinforced through the findings and recommendations of the QA function	Continuous improvement loop to be created												
		QA reviews, in conjunction with reviews of ARO and WSIAT decisions, will inform a continuous improvement loop that aligns and integrates the agendas related to policy development and skills training for decision makers												
iv	Determine areas to establish ARO specialization	Review to be undertaken												
<b>2.2</b>	<b>Refresh of Appeals Division</b>													
i	Refresh the appeals services terminology and introduce plain language that is accessible and understandable	Review to be conducted of existing processes and functions												
<b>2.3</b>	<b>Appeal hearing method</b>													
i	Move the hearing method determination process from the Appeals Registrar to the QA function	Review placement of QA function, appeals streamlining criteria and hearing method determination												
ii	Criteria for in person / virtual hearings to be established	Review to be undertaken												
<b>2.4</b>	<b>Online portal for tracking appeals status and document sharing</b>													
i	Expand use of the online portal for employers and representatives	OSBC expansion to include appeals status for employers and employer representatives												
		Review options to allow access for worker representatives through OSPC												
ii	Enhance case management system to support information and decision making requirements for all matters in dispute affecting the individual	Explore opportunities through IT to enhance the case management system												

# Appendix 3: Appeals implementation

Audit Recommendations			2023				2024				2025			
			Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
<b>3</b>	<b>APPEALS IMPLEMENTATION PROCESS</b>													
<b>3.1</b>	<b>Return to Work (RTW)</b>													
i	Ensure RTW decisions meet the expedited decision timeline of 30 days	Explore current state opportunities to leverage the 30-day time limit and expedited appeal process for any RTW issues and for those RTW issues that are related to other issues in dispute												
		Explore future opportunities with all OSE decision makers to use a 30-day time limit - at the time of decision - when there are RTW and other issues												
		Support RTW specialization within ASD with a focus on ADR												
ii	Maintain investment in RTW specialization within the ASD and use ADR to facilitate improved and more timely decisions	Support RTW specialization within ASD with a focus on ADR												
<b>3.2</b>	<b>Delay in appeal implementation</b>													
i	ARO decisions should specify the implementation requirements including supplementary information requirements	Review ARO decision approach to include specific implementation requirements, where possible												
		Review ARO decision approach to link direction on issue/entitlements/benefits flowing from the decision with implementation requirements and desired outcome from the ARF												
		Review ARO decision approach to link direction on issue/entitlements/benefits flowing from the decision with implementation requirements												
ii	The implementation plan should be reconciled to the ARF and the proposed remedial action suggested by the WPP, as per recommendation 1.2.	As part of the process and function review, efforts will be made to align the ARO decision implementation plan with the ARF and proposed remedial action.												
iii	Reinforce 30 day timelines for appeal implementation and ensure this is measured across the organization	Enforce 30-day timeline for appeal implementation and measure organizational performance												

# Appendix 4: Other considerations


		2023				2024				2025							
Audit Recommendations		WSIB Action required				Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
<b>4.1</b>	<b>OTHER AREAS FOR CONSIDERATION</b>																
i	<b>Representative community</b>																
	Engage with Law Society of Ontario to establish list of qualified representatives from which workplace parties can draw upon	Deliver engagement strategy															
		Execution and engagement															
<b>4.2</b>																	
i	<b>Final decisions of the WSIB</b>																
	Exclude decisions based on standardized calculations from the internal appeals process	Explore which decisions could be made final decisions of the WSIB and, therefore, only appealable to WSIAT, subject to a robust internal review process that ensures decision standards are met and the outcome aligns with policy															



# Sample – individual project plans

<u>WORK STREAM</u>	
HIGH LEVEL DELIVERABLE	
<u>DELIVERABLE DESCRIPTION</u> <i>What is it? What will it be used for? How does it help satisfy the objective of the project?</i>	
<u>DEPENDENCIES</u> <i>Define the "relationships between key deliverables or tasks", i.e. tasks that require input from other tasks to be completed, or activities that can't start until a previous activity is done.</i>	
<u>ASSUMPTIONS</u> <i>Assumptions are conditions that are considered true for planning purposes. However, they must be validated because some degree of uncertainty exists. This can be due to knowledge deficiency in some areas or due to information that is incomplete or unclear. They can have a significant impact on estimating and planning. They become a basis for plan (schedule) revision when they are validated and change.</i>	
<u>CONSULTED</u> <i>Those whose opinions are sought, typically subject matter experts; and with whom there is two-way communication</i>	
<u>RISKS</u> <i>A possible future event that will have a negative impact on the success of the project.</i>	
<u>APPROVER/S</u>	









<u>Deliverables + Related Tasks</u>	<u>Duration/Days</u>	<u>Start Date</u>	<u>End Date</u>	<u>Responsible Resource (One)</u> The person responsible for completing the task, who ensures that it is done as per the approver	<u>Support Resource/s (One or more)</u> Resources allocated to responsible person. Unlike consulted, they provide input to the task and also help complete the task
	-				
	-				
	-				
	-				
29 Dispute Resolution and Appeals Process VFMA   Work Groups Kick-Off	-				

# Dispute Resolution & Appeals VFMA

Project Health	Status Summary
	<ul style="list-style-type: none"> <li>• xxx</li> </ul>

Key Activities and Deliverables	Planned Start Date	Planned Completion Date	Actual Start Date	Completion Date	Status	Comments
						
						

## Dispute Resolution & Appeals VFMA - Status Report for 03/07/2023

Item Name	Status	Update/s
WG #1		<ul style="list-style-type: none"> <li>• Update #1</li> <li>• Update #2</li> <li>• Update #3</li> </ul>
WG #2		<ul style="list-style-type: none"> <li>• Update #1</li> <li>• Update #2</li> <li>• Update #3</li> </ul>
WG #3		<ul style="list-style-type: none"> <li>• Update #1</li> <li>• Update #2</li> <li>• Update #3</li> </ul>
WG #4		<ul style="list-style-type: none"> <li>• Update #1</li> <li>• Update #2</li> <li>• Update #3</li> </ul>
WG #5		<ul style="list-style-type: none"> <li>• Update #1</li> <li>• Update #2</li> <li>• Update #3</li> </ul>
WG #6		<ul style="list-style-type: none"> <li>• Update #1</li> <li>• Update #2</li> <li>• Update #3</li> </ul>
WG #7		<ul style="list-style-type: none"> <li>• Update #1</li> <li>• Update #2</li> <li>• Update #3</li> </ul>
WG #8		<ul style="list-style-type: none"> <li>• Update #1</li> <li>• Update #2</li> <li>• Update #3</li> </ul>

Green	Objectives   Quality   Scope   Time   Deliverables on-track, minimal variances and easily managed
Yellow	Objectives   Quality   Scope   Time   Deliverables off track, but manageable; require close monitoring
Red	Objectives   Quality   Scope   Time   Deliverable dates will be missed without corrective action