

KEEPING IN TUNE WITH THE VOICES IN THE CHOIR: OUTREACH AND ACCOUNTABILITY BY TRIBUNALS AND REGULATORS

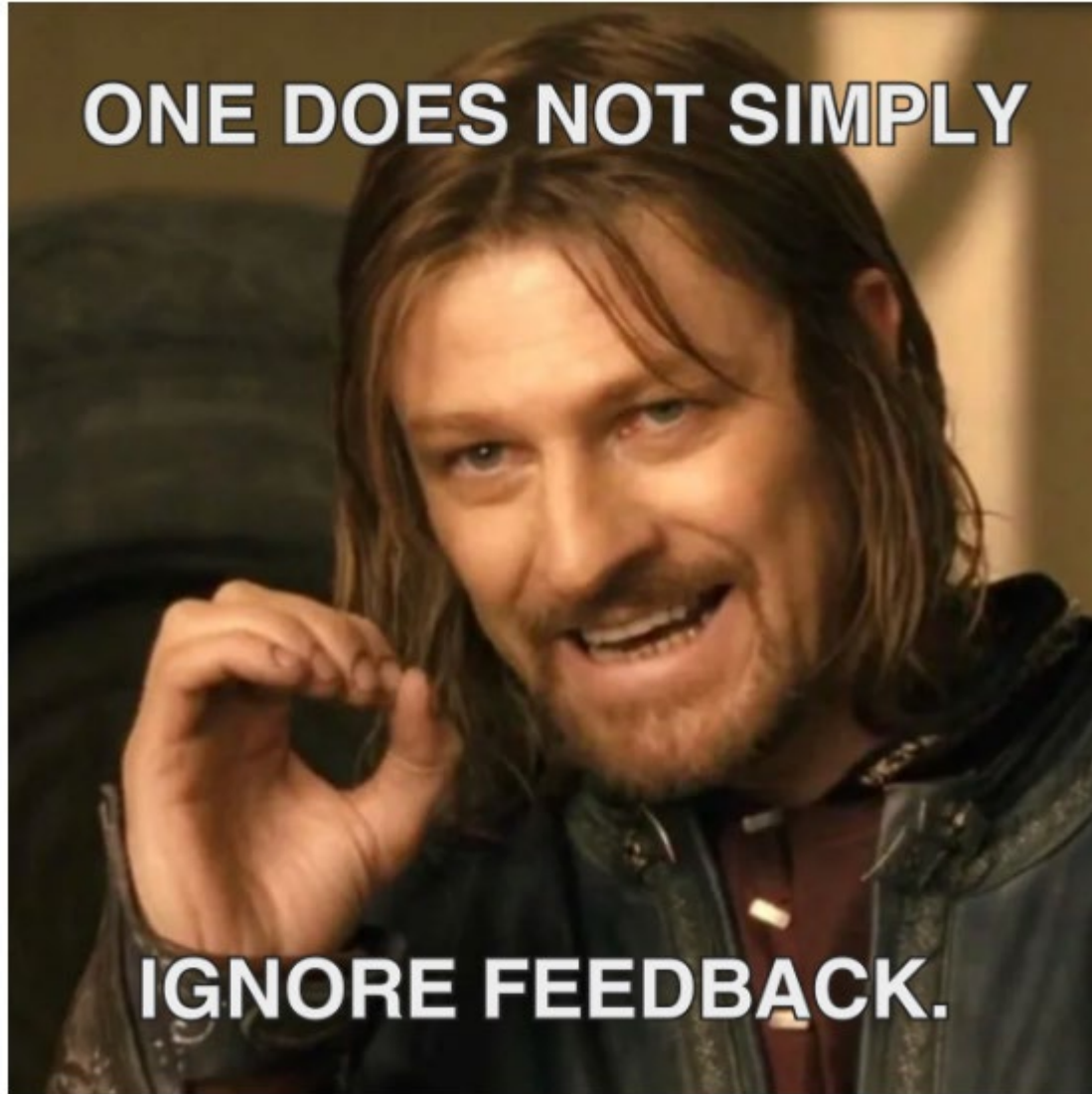
**Rosemarie McCutcheon, Chair
Workplace Safety and Insurance Appeals Tribunal (WSIAT)**

**Additional
resources for
SOAR Conference
November 14,
2024**



Ontario

ONE DOES NOT SIMPLY



IGNORE FEEDBACK.

HISTORY OF OUTREACH AND ACCOUNTABILITY AT THE WSIAT

EARLY TRADITION OF CONSULTATION AND OUTREACH

The Tribunal was established in 1985 as the Workers' Compensation Appeals Tribunal (WCAT): Founding Chair, Dr. S.R. Ellis, KC (Ron Ellis).

The First Annual Report describes consultations between the Chair, the Alternate Chair and a group of representatives of worker and employer constituency organizations called the Advisory Group.

The Advisory Group was a forum where information about the planning for the Tribunal could be shared with major players in various constituencies to keep them apprised of the nature of the plans as they developed and providing an opportunity to provide input.

The advice from the Advisory Group was influential in many of the choices the Tribunal made as it developed its processes and procedures.

The Chair's commitment to the Advisory Group was to provide full disclosure and to give careful and open-minded consideration to the views expressed at the meetings.

The Tribunal reserved the right to finally make the decisions that would be required.

FAST FORWARD TO THE PRESENT: WSIAT CONSULTATION POLICY AND ADVISORY GROUP



The WSIAT's Commitment: to create opportunities for consultation and outreach to promote discussion and knowledge sharing on topics of interest to its stakeholders.



The Advisory Group: a forum where information about the development of the WSIAT and its priorities are shared with major stakeholders in the system.



Mandate: to act as a consultative resource for the WSIAT and to provide the perspective of the respective stakeholder groups on a range of issues as they arise.



Purpose: to foster discussion among different constituents on conceptual and process issues.



Composition: Strive for equal representation from stakeholder organizations and associations from the worker and the employer community.

WSIAT OUTREACH AND ACCOUNTABILITY: BY THE NUMBERS

Type of Communication	Number
External stakeholder events, 2019 to present	44 (November 2024 inclusive), 141 (average number of attendees)
Representative Education Program training sessions, 2020 to present	20 (November 2024 inclusive), 139 (average number of attendees)
External stakeholder communications (e-mail and website), 2019 to present	108
Meetings and communications with Advisory Group, 2020 to present	9 Communications, 3 Meetings
Number of decisions published and keyworded since 1985	91,911 (to date)

WSIAT STAKEHOLDER SURVEYS AND FOCUS GROUPS



- 2021: Preferred Hearing Format, Access to Justice, and Accessibility Survey
- 2022: Decision Searching Functionality, Preferred Hearing Format
- 2022: 7 Focus Groups on Post Pandemic Hearing Formats
- Videoconference Teleconference Survey During COVID-19: sent to all representatives who participated in a WSIAT Remote Hearing, starting May 2020
- In-Person Hearing Survey: sent to all representatives who participated in a WSIAT in-person hearing starting August 2020

Upcoming

- 2024 – Accessibility Survey
- 2024 – Exit Survey

RECENT EXPERIENCE WITH STAKEHOLDER OUTREACH AND CONSULTATION AT THE WSIAT

Consultation on the
new pre-hearing
process

THE GOAL: LAUNCHING A NEW APPEAL PROCESS

MAY 6, 2024

- In 2019, the WSIAT began planning the launch of a new pre-hearing process to modernize and achieve more efficient and timely adjudication
- Changes included:
 - Eliminating an outdated process which allowed appeals to remain in “dormant” status for up to 2 years
 - Updating Practice Directions and Forms to ensure our materials and processes were clear and easy to understand (plain language)
 - Introducing a Navigator for self-represented parties (soft launch November 2023)
 - Improving the evidentiary disclosure process
 - Requiring parties to outline their case earlier in the appeal process
 - Integrating our processes with electronic communication (E-File/E-Share)
- After achieving stabilization following the pandemic, we set a target launch date of November 6, 2023

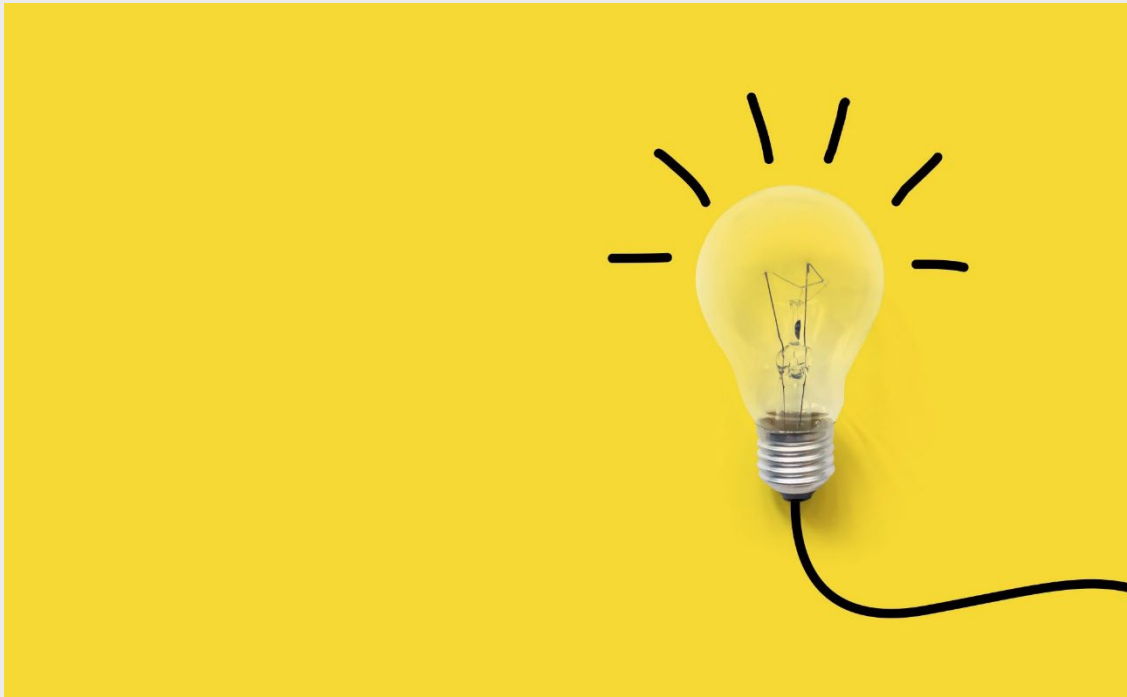
ADVISORY GROUP CONSULTATION



COMMUNICATIONS AND OUTREACH STRATEGY FOR NEW APPEAL PROCESS LAUNCH

- Communications were posted on the WSIAT's website providing updates, opportunities to attend presentations, ask questions and reminders pertaining to the process on June 20, 2023, August 22, 2023, January 26, 2024, March 8, 2024, April 26, 2024 and May 6, 2024
- The WSIAT offered two virtual information sessions about the new process for representatives, parties, and other interested stakeholders prior to the launch of the new appeal process
- For changes to our Right to Sue Practice Direction, a notice was posted in the Ontario Reports and presentations were delivered through the Ontario Bar Association to describe the changes
- WSIAT's Director of Appeal Services, Nicole Bisson, delivered multiple outreach presentations to representative groups, the OBA, and at our most recent stakeholder information event on September 17, 2024

KEY TAKEAWAYS FROM CONSULTATION PROCESS



- It was helpful to hear from different groups to see the process and potential challenges from their perspective
- Helped us to check our blind spots
- A lot of valuable feedback was received
- As a result of incorporating many of the suggestions provided, the overall process was improved
- Rollout of the new process has been relatively smooth and we achieved buy-in from stakeholders



“THIS CHANGE WILL NEVER WORK WITH SO MUCH RESISTANCE”



SILENCE!

...EFFECTIVE CHANGE MANAGEMENT TURNS RESISTANCE INTO ENGAGEMENT.

**REMEMBER TO
LISTEN TO THE
VOICES IN THE
CHOIR!**

ADDITIONAL RESOURCES AND INFORMATION

WHY ENGAGE WITH STAKEHOLDERS?

- To effectively engage with stakeholder engagement an organization needs to be willing to:
 - Listen
 - Discuss
 - Change (possibly)
- Stakeholder engagement provides opportunities for organizations to build trust and mitigate risk.

RESOURCE LIST

Stakeholder Theory: The State of the Art by R. Edward Freeman et al.

- This book provides a comprehensive overview of stakeholder theory and its applications. It is frequently cited in academic literature.

The Stakeholder Engagement Manual by The International Finance Corporation

- A practical guide focusing on effective stakeholder engagement strategies. This manual is widely used in practice for its practical guidance on engaging stakeholders.

Stakeholders: Theory and Practice by Andrew C. W. McCulloch

- Discusses various stakeholder theories and their real-world applications.

The New Stakeholder Engagement: Achieving Social License to Operate by D. D. P. L. McKenzie

- Explores how organizations can engage stakeholders effectively to gain social legitimacy.

The Importance of Stakeholder Engagement by Andrew S. Campbell

- Discusses the role of stakeholder engagement in business strategy. This article is recognized for its clear explanation of why stakeholder engagement is crucial in business.

Stakeholder Engagement: A Road Map to Meaningful Engagement by Neil Jeffrey July 2009 (available online)

- This article is older but still cited. Describes seven core values for the practices of gaining meaningful participation.

KEY OBSERVATIONS FOR WSIAT OUTREACH IN 2024

1. There is more participation in the WSIAT's outreach events since converting to virtual.
2. Each year, the number of participants at WSIAT's events continues to grow.
3. Data tracking for topics will be helpful to analyze in the future.
 - For example: High registration numbers for 'Direct Examination' in our Representative Education Program session.
4. We tend to see more participants attend the early year update from the Chair rather than the one later in the year.
5. We had a high volume of participation during the pandemic in a time of uncertainty.

WSIAT STAKEHOLDER EVENTS

- The WSIAT generally holds stakeholder events 2-3 times a year.
- The purpose of these community outreach sessions is to provide stakeholders throughout Ontario with the opportunity “to provide input into topical issues involving the WSIAT” and “to communicate major initiatives, emerging program and case management trends and to foster greater awareness of natural justice issues.”
- The stakeholder events provide an opportunity for the stakeholder community to hear from the Tribunal Chair and staff on new initiatives, appeal process improvements, best practices, caselaw updates and stakeholder training.
- Stakeholder events are conducted by Zoom webinar and allow stakeholders the opportunity to ask questions.
- Regular stakeholder events allow the WSIAT to engage with multiple stakeholders across Ontario simultaneously and provide transparency on the WSIAT.

STAKEHOLDER EVENT TOPIC EXAMPLES

- 2019
 - Tribunal Mission, Vision and Values
 - Key Objectives
 - WSIAT Initiated Assistance for Medical Issues
- 2020
 - COVID-19 Response
 - EIP Program
 - Launch of E-Filing Service
 - Access to Justice Working Group Update
- 2021
 - E-File Training
 - E-Share Service
 - Zoom Audio for Hearings Update
 - CanLII Tip Sheet and Library Services
- 2022
 - Focus Groups on the Topic of Hearing Methods Post-Pandemic
 - Caseload Updates
 - DAO Updates
- 2023
 - Pre-Hearing Process
 - ITS Update
 - Noteworthy Decisions
- 2024
 - Paralegal Outreach
 - Practice Direction Updates
 - Searching for WSIAT Decisions Training

REPRESENTATIVE EDUCATION PROGRAM TOPIC EXAMPLES

- 2020
 - Zoom
 - Best Practices
 - Making an Effective Presentation in an Electronic Hearing
- 2021
 - Zoom Audio
 - Screen Sharing
 - Early Intervention Program and Alternative Dispute Resolution Programs
- 2022
 - Electronic Case Material
 - Observers at the Hearing
 - Written Submissions
- 2023
 - Medical Evidence Resources
 - Presenting Medical Evidence
 - The Direct Examination
- 2024
 - Hearing Processes
 - Tribunal Updates
 - Mediation at the WSIAT
 - Q&A with the Dispute Resolution Officers

FOCUS GROUPS

- In early 2022 the WSIAT invited stakeholders to participate in focus groups on the future of hearing methods.
- Focus group participants were asked questions on:
 - Preference of hearing (in-person and remote); and
 - Post-pandemic hearing formats.
- A summary of the results of the stakeholder focus groups was provided at the May 2022 Stakeholder Event.
- The focus groups provided the WSIAT feedback on stakeholder preferences and allowed stakeholder input on post-pandemic hearing formats. One of the key takeaways was the desire for choice in hearing methods and communications.
- The feedback was considered when the WSIAT developed guidelines on the gradual resumption of hearings.



SURVEYS

- The WSIAT is committed to seek and review feedback from our stakeholders.
- Surveys have been an effective way for the WSIAT to receive feedback from a variety of stakeholders.
- For more information about surveys at the WSIAT, contact Rebecca Woodrow, Tribunal General Counsel

VIDEO/TELECONFERENCE SURVEY DURING COVID-19

- During the COVID-19 pandemic representatives who participated in a remote hearing were invited to provide feedback on remote hearings.
- A similar survey was sent to WSIAT adjudicators for feedback on remote hearings.
- This allowed the WSIAT to directly engage with some of its stakeholders to learn about their concerns and preferences while we were adapting to the COVID-19 pandemic and the shift from in-person to electronic hearings.

2021 ACCESSIBILITY SURVEY

- As part of its commitment to accessibility the WSIAT has sought feedback on how it provides accessible services to identify ways to remove barriers to accessibility, improve customer service and respond to individual concerns.
- In 2021 the WSIAT sent a survey to stakeholders to obtain feedback about the accessibility of WSIAT processes and resources.
- The results are available on our website in the [2021 Stakeholder Access to Justice and Accessibility Survey](#).



WSIAT SURVEYS LAUNCHING IN 2024

**Exit Survey
for Hearing
Participants**

**2024
Accessibility
Survey**

PURPOSE OF EXIT SURVEY

- **Objective:** Obtain feedback on hearing participants' experience.
- **Survey Focus:**
 - Information provided for hearing preparation
 - Clarity of forms, practice directions, and letters
 - Challenges faced during hearing
 - Effectiveness of Navigation Services (if applicable)
 - Timeliness of service (time to hearing, responses from the WSIAT, etc.)
 - Hearing format (in-person, videoconference, etc.)
 - Participants' role in hearing

WHO WILL RECEIVE THE EXIT SURVEY?



Recipients: Includes all external hearing participants, such as parties and representatives



Delivery: Survey will be sent directly after the hearing by email for timely feedback

EXIT SURVEY IMPLEMENTATION & MANAGEMENT



Launch: Anticipated Q4 2024



Management: Survey design and data handling will be managed by designated WSIAT staff



For more information, contact Rebecca Woodrow, Tribunal General Counsel

EXIT SURVEY DATA ANALYSIS & REPORTING

Review Process: Results will be reviewed by a small committee composed of WSIAT staff

Public Reporting: A summary of survey results will be shared on WSIAT website in regular intervals



2024 ACCESSIBILITY SURVEY

- Since 2021 the WSIAT has made changes aimed at improving the accessibility of its services:
 - Updating appeal procedures
 - Plain language
 - Website refresh
- **2024 Accessibility Survey Purpose:**
 - to receive feedback on how the WSIAT provides accessible services
 - to assess the changes made by the WSIAT in response to the 2021 Stakeholder Access to Justice and Accessibility Survey

2024 ACCESSIBILITY SURVEY PARTICIPATION



Anyone who is on the WSIAT's stakeholder distribution list will receive a link to complete the survey through email.



We anticipate that the survey will be sent out in late fall/early winter 2024.



The survey will be open for 3 weeks.



Results will be reviewed by designated WSIAT staff.



A summary of the survey results will be reported in 2025.

SURVEY PRIVACY & DATA COLLECTION

No Personal Data Collection:

- Personal information will not be recorded or collected through the surveys, and should not be included in responses
- The surveys are purely for feedback to improve our services

Data Collection / Sharing:

- The WSIAT uses Microsoft Forms to administer the surveys, which may process some data (e.g., cookies) to deliver its service
- Information about survey respondents will not be shared with other third parties

UPCOMING MEETING TOPICS WITH THE WSIAT ADVISORY GROUP



WSIAT Appeal Timeline Feedback



Updates on WSIAT Initiatives:

AI Strategy
Representative Code of Conduct
Occupational Disease Stream
Best Practices for Pronouns and Prefixes

COMMUNICATION AND TRANSPARENCY IN URGENT SITUATIONS

HANDLING CYBERSECURITY BREACHES

Key themes

- Loss of trust and reputation are at stake
- **Be prepared** - expect the worst, hope for the best
- **Be ready** to jump into action - know what and how to do it
- **Be transparent**
- **Don't** allow yourself to get comfortable, always aim to be better

Lines of communication: CrowdStrike Example

- Established an MS Teams channel for SMT to communicate internally
- Backup was phone text
- Used Rave Alert app to notify staff
- Scheduling Department coordinated with IT to communicate out to parties and adjudicators establish alternatives with individuals who had hearings scheduled
- Fortunately, our recovery was relatively quick, so a general external communication wasn't necessary

WSIAT RESPONSE TO OUTAGES

The WSIAT experienced unexpected technology issues, including system outages, that were challenging with the shift to work electronically. The biggest challenge was how to deal with a scheduled hearing.

When there was an outage the WSIAT telephoned parties, representatives and adjudicators who had hearings to inquire as to their ability to participate and to advise them of any delays.

Lessons Learned – After the first outage, the WSIAT put business procedures into place to lessen the impact of any future outage, including outlining roles and responsibilities and an internal notification system to alert staff of any issues.

PRIVACY AND CYBERSECURITY

- Privacy is about establishing the rules for protection (i.e. if the information online contains personal information or if it is sensitive in any way, greater protections may need to be in place in line with the Government of Ontario's [Corporate Policy on Information Sensitivity Classification](#)). Cybersecurity is how to protect the assets.
- The *Freedom of Information and Protection of Privacy Act* (“FIPPA”) applies to online and paper assets that contain personal information. As such, the same obligations under FIPPA apply.
- If there is a cybersecurity breach, the rules regarding reporting a breach would apply if personal information is involved in the breach. This would involve:
 - Containing the breach.
 - Reporting the breach to the affected parties.
 - Following up to ensure this type of breach does not occur again.