

Construction Employers Coalition  
(for WSIB and Health & Safety and Prevention)



March 28, 2024

Rosemarie McCutcheon, Chair  
Workplace Safety and Insurance Appeals Tribunal  
505 University Avenue, 5th Floor  
Toronto, ON M5G 2P2

Dear Chair McCutcheon:

**Re: Redaction of WSIB claim files; WSIAT # 2023-1678**

I am reaching out on behalf the Construction Employers Coalition (for WSIB and Health and Safety and Prevention) (“CEC”) to request intervenor status in this appeal. We understand the WSIAT has chosen this file to be a leading case to address the issue of redaction of WSIB claim files.

The CEC represents more than 2,000 construction firms employing approximately 80,000 workers. The CEC was formed in 2010 for the purpose of studying and responding to workplace safety and insurance issues related to Ontario’s construction sector. Our antecedent organizations have been engaged in Ontario workers’ compensation reform since the early 1980s. A list of our members is at **Appendix A**.

**The nature of the redaction issue**

This is a legally complex and serious issue. The capacity for Ontario’s employers to fairly participate in WSIB appeals is at stake. It has been generally observed that the WSIB has: a) increased the frequency of redactions on access documents; and, b) increased the magnitude and extent of the redactions. This is a significant issue that impacts all Ontario employers.

It is our understanding that it is the position of the Board that the Appeals Tribunal has no jurisdiction to consider a WSIB redaction decision other than as expressly set out in the WSIA. There is a body of WSIAT jurisprudence on record for several decades which decides otherwise.

**Intervenor status**

When we became aware that the WSIAT may be taking a leading case approach on this issue, we contacted the WSIAT directly by telephone to confirm that the above noted matter (WSIAT No. 23-1678) is a leading case on this issue. On the advice of the WSIAT, we are writing to seek intervenor status.

The tests for intervenor status are explored in WSIAT jurisprudence. In the absence of the right to participate as a “party of record” the panel has the discretion to determine a third-party ought to be added as a party or intervenor where the party has i) a significant interest in the outcome, ii) the party’s participation is needed to help the Panel decide the case and iii) the case has systemic implications. ([W.S.I.A.T. Decision No. 993 02I \(August 28, 2003\), paras.61-63](#)). For an intervenor to have an interest there must be something more than a “concern” about a potential future outcome ([W.S.I.A.T. Decision No. 993 02IR4 \(April 17, 2007\), para. 57](#)).

We submit that CEC should be granted intervenor status on this matter as all employers (including CEC employer members) have a significant interest in this issue as it impacts all employers' ability to fairly participate in the decision review and appeals process within the WSIB. The CEC is a broad-based advocacy organization competent in workers' compensation matters.

We look forward to the Appeals Tribunal granting the CEC intervenor status.

Your truly,

A handwritten signature in black ink, appearing to read 'A. Pariser'.

Andrew Pariser, CEC Chair

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**Appendix A****CEC members include:**

Ontario General Contractors Association (OGCA)  
Ontario Road Builders' Association (ORBA)  
Mechanical Contractors Association of Ontario (MCAO)  
Ontario Sewer & Watermain Contractors Association (OSWCA)  
Kingston Construction Association  
Niagara Construction Association  
Ottawa Construction Association  
Sarnia Construction Association  
Merit Ontario  
Ontario Home Builders Association (OHBA)  
Heavy Construction Association of Toronto (HCAT)  
Progressive Contractors Association of Canada (PCAC)  
Residential Construction Council of Ontario (RESCON)  
Ontario Residential Council of Construction Associations (ORCCA) including its members:  
Residential Tile Contractors of Ontario (RTCA)  
Ontario Concrete and Drain Contractors Association (OCDCA)  
Masonry Contractors Association of Toronto (MCAT)  
Ontario Formwork Association (OFA)  
Residential Framing Contractors Association (RFCA)

Construction Employers Coalition  
(for WSIB and Health & Safety and Prevention)



July 11, 2024

Suman Furmah, Tribunal Counsel Office  
Workplace Safety and Insurance Appeals Tribunal  
505 University Avenue, 5th Floor  
Toronto, ON M5G 2P2

Dear Suman Furmah:

**Re: Redaction of WSIB claim files; WSIAT # 2023-1678**

Further to my letter of March 28, 2024 (**Appendix A**) and your response of April 12, 2024 (**Appendix B**) I am reaching out to advise that the CEC has retained L.A. Liversidge, LL.B., Barrister & Solicitor, Professional Corporation (LAL) to engage with the WSIAT with respect to this matter on behalf of the CEC.

I anticipate Mr. Liversidge will be in touch. In the meanwhile, you can reach Mr. Liversidge at 416-986-1166 or [lal@laliversidge.com](mailto:lal@laliversidge.com).

Should you have any questions, I can be reached at 416-970-7665 or [pariser@rescon.com](mailto:pariser@rescon.com).

Your truly,



Andrew Pariser, CEC Chair

5000 Yonge Street, Suite 1901  
Toronto, Ontario  
M2N 7E9

Tel: 416-986-0064  
Fax: 416-590-9601  
email [lal@laliversidge.com](mailto:lal@laliversidge.com)

July 11, 2024

Matter No. 305-014

Suman Furmah, Tribunal Counsel Office  
Workplace Safety and Insurance Appeals Tribunal  
505 University Avenue, 5th Floor  
Toronto, ON M5G 2P2

Dear Suman Furmah:

**Re: Redaction of WSIB claim files; WSIAT # 2023-1678;  
Construction Employers Coalition (for WSIB and Health and Safety and Prevention)  
("CEC") intervenor status request**

I am writing to advise I have been retained by the CEC to engage with the WSIAT with respect to the above noted matter. The CEC wrote to you to advise of my engagement (**Appendix A**).

Further to the CEC's letter of March 28, 2024 and your response of April 12, 2024 (**both communications are included at Appendix A**), Jennifer Miller of my office contacted you on May 30, 2024. She left a message on your personal voice mail. According to our records (and that of the CEC) we are not aware that a reply was provided.

I am reaching out to request an update on the status of the CEC's intervenor status request and/or a timeline when a decision might be rendered.

I appreciate your anticipated reply and look forward to hearing from you. I can be reached at 416-986-0064 or [jmiller@laliversidge.com](mailto:jmiller@laliversidge.com).

Yours truly,



**L.A. Liversidge**

**Copied:** Andrew Pariser, CEC Chair

**Workplace Safety and Insurance  
Appeals Tribunal**

505 University Avenue 7th Floor  
Toronto ON M5G 2P2  
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Kayla Seyler  
Direct Line: (416) 725-2498

**CONFIDENTIAL**

July 18, 2024

Mr. L.A. Liversidge – *Sent via Fax*  
Barrister & Solicitor, Professional Corporation  
5000 Yonge Street, Suite 1901  
Toronto, ON M2N 7E9

Andrew Pariser – *Sent via Regular Mail*  
Construction Employers Coalition  
25 North Rivermede Road, Unit 13  
Vaugan, Ontario L4K 5V4

Dear Mr. Liversidge and Mr. Pariser:

**WSIAT No.                    2023-0001678**

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Please be advised that I have been assigned carriage of this matter in the Tribunal Counsel office. Kindly direct all future correspondence or inquiries to my attention.

I am writing to acknowledge receipt of Mr. Pariser's letter dated July 11, 2024 in which he indicates that the Construction Employer's Coalition (CEC) has retained Mr. Liversidge to represent them in their request for intervenor status in this matter.

I also wish to acknowledge receipt of Mr. Liversidge's letter dated July 11, 2024 confirming that he has been retained by CEC in this matter.

Mr. Liversidge, you indicate in your letter that Jennifer Miller of your office attempted to contact Ms. Suman Furmah in the Tribunal Counsel Office on May 30, 2024. Please be advised that Ms. Furmah is currently on a leave of absence. Unfortunately, no message was forwarded to my attention.

Please be advised that I am awaiting a Vice-Chair or Panel to be assigned and will seek instructions on the CEC's request for intervenor status. I will provide you with an update in due course. If you would like to discuss this matter, you can reach me at 416-725-2498.

Yours truly,

Kayla Seyler  
Tribunal Counsel Office (TCO) Lawyer

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NAME / NOM: Mr. Liversidge  
FAX / TÉLÉCOPIEUR: +1 (416) 5909601

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SUBJECT / OBJET: 23-1678

COMMENTS / REMARQUES: Please see attached

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Kayla Seyler  
Direct Line: (416) 725-2498

**CONFIDENTIAL**

November 20, 2024

Mr. L.A. Liversidge – *Sent via Fax*  
Barrister & Solicitor, Professional Corporation  
5000 Yonge Street, Suite 1901  
Toronto, ON M2N 7E9

Dear Mr. Liversidge:

**WSIAT No. 2023-0001678**

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I am writing further to my letter dated July 18, 2024.

Please be advised that a Pre-Hearing Conference was held in this matter on October 28, 2024 to address a number of preliminary issues, including your request that the Construction Employers Coalition be granted leave to intervene in this appeal.

Please be advised that the Panel assigned to this appeal has granted the Construction Employers Coalition leave to intervene in the preliminary issue raised in this appeal. Specifically, the Panel has indicated that:


- The Construction Employers Coalition is granted intervenor status in the preliminary matter concerning whether the Tribunal has jurisdiction over the Board's determination that their redaction decision was not an appealable issue as it was an "administrative decision".
- The Construction Employers Coalition should be provided with a copy of the Board's decision dated August 28, 2023 and the substantive submissions from all of the other parties concerning the above-identified preliminary matter. All of these materials should be redacted to eliminate any identity-related references concerning the employer or worker, including but not limited to their names, addresses or associated Board claim numbers.

I am in the process of carrying out the Panel's instructions, including providing notice to other potential intervenors and inviting submissions from the WSIB. Once the other intervenors have been notified and have confirmed whether they wish to participate in

the next stage of this appeal, I will provide you and the other intervenors with all relevant materials and submissions in accordance with the Panel's instructions.

I look forward to writing to you in due course. If you would like to discuss this matter, you can reach me at 416-725-2498.

Yours truly,



Kayla Seyler  
Tribunal Counsel Office (TCO) Lawyer

Cc: Andrew Pariser – *Sent via Courier*  
Construction Employers Coalition  
25 North Rivermede Road, Unit 13  
Vaugan, Ontario L4K 5V4



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Ana Rodriguez Garcia  
Direct Line: (437) 833-7417

**CONFIDENTIAL – sent via E-Share**

June 11, 2025

Mr. Les Liversidge  
L.A. Liversidge, LL.B.  
1901 - 5000 Yonge Street  
Toronto M2N 7E9

Dear Mr. Liversidge:

**RE: WSIAT No. 2023-0001678**

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Please be advised that I have assumed carriage of this matter in the Tribunal Counsel Office. Kindly direct any future correspondence or inquiries to my attention. Further to Ms. Seyler's last correspondence of November 20, 2024, I am writing to provide you with anonymized copies of the following:

- WSIB Decision letter dated August 28, 2023.
- Submission of Tribunal Counsel dated February 28, 2024.
- Employer's submissions dated April 12, 2024.
- Submissions of the WSIB dated June 5, 2025.

You will now have an opportunity to make written submissions on whether the WSIAT has jurisdiction over the WSIB's determination that their redaction decision (under s.58 of the *WSIA*) was not an appealable issue as it was an "administrative decision". Please provide your submissions within the next **three weeks**.

I look forward to receiving your submissions by **July 2, 2025**. If you have any questions about this letter, please do not hesitate to contact me at 437-833-7417

Yours truly,

Ana Rodriguez Garcia  
Tribunal Counsel Office (TCO) Lawyer

Encl. WSIB Decision letter dated August 28, 2023 (anonymized).  
Submission of Tribunal Counsel dated February 28, 2024 (anonymized).  
Employer's submissions dated April 12, 2024 (anonymized).  
Submissions of the WSIB dated June 5, 2025 (anonymized).

cc. Panel  
Mr. Cramm  
Mr. Pariser

5000 Yonge Street, Suite 1901  
Toronto, Ontario  
M2N 7E9

Tel: 416-986-0064  
Fax: 416-590-9601  
email [lal@laliversidge.com](mailto:lal@laliversidge.com)

Via Upload Tool

June 12, 2025

Our File No. 305-014

Ana Rodriguez Garcia Tribunal Counsel Office  
Workplace Safety and Insurance Tribunal  
505 University Avenue, 7<sup>th</sup> Floor  
Toronto, ON M5G 2P2

Dear Ana Rodriguez Garcia:

**Re: WSIAT No. 2023-0001678**

We are in receipt of your letters of June 11, 2025 which attached the submissions of the WSIB, WSIAT Tribunal Counsel, Office of the Employer Advisor (employer) and the WSIB decision dated August 28, 2023. Thank you.

You provided a due date for our submissions of July 2, 2025, which is three weeks from yesterday. I am writing to request a short extension of the due date to provide our submissions. Given that I am required to seek instructions from our client now that we have received the material you have provided and as we have a scheduled absence in our office over the next few weeks, I request that the deadline be adjusted to July 30, 2025. That should provide us with sufficient time.

Thank you for your consideration and I look forward to your response. You can reach Jennifer Miller of my office at 416-986-0064 or [jmiller@laliversidge.com](mailto:jmiller@laliversidge.com) or me directly at 416-986-1166 or [lal@laliversidge.com](mailto:lal@laliversidge.com)

Yours truly,

A handwritten signature in blue ink, consisting of a large, stylized 'L' and 'A' intertwined.

**L.A. Liversidge**



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Ana Rodriguez Garcia  
Direct Line: (437) 833-7417

**CONFIDENTIAL – sent via E-Share**

June 19, 2025

Mr. Les Liversidge  
L.A. Liversidge, LL.B.  
1901 - 5000 Yonge Street  
Toronto M2N 7E9

Dear Mr. Liversidge:

**RE: WSIAT No. 2023-0001678**

---

Further to my last correspondence of June 17, 2025, the Panel has granted your request for a time extension.

I look forward to receiving your submissions by **July 30, 2025**.

If you have any questions about this letter, please do not hesitate to contact me at 437-833-7417.

Yours truly,

Ana Rodriguez Garcia  
Tribunal Counsel Office (TCO) Lawyer

cc. Panel  
Mr. Cramm  
Mr. Pariser