

# Building the Future

of Nova Scotia's Workplace  
Safety and Insurance System

**Quarterly Performance Report to the WCB Board of Directors**  
**Quarter Ending September 30, 2005**



**Date report prepared: November 24, 2005**

*For the December 2005 Board of Directors meeting*

# **TABLE OF CONTENTS**

---

<b>TABLE OF TABLES .....</b>	<b>1</b>
<b>EXECUTIVE SUMMARY .....</b>	<b>3</b>
<b>WSIS STRATEGIC PLAN INITIATIVES - PROGRESS TO DATE .....</b>	<b>5</b>
<b>WSIS PERFORMANCE MEASURES .....</b>	<b>7</b>
<b>APPENDIX 1 - WORKERS' ADVISERS PROGRAM DETAILED REPORT .....</b>	<b>13</b>
<b>APPENDIX 2 – WORKERS' COMPENSATION APPEALS TRIBUNAL DETAILED REPORT.....</b>	<b>21</b>
<b>APPENDIX 3 – OHS DIVISION, NOVA SCOTIA DEPARTMENT OF ENVIRONMENT AND LABOUR DETAILED REPORT .....</b>	<b>28</b>
<b>APPENDIX 4 – WORKERS' COMPENSATION BOARD DETAILED REPORT .....</b>	<b>35</b>

## TABLE OF TABLES

---

<b>Table 1 Time-Loss Injuries (from WCB Performance Report)</b> .....	11
<b>Table 2 Number of Fatalities (from OH&amp;S Performance Report)</b> .....	11
<b>Table 3 Number of Appeals Received (from WCB &amp; WCAT Performance Report)</b> .....	11
<b>Table 4 WAP Requests for Service Quarterly Totals (from WAP Performance Report)</b> ....	12
<b>Table 5 Timeliness of Internal Appeal Decisions (from WCB Performance Report)</b> .....	12
<b>Table 6 Client Satisfaction with Service (from WAP &amp; WCB Performance Reports)</b> .....	12
<b>Table 7 Case Summary Statistics</b> .....	14
<b>Table 8 Service Waiting Time Local Offices</b> .....	15
<b>Table 9 Service Waiting Time Out of Town</b> .....	15
<b>Table 10 Client Count by County</b> .....	16
<b>Table 11 Program Statistics</b> .....	17
<b>Table 12 Resource/Early Assistance</b> .....	18
<b>Table 13 WAP Expenditures</b> .....	18
<b>Table 14: Appeals Received Volume by Month</b> .....	25
<b>Table 15: WCAT Decisions Rendered by Month</b> .....	25
<b>Table 16: Appeals Outstanding at Month End</b> .....	25
<b>Table 17: Timeliness to Decision (Months)</b> .....	26
<b>Table 18: Average Days to Decision</b> .....	26
<b>Table 19: WCAT Appeal Decisions by Outcome</b> .....	26
<b>Table 20: Decisions Rendered by Mode of Hearing</b> .....	26
<b>Table 21: Decisions by Appellant Type</b> .....	27
<b>Table 22: Worker Representation</b> .....	27
<b>Table 23: Financial Information</b> .....	27
<b>Table 24 - Workplace Fatalities in NS</b> .....	28
<b>Table 25 – OH&amp;S Division Activity By Type</b> .....	29
<b>Table 26 - Orders Issued Broken Down By Law</b> .....	29
<b>Table 27 a) – Full Form Prosecutions Initiated and SOTs issued and decided</b> .....	30
<b>Table 27 b) – Full Form Prosecution Outcomes (individual charges)</b> .....	30
<b>Table 28 - Additional Tracked Activities and Statistics</b> .....	30
<b>Table 29 - Outcomes and Outcome Measures</b> .....	31
<b>Table 30 – Complaints and Inquiries Received</b> .....	31
<b>Table 31 – OH&amp;S Internet Tracking Statistics</b> .....	32
<b>Table 32 – OH&amp;S Toll-Free calls received</b> .....	32

<b>Table 33- Financial Summary .....</b>	<b>33</b>
<b>Table 34 - Client Satisfaction with Email Question / Answer Service .....</b>	<b>33</b>

## EXECUTIVE SUMMARY

---

### WORKPLACE SAFETY AND INSURANCE SYSTEM (WSIS) QUARTERLY REPORT – QUARTER ENDING SEPTEMBER 30, 2005

As identified in Government's Response to the Dorsey Report (and subsequently the Workplace Safety and Insurance System Strategic plan), the System agencies will "provide reports to the WCB Board of Directors on a quarterly basis to update and get feedback from the Board on issues and results" (Nova Scotia Workers' Compensation Program Response Plan pg. 3, WSIS strategic plan pg. 23).

This quarterly report includes information covering the period July 1 – September 30, 2005 from all agencies – the Workers' Compensation Board, Workers' Compensation Appeals Tribunal, Workers' Advisers Program, and Occupational Health and Safety Division of the Department of Environment and Labour. Detailed agency reports are attached as appendices, for your information.

In addition to the detailed agency reports, this report includes an update on the implementation of the System Strategic Plan, and a summary of data on key indicators for the System that are identified in the Strategic Plan.

### REPORT HIGHLIGHTS

- ▶ *System Strategic Plan Implementation:* All System Strategic Plan initiatives that were scheduled to begin by September 30, 2005 are underway and on schedule. The Occupational Health and Safety Grant Program completed on schedule at the end of June 2005.
- ▶ *WSIS Performance Measures:* Data on key indicators for the System have been summarized from the agency detailed performance reports. The available data for these indicators are provided below:
  - ▶ *Injury Rate* – In prior editions of this report, injury frequency (number of time loss claims per 100 person years of employment) was calculated using the date a claim was opened. The calculation is revised and now uses injury date as we believe this more accurately reflects the frequency of workplace injuries in Nova Scotia. The latest data available is for August 2005 and the injury rate is 2.91, well below the year-end target of 2.99. Note, the revised calculation has resulted in an average improvement of 2.5%, accounting for the majority of the improvements seen in the injury rate (i.e. if the old calculation was still used, the injury rate for August would be closer to 2.98).
  - ▶ *Fatalities* – For the quarter ending September 2005, there were 7 workplace fatalities (1 covered by WCB and 6 not covered) in the province. Results for the same quarter last year totaled 3 workplace fatalities. To date, there has been 17 workplace fatalities in 2005, compared to a total of 27 workplace fatalities for all of 2004.
  - ▶ *Number of Appeals* – Appeals volumes received continued on a downward trend. For WCAT, appeals received from July - September decreased 7.3% compared to the same quarter last year while Internal Appeals decreased 45% compared to the same quarter last year.

- ▶ *Timeliness of Internal Appeal Decisions* – WCB timeliness of internal appeals decisions is above the 95% target with 99.66% of paper review decisions issued within 90 days of receipt of the appeal.
- ▶ *Client Satisfaction* – For the quarter ending September 30, 2005, 89% of injured workers were satisfied with how fairly they were treated by WCB staff. WAP's survey of injured workers showed that 100% of respondents were satisfied with the service provided by WAP staff.

A number of other significant developments for the System occurred during this period including:

- ▶ WAP continues to monitor the waiting time for service on a monthly basis. The target remains as 2-4 weeks. Subject to delays requested by the worker or extraordinary circumstances, WAP has been able to maintain a reasonable wait for service that is well within this range. The provincial average is 2.2 weeks.
- ▶ For WCAT, 70% of appeals during the last quarter were resolved within six months. The average number of days to decision was 184. Timeliness statistics for WCAT include all appeals, paper reviews and oral hearings.
- ▶ The number of complaints and toll-free calls for the OHS Division increased from 2<sup>nd</sup> quarter to 3<sup>rd</sup> quarter while the number of inquiries decreased.
- ▶ The Issue Resolution committee, comprised of representatives of the WCB/WAP/WCAT, continues to meet on a monthly basis. This committee focuses on the sharing of information, raising process issues, and exploring joint training ventures. The three agencies are preparing a reference/training manual dealing with specific adjudication issues.
- ▶ On September 21, 2005, WCAT Appeal Commissioners, Workers' Advisers, Board Case Managers and Board Medical Advisors attended an educational session sponsored by the Transition Services Team (TST) Unit. This session featured a presentation by Dr. Tom Evans of the Atlantic Spine Clinic in Moncton, NB regarding the management of chronic pain.

# WSIS STRATEGIC PLAN INITIATIVES - PROGRESS TO DATE

<u>Initiatives</u>	<u>Timeline</u>							<u>Progress</u>
<b>Goal: To improve outcomes for workers and employers</b>								
		<u>2004</u>			<u>2005</u>			
<b>Prevention Initiatives</b>	<b>Ref. Pg*</b>	<b>Q3</b>	<b>Q4</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	
Social Marketing Campaign	10	O	O	O	O	O	O	work is underway & on schedule
Core Curriculum	11	O	O	O	O	O	O	work is underway
Youth education program	11	O	O	O	O	O	O	this is an ongoing initiative
Explore options for Certification of Trainers Program	11	O	O	O	O	O	O	Deferred to Q4 due to PEP implementation
Employer Account Look Up	12	O	O	O	O	O	O	Work well underway and on schedule
Develop industry support networks	12	O	O	O	O	O	O	this is an ongoing effort
Investigate experience rating range	12	O	O	O	O	O	O	Program underway
Develop new safety incentive program	12	O	O	O	O	O	O	Policy complete program to be rolled out in Q4 2005
Develop priority employer program	12	O	O	O	O	O	O	Policies approved and employer engagement initiated. To be completed in Q4 2005
Develop safety audit program	12	O	O	O	O	O	O	Criteria in final draft- reviewed in September
Develop disincentives	13	O	O	O	O	O	O	Ongoing initiative
<b>Return to Work Initiatives</b>								
Develop baseline measurements & set targets	15	O	O	O	O	O	O	Baseline measures & targets established based on current measurement approach. Will revisit once new RTW model is done
Develop survey tool for RTW	15							This will be incorporated in an overall review of the stakeholder survey in 2006
Develop strategy & train staff to educate employers	15	O	O	O	O	O	O	Work underway. Will be integrated with Prevention and RTW Redesign efforts.
Implement most effective delivery model for RTW	15	O	O	O	O	O	O	New model rolled out in Sept. 2005. Monitoring started in Q3 2005.
Consult stakeholders & train staff re. best practices	16			P	P	O	O	Work underway. Will be addressed in the delivery model for RTW (above). Further best practice work to occur later. Consultation with stakeholders started in Sept. 2005
Improve mgmt of service provider contracts	16			P	O	O	O	New physio contracts implemented in Sept. 2005. Other health care disciplines to follow.
Explore certificate in Occupational Health	16							not starting until 2006
Support Disability Prevention & Mgmt Course	16	O	O	O	O	O	O	Worker is underway. Primary Care Physicians trained by ACOM in June 2005.
Educate physicians on RTW	16	O	O	O	O	O	O	this is an ongoing effort
<b>Goal: To improve service delivery</b>								
<b>Accessibility Initiatives</b>								
Youth education program	19	O	O	O	O	O	O	this is an ongoing effort
Regional workshops	19	O	O	O	O	O	O	this is an ongoing effort
New service channels	19	O	O	O	O	O	O	this is an ongoing effort
Create System web-site	20	O	C					Phase 1 (design of gateway pg for system)
Investigate integrated telephone inquiry service	20			P	P			to be investigated in Service Delivery Review
Develop single document describing System	20							not starting until 2006
Determine reading level of clients	20						P	Waiting for results from Dept. of Education study of Canadian Reading Levels by Prov.
Develop plan for communicating with special needs clients	21							Will be linked to Service Delivery Model review for WCB component and start in 2006
<b>Issue Resolution Initiatives</b>								
Joint working group to explore new forms of issue resolution	22	O	O	O	O	O	O	ongoing
Develop opportunities for joint agency training	22	O	O	O	O	O	O	ongoing
Provide WAP with access to expedited services	22						P	Assigned to Issues Resolution Working Group

**Initiatives****Timeline****Progress****Goal: To ensure effective governance of the System**

	Ref. Pg.	2004		2005				
		Q3	Q4	Q1	Q2	Q3	Q4	
Produce quarterly agency reports	23	O	O	O	O	O	O	1 <sup>st</sup> joint report in Nov. 03
<b>Additional WSIS Initiatives</b>								
Governance Review – as announced by Minister of E&L	N/A		O	O	O			Recommendation presented at AGM
System Navigator	N/A				O	O	O	Meeting with stakeholders Nov. 30 2005
<b>Completed WSIS Initiatives</b>								
Collaborate with Medical Society re. web-site	16							completed in 4th quarter, 2003
Organize first WSIS Annual General Meeting	25							completed in Q2, will be an annual event
Develop policy for stakeholder consultation	25							presented to BoD Q1 2004
Establish inter-agency policy forum	26							Completed in Q1 2004
OH&S Grant Program	10							Completed in Q2 2005
Establish System performance measures group	26-27							Inaugural meeting June 4/04

\* Refers to the page in the System Strategic Plan where the initiative is discussed.

O = Ongoing Activity; P = Planned Activity; C = Completed Activity



## WSIS PERFORMANCE MEASURES

Please note this section is a 'work in progress'. Enhancements will be made once the System Goals Advisory Committee completes their work regarding measurement recommendations.

The System Performance Measures Advisory Committee (SPMAC) completed its recommendation regarding System Performance Measures in August 2005. As a follow-on to this work, the System Goals Advisory Committee has been formed to determine implementation plans and timelines for reporting on these new system performance measures. This work will be done in collaboration with the Heads of Agencies.

The following table outlines the system performance measures recommended by the SPMAC:

<i>Proposed Measure</i>	<i>Description of Recommendation</i>	<i>Existing/ New?</i>	<i>Status</i>
<b>Goal #1: To improve outcomes for workers and employers</b>			
% RTW	<ul style="list-style-type: none"> <li>• Intention: drive timely and accurate decisions and appropriate injury-related treatment</li> <li>• RTW efforts may result in 3 distinctive outcomes: (1) full success, (2) partial success, (3) no success</li> <li>• “Full success” = return to same employer, same position, working same number of hours as pre-injury, earning same salary/pay, safely for worker and co-workers</li> <li>• “No success” = no return to work in any capacity</li> <li>• “Partial success” = a state falling between “full” and “no” success</li> <li>• Conduct measurement at 2 points in time: (1) at termination of claim, as a measure of “initial success”; (2) at an interval of time after claim termination (interval to be determined) as a measure of “long-term success”</li> </ul>	New	Development in progress (WCB)
Injury rate	<ul style="list-style-type: none"> <li>• Adoption of current WCB measure</li> </ul>	Existing	See Table 1 below
Injury reporting	<ul style="list-style-type: none"> <li>• Comprised of 2 measures:</li> <li>• (1) Injured worker confidence in reported injury rate – determined based on surveyed stakeholders’ answer to the question “Stakeholders agree that all workplace injuries are</li> </ul>	New	Analysis in progress (Heads of Agencies Committee)

<b>Proposed Measure</b>	<b>Description of Recommendation</b>	<b>Existing/ New?</b>	<b>Status</b>
	<p>reported”</p> <ul style="list-style-type: none"> <li>(2) % of injuries reported other than by the employer – determined by looking at and comparing the number of injuries reported by the employer versus other sources (injured worker, PCP, etc.)</li> </ul>		
Duration	<ul style="list-style-type: none"> <li>Adoption of current WCB measure</li> </ul>	Existing	
Stakeholder satisfaction index	<ul style="list-style-type: none"> <li>Would be calculated based on data obtained through questions addressing various aspects of satisfaction, including with return-to-work results, service delivery, issue resolution, the System’s accountability structure, the stakeholder consultation process and system performance measurement</li> </ul>	New	Analysis in progress (WCB)
Awareness	<ul style="list-style-type: none"> <li>Stakeholder awareness - of their rights, responsibilities, human and financial value of injury prevention, safe and timely return to work, key issues that disable the System from performing effectively and efficiently</li> </ul>	New	Analysis in progress (Heads of Agencies Committee)
Average PMI/PIB	<ul style="list-style-type: none"> <li>Assumes PMI/PIB as a sign of injury severity</li> </ul>	Existing	Analysis in progress (Heads of Agencies Committee)
% of labour force covered by the Workers’ Compensation Act	<ul style="list-style-type: none"> <li>Current legislation results in the exclusion of a number of employers having to contribute to the workers’ compensation system; in turn, employees of those employers are not covered</li> </ul>	New	Analysis in progress (Heads of Agencies Committee)
Prevention initiative effectiveness	<ul style="list-style-type: none"> <li>The purpose of this measure is to promote the cross-polinization of OHS and WCB resource alignment and cooperation, and the sharing of prevention-related employer information. This is a brand new measure, and work is still needed to understand what exactly would be measured.</li> </ul>	New	Analysis in progress (Heads of Agencies Committee)
<b>Goal #2: To improve service delivery</b>			
Timeliness of resolution – injuries	<ul style="list-style-type: none"> <li>Calculated as time lapse between start date and resolution date</li> <li>“Start” date = date of injury</li> <li>“Resolution” date = (1) Board’s final decision; (2) at end of the appeal process (if applicable)</li> </ul>	New	Analysis in progress (Heads of Agencies Committee)

<b>Proposed Measure</b>	<b>Description of Recommendation</b>	<b>Existing/ New?</b>	<b>Status</b>
	<ul style="list-style-type: none"> <li>Further breakdown should be calculated within each instance to distinguish special populations (i.e. CP)</li> </ul>		
Timeliness of resolution – OHS department incident	<ul style="list-style-type: none"> <li>Calculated as the time lapse between start date and resolution date</li> <li>“Start” date = date of receipt of contact with OHS where a fatality, serious injury or discriminatory action complaint or work refusal is first reported</li> <li>“Resolution” date = (1) OHS final decision; (2) at the end of the legal process (if applicable)</li> </ul>	New	Analysis in progress (Heads of Agencies Committee)
WCB decision WCAT overturns	<ul style="list-style-type: none"> <li>Percent of WCB decisions overturned by WCAT</li> </ul>	New	Data available; analysis in progress (Heads of Agencies Committee)
Duration	Discussed under Goal #1		
Stakeholder satisfaction index	Discussed under Goal #1		
Awareness	Discussed under Goal #1		
<b>Goal #3: To ensure effective governance of the System</b>			
Stakeholder satisfaction index	Discussed under Goal #1		
<b>Goal #4: To ensure financial sustainability of the System</b>			
System cost per worker	<ul style="list-style-type: none"> <li>Intended to use relative to other jurisdictions</li> <li>Recommends calculation for 2 populations: (1) the entire labour force, and (2) workers covered by the Workers’ Compensation Act</li> </ul>	New	Analysis in progress (Heads of Agencies Committee)
System cost per claim	<ul style="list-style-type: none"> <li>Intended to use relative to other jurisdictions</li> <li>System costs include claims, legislative, and administrative</li> <li>Intended to represent the average cost of a claim processed through the entire System (not including private counsel)</li> </ul>	New	Analysis in progress (Heads of Agencies Committee)
Target funding date	<ul style="list-style-type: none"> <li>Date of full funding – as per current WCB measure</li> </ul>	Existing	
Average actual assessment rate	<ul style="list-style-type: none"> <li>As per current WCB measure</li> </ul>	Existing	

<b><i>Proposed Measure</i></b>	<b><i>Description of Recommendation</i></b>	<b><i>Existing/ New?</i></b>	<b><i>Status</i></b>
Benefit index (relative to other jurisdictions)	<ul style="list-style-type: none"> <li>• Intended to be a composite measure, comprised of 10 benefit factors; recommendation on factors and weighting included</li> </ul>	New	Analysis in progress (Heads of Agencies Committee)

Currently, the agencies collect some data on key indicators for the System identified in the Strategic Plan. The available data for these indicators are provided in Tables 1 – 6.

**Table 1 Time-Loss Injuries (from WCB Performance Report)**

	Year-End Target	August 2005	August 2004	Variance (2005 to YE Target)
Time-loss injuries	2.99	2.91	2.94	(0.08)

In prior editions of this report, injury frequency was calculated using the date a claim was opened. The calculation has been revised and now uses injury date as we believe this more accurately reflects the frequency of workplace injuries in Nova Scotia. The injury rate has remained relatively consistent through 2003 and 2004 and is currently at 2.91, well below the year-end target of 2.99.

**Table 2 Number of Fatalities (from OH&S Performance Report)**

Year	March 31	June 30	Sept. 30	Dec. 31	Annual Total
2005	4	6	7		17
2004	6	3	3	15	27
2003	10	3	6	3	22
2002	11	9	3	5	28

*\*Please note: These values were attained from a combination of WCB data, news releases and other sources in which fatalities were being reported. In terms of accuracy, we have records of additional fatalities for which there was no date specified – as such, these are not represented in these figures.*

**Table 3 Number of Appeals Received (from WCB & WCAT Performance Report)**

Average appeals received per month for quarter	3rd Quarter 2005	3rd Quarter 2004	Variance
New Appeals Received Internal Appeals	91	165	(45%)
New Appeals Received WCAT	51	55	(7.3%)

Appeals volumes received continued on a downward trend. For WCAT, appeals received from July – September decreased 7.3% compared to the same quarter last year while Internal Appeals decreased 45% compared to the same quarter last year.

**Table 4 WAP Requests for Service Quarterly Totals (from WAP Performance Report)**

# Active Files 2005 = 694

#Active Files 2004 = 1241

	<b>*Requests for Service + Resource Calls</b>	<b>Files Opened</b>	<b>Files Closed</b>	<b>Pending Files</b>	<b>Second Opinions Approved</b>	<b># Clients Served to Date this Year</b>
<b>2005</b>	<b>143+143=286</b>	<b>130</b>	<b>152</b>	<b>22</b>	<b>0</b>	<b>1116</b>
<b>2004</b>	<b>203+268=471</b>	<b>196</b>	<b>153</b>	<b>26</b>	<b>0</b>	<b>1659</b>

\*Includes Requests directly to intake + calls referred to resource not forwarded to intake

Total requests for service are 39% lower than the same period in 2004 and the total number of active files at the end of the period is lower (44%). The number of files opened to date in 2005 is 34% lower than for the same period in 2004 and the number of files closed remained the same. To the end of the quarter, WAP served 33% fewer clients than were served to the end of the same period in 2004.

**Table 5 Timeliness of Internal Appeal Decisions (from WCB Performance Report)**

	3rd Quarter 2005	3rd Quarter 2004	Variance	Year to Date 2005	Previous Year-End	Year-End Target
Timeliness of Internal Appeals Decisions	99.66%	95.14%	4.8%	99.59%	97.0%	95%

Internal Appeals is above the 95% target with 99.66% of paper review decisions issued within 90 days of the receipt of the appeal.

**Table 6 Client Satisfaction with Service (from WAP & WCB Performance Reports)**

	% of clients satisfied with service provided by WAP staff*	% of clients satisfied with being treated fairly by WCB staff**
Client Satisfaction	100%	89%

\*WAP data from WAP surveys that began in April 2003

\*\*WCB data provided by the quarterly Injured Worker Survey

For the quarter ending September 30, 2005, 89% of injured workers were satisfied with being treated fairly by WCB staff. WAP's survey of injured workers showed that 100% of respondents were satisfied with the service provided by WAP staff..

# **APPENDIX 1 - WORKERS' ADVISERS PROGRAM DETAILED REPORT**

---

## **General Summary**

(Full details for each summary are contained in the body of the Report)

### **Operations**

The Program continues to monitor the waiting time for service on a monthly basis. The target remains as 2-4 weeks. Subject to delays requested by the worker or extraordinary circumstances, we are able to maintain a reasonable wait for service that is well within this range. The provincial average is 2.2 weeks.

In accordance with s. 263 (b) we continue to monitor the caseload of the Program by County to determine if the numbers warrant an office in another area of the Province. The numbers do not warrant the opening of an additional office at this time.

Resources/Early Assistance continues to provide service to workers and others who require general information and assistance. We received 170 Resource/Early Assistance calls during this quarter with the majority of calls (74) received in September representing a 45% increase in calls over July (51) and 64% increase over August (45).

### **Financial**

Budget figures ending September 30, 2005 from the Department of Finance indicate we have spent 30.9 % of our authority.

### **Client Operations**

Surveys continue to be sent to all workers when we close their files.

The Program closed 152 client files during this period and received 25 returned surveys representing 16.4% of those sent out. This is a 3.7% lower rate of return than the first quarter which showed a return rate of 20.13%.

Of the 25 surveys returned during this quarter, 17 were successful appeals and 8 were not successful. In general, we continue to receive detailed and valuable information. The returned surveys contained no negative comments in relation to the services provided by the Workers' Advisers Program.

## Operations

**Table 7 Case Summary Statistics**

### July

# Active Files 2005 = 715

# Active Files 2004 = 1204

	<b>*Requests for Service + Resource Calls</b>	<b>Files Opened</b>	<b>Files Closed</b>	<b>Pending Files</b>	<b>Second Opinions Approved</b>	<b># Clients Served to Date this Year</b>
<b>2005</b>	*55+43=98	46	41	9	0	1032
<b>2004</b>	66+70=136	61	56	8	0	1524

\*Includes Requests directly to intake + calls referred to resource not forwarded to intake

### August

# Active Files 2005 = 697

# Active Files 2004 = 1226

	<b>*Requests for Service + Resource Calls</b>	<b>Files Opened</b>	<b>Files Closed</b>	<b>Pending Files</b>	<b>Second Opinions Approved</b>	<b># Clients Served to Date this Year</b>
<b>2005</b>	*45+37=82	40	64	6	0	1072
<b>2004</b>	56+104=160	59	37	10	0	1583

\*Includes Requests directly to intake + calls referred to resource not forwarded to intake

### September

# Active Files 2005 = 694

# Active Files 2004 = 1241

	<b>*Requests for Service + Resource Calls</b>	<b>Files Opened</b>	<b>Files Closed</b>	<b>Pending Files</b>	<b>Second Opinions Approved</b>	<b># Clients Served to Date this Year</b>
<b>2005</b>	*43+63=106	44	47	7	0	1116
<b>2004</b>	89+94=175	76	60	8	0	1659

\*Includes Requests directly to intake + calls referred to resource not forwarded to intake



## Quarterly Totals

# Active Files 2005 = 694

#Active Files 2004 = 1241

	*Requests for Service + Resource Calls	Files Opened	Files Closed	Pending Files	Second Opinions Approved	# Clients Served to Date this Year
<b>2005</b>	<b>143+143=286</b>	<b>130</b>	<b>152</b>	<b>22</b>	<b>0</b>	<b>1116</b>
<b>2004</b>	<b>203+268=471</b>	<b>196</b>	<b>153</b>	<b>26</b>	<b>0</b>	<b>1659</b>

\*Includes Requests directly to intake + calls referred to resource not forwarded to intake

## Process

**Table 8 Service Waiting Time Local Offices**

### July

2005	Halifax - Average - 2.3 weeks	Sydney - Average - 1.4 week
2004	Halifax - Average - 3.2 weeks	Sydney - Average - 0.6 weeks

### August

2005	Halifax - Average - 2.4 weeks	Sydney - Average - 1.2 weeks
2004	Halifax - Average - 2.25 weeks	Sydney - Average - 0.75 weeks

### September

2005	Halifax - Average - 2.8 weeks	Sydney - Average - 1.5 weeks
2004	Halifax - Average - 2.7 weeks	Sydney - Average - 1.1 weeks

### Quarterly Average Waiting Time

2005	Halifax - 2.2 weeks	Sydney - 1.3 weeks
2004	Halifax - 2.6 weeks	Sydney - 1.3 weeks

**Table 9 Service Waiting Time Out of Town**

<i>Bridgewater/Yarmouth</i>		<i>Digby/Amherst/Kentville/Truro</i>		<i>New Glasgow/Antigonish/ Port Hawkesbury</i>	
July	1.4 weeks	July	3.0 weeks	July	0.0 weeks
August	2.6 weeks	August	2.5 weeks	August	2.0 weeks
September	2.6 weeks	September	3.1 weeks	September	4.4 weeks
Quarterly Average - 2.2		Quarterly Average - 2.9		Quarterly Average - 2.1	

**Table 10 Client Count by County**

<b>County</b>	<b>Jul/05</b>	<b>Jul/04</b>	<b>Aug/05</b>	<b>Aug/04</b>	<b>Sep/05</b>	<b>Sep/04</b>
<b>Annapolis</b>	9	22	8	24	10	25
<b>Antigonish</b>	8	9	8	9	8	10
<b>Cape Breton</b>	206	325	206	330	218	342
<b>Colchester</b>	16	34	18	34	19	32
<b>Cumberland</b>	27	47	27	55	28	52
<b>Digby</b>	6	19	6	19	6	18
<b>Guysborough</b>	4	4	4	6	4	6
<b>Halifax</b>	190	351	190	349	191	350
<b>Hants</b>	25	41	25	39	22	38
<b>Inverness</b>	12	15	11	13	10	14
<b>Kings</b>	35	73	35	76	41	71
<b>Lunenburg</b>	71	96	70	97	68	101
<b>Pictou</b>	21	64	24	65	27	66
<b>Queens</b>	10	15	10	15	8	15
<b>Richmond</b>	13	24	15	25	16	26
<b>Shelburne</b>	11	12	10	14	10	15
<b>Victoria</b>	4	16	4	16	4	16
<b>Yarmouth</b>	13	15	13	16	13	17
<b>Other</b>	13	22	12	24	12	27
<b>Total</b>	<b>694</b>	<b>1204</b>	<b>696</b>	<b>1226</b>	<b>715</b>	<b>1241</b>

**Table 11 Program Statistics**

**July**

	Submissions/Hearings Done			New Appeals Filed		
	Court	Hearing Officer	WCAT	Hearing Officer	Court	WCAT
<b>2005</b>	1	5	36	5	0	30
<b>2004</b>	0	8	49	20	0	45
<b>2003</b>	3	8	41	21	8	67

**August**

	Submissions/Hearings Done			New Appeals Filed		
	Court	Hearing Officer	WCAT	Hearing Officer	Court	WCAT
<b>2005</b>	2	4	26	3	0	30
<b>2004</b>	0	6	47	33	0	18
<b>2003</b>	0	10	41	39	3	51

**September**

	Submissions/Hearings Done			New Appeals Filed		
	Court	Hearing Officer	WCAT	Hearing Officer	Court	WCAT
<b>2005</b>	3	7	36	13	1	34
<b>2004</b>	0	9	34	22	0	26
<b>2003</b>	0	13	39	15	3	30

**Quarterly**

	Submissions/Hearings Done			New Appeals Filed		
	Court	Hearing Officer	WCAT	Hearing Officer	Court	WCAT
<b>2005</b>	<b>6</b>	<b>16</b>	<b>98</b>	<b>21</b>	<b>1</b>	<b>94</b>
<b>2004</b>	<b>0</b>	<b>23</b>	<b>130</b>	<b>75</b>	<b>0</b>	<b>89</b>
<b>2003</b>	<b>3</b>	<b>31</b>	<b>121</b>	<b>75</b>	<b>14</b>	<b>148</b>

**Table 12 Resource/Early Assistance**

	<b>July</b>	<b>August</b>	<b>September</b>	<b>Program Total</b>
<b># Calls Taken</b>	51	45	74	170
<b>Time Recorded</b>	14.9	11.2	23.9	50
<b>Questions/Categories</b>	<b>#</b>	<b>#</b>	<b>#</b>	<b>#</b>
<b>General</b>	51	45	74	170
<b>No Written Decision</b>	1	0	2	3
<b>Needs More Evidence</b>	1	0	3	4
<b>Assist with Forms</b>	2	3	4	9
<b>Calls by WAP</b>	2	0	2	4
<b>Resolved at EA</b>	1	0	0	1
<b>Ancillary Issues (ie CPP/EI)</b>	0	1	2	3
<b>Referred to Intake</b>	8	8	11	27
<b>Proforma plan **</b>	2	2	3	7

Each call may deal with multiple questions/categories

\*\* Refers to assistance WAP could have provided had mandated and resources existed to do so.

### **Financial**

The September 30, 2005 report provided by the Department of Finance indicate the following expenditures:

**Table 13 WAP Expenditures**

	<b>2005</b>	<b>2004</b>
<b>Salaries &amp; Benefits</b>	\$536,654.73	\$596,581.00
<b>Administrative</b>	\$92,767.03	\$84,483.00
<b>Medical Reports &amp; Expert Fees</b>	\$51,083.96	\$123,729.00
<b>External Legal Fees &amp; Disbursements</b>	\$0.00	\$32,056.00
<b>Consulting Fees</b>	\$26,849.69	\$19,898.00
<b>TOTAL</b>	<b>\$707,355.41</b>	<b>\$856,747.00</b>
<b>% of Authority Spent</b>	<b>30.90%</b>	<b>36.0%</b>

## Client Satisfaction

### Client Survey Results

The surveys began in April 2003 and will continue so that future results will allow us to track and address any satisfaction trends.

Specific results to our questions are as follows:

Question #1: *The Program staff I dealt with were professional and friendly at all times.*

Strongly Agree -	23	91.6 %
Agree -	2	8.3 %
Disagree -	0	0.0%
Strongly Disagree -	0	0.0%

Question #2: *In my experience, I felt Program staff had the knowledge and experience for dealing with my situation.*

Strongly Agree -	22	88.0%
Agree -	3	12.0%
Disagree -	0	0.0%
Strongly Disagree -	0	0.0%

Question #3: *I feel Program staff did their very best to provide me with the best possible service.*

Strongly Agree -	21	84.0%
Agree -	4	16.8%
Disagree -	0	0.0%
Strongly Disagree -	0	0.0%

Question #4: *My calls were returned within 24 hours.*

All the Time -	16	64.0%
Most of the Time -	9	36.0%
Sometimes -	0	0.0%
Never -	0	0.0%

Question #5: *My questions were answered to my satisfaction.*

All the Time -	22	88.0%
Most of the Time -	3	12.0%
Sometimes -	0	0.0%
Never -	0	0.0%

## Comments Section

Fourteen clients took the time to make a personal comment at the bottom of their survey. There were no negative comments. The adviser's names have been removed from the following to ensure confidentiality. Examples are as follows:

- *I would like to thank [adviser] for his hard work in this matter. Without you I will be lost. Thank you again. Yours Truly (signed by worker)*
- *I was very pleased by the support and concern given to myself by [adviser].*
- *I feel that the staff of the above said program are very helpful and professional. Keep up the good work.*
- *No comment at this time but with thanks to [adviser].*
- *I was very satisfied with [adviser] handling my case.*
- *[Adviser] was excellent with my claim. He answered all my questions, and made me feel comfortably with my own decisions. He should be thanked!! - signed by worker*
- *Injured workers would be at a great disadvantage without the services of the WAP. [Adviser] is a knowledgeable advisor and helped me a great deal. So are [advisers] who have helped me in the past.*
- *Gave us good service and did the best he could with my case. Thank you.*
- *Just want to say that [adviser] was extremely helpful and a great person to have working for me from 1993-05. His services were extremely Great!*
- *I felt the people with whom I dealt with were very supportive to my case. I did finally receive the compensation I deserved. Thanks!*
- *My case Adviser [adviser] was excellent and professional at all times. Thank you (signed by worker)*

## **APPENDIX 2 – WORKERS’ COMPENSATION APPEALS TRIBUNAL DETAILED REPORT**

---

### **OVERALL RESULTS**

The number of appeals received (152) in this quarter has increased by 28% as compared to the previous quarter (109). Compared to the same period last year, the number of appeals (165) decreased by 7.9%. The number of decisions (121) has decreased compared to the same period last year due primarily to the large number of chronic pain appeals that were referred back to the Board during the period August-September 2004. Overall parameters (appellant type, representation, appeal issue type and mode of hearing) in the second quarter of 05-06 have varied slightly from the overall results of fiscal 2004-05. As of September 30, 2005, there were 240 appeals before WCAT.

### **OPERATIONS (see charts 1 to 10)**

- Appeals received: The average number of appeals received per month for the period July-September 05 is 51. This compares with 55 per month for the same period in 2004 and with 55 per month for the year 04-05.
- Decisions rendered: WCAT rendered an average of 40 decisions per month in the period July-September 05. The average for the same period in 2004 was 109 and the average for the year 04-05 was 65.
- Appeals outstanding: 240 appeals remained outstanding as of the end of September 05. This compares with 317 outstanding at the end of the same period in 04 and 302 outstanding at the end of the 4th quarter of fiscal 2004-05.
- Timeliness: 70% of appeals decided in the period July-September 05 were resolved within 6 months. For the fiscal year 2004-2005, 53% of appeals decided were resolved within the same time frame (not represented in a chart). For the period July-September 05, the average days to decision was 184.
- Outcomes: of the 121 decisions rendered in the past three months, 47.5% were accepted or accepted in part, 36% were denied and 16.5% resolved by other means (including appeals returned to the Hearing Officer). This compares with 39% accepted/accepted in part in 04-05, 57% accepted/accepted in part in 03-04 and 51% accepted/accepted in part in 02-03.
- Mode of hearing: oral hearings represented 50% of decisions rendered in the period July – September 2005.

- *Decisions by appellant type:* of the 121 decisions rendered in the period July-September 05, just over 90% were filed by workers. This compares to 94% filed by workers for the year 04-05. Employers participated in approximately 29.6% of worker claim appeals.
- *Worker representation:* WAP represented approximately 70% of workers, while workers were self-represented in 21% of appeals and represented outside of the WAP in 9% of appeals.
- *Issues on appeal:* recognition of claim comprised 20% of the issues decided in appeals in the past three months; new/additional temporary benefits comprised 16%; new/increased benefits for permanent impairment comprised 14% and medical aid comprised 21%. (Not represented in a chart)
- *Appeals to the Court:* As of September 30, 2005, there were 15 appeals before the Nova Scotia Court of Appeal and one before the Supreme Court of Canada. Four new appeals were received in the period July-September 05. This is approximately 3.3% of the volume of decisions rendered in that period. In year 04-05, the number of appeals represented 3% of decisions rendered. During the period July-September, 2005, two applications for leave to appeal were denied by the Court of Appeal. There were two decisions pending. (Not represented in a chart)

## **FINANCE**

WCAT's actual expenditures as of the end of the 2<sup>nd</sup> quarter for 05-06 (April - September 05) were within 35% of budget authority.

## **CLIENT SATISFACTION**

Corporate Research Associates conducted a survey of WCAT participants, specifically injured workers, by telephone from June 6 to July 23, 2005. This survey was conducted exactly two years after a 2003 survey and used the same questionnaire.

One of the key findings of the report is that the overall satisfaction with the WCAT experience is notably higher in 2005 compared with 2003. The most commonly identified reason for satisfaction with the overall WCAT experience is attributable to staff (ie. helpful staff and staff attitude). In contrast, dissatisfaction generally stems from the way the claim was handled, not receiving the desired decision, and the length of time to process the appeal.

The report noted that, although the 10 point gain in overall satisfaction was to be applauded, it was unlikely that such large improvements would be observed in the near future due to the current level of satisfaction and the nature of the population as overall client satisfaction is strongly tied to a client's success with the appeals process.



Specifically, satisfaction has increased across most service factors (respectfulness, politeness, clarity of letters, ability to answer questions, and accessibility) evaluated in 2005 compared with findings from 2003; the lone exception being satisfaction with the appeal outcome. More clients now agree WCAT helped them to understand the appeals process. The Tribunal did a good job keeping them informed about their appeal. However, clients are slightly less likely than in 2003 to agree that the Tribunal understood their situation.

The majority of clients continue to believe it should take less than 12 weeks for WCAT to resolve an appeal. Improving response time or having a speedier process continued to be the most frequently mentioned suggestion for improved Tribunal service. The report recommended that client expectations regarding timelines associated with the appeals process should be actively managed.

The report also recommended that WCAT continue to enhance communication with clients concerning the outcome of their appeal. The report noted that client perception of the clarity of the decision rendered concerning their claim was a key driver of satisfaction with the overall WCAT experience.

Across the client population, those with one or two claims, clients represented by the Workers' Advisers Program, and those who had an oral hearing are more likely to express satisfaction with respect to their experience. Of interest, clients represented by the WAP and who receive an oral hearing offer the highest level of satisfaction with the WCAT experience, while those who represent themselves and receive a paper hearing offer far lower levels of satisfaction.

The Tribunal intends to use the results of the survey to improve the services provided especially with regards to enhancing communication with workers and managing their expectations with regards to timelines. Efforts will also be made to improve decision and letter clarity.

## **STRATEGIC PLAN INITIATIVES**

### **WCAT initiatives:**

In an effort to assist representatives and other decision makers in the Workers' Compensation System, WCAT developed the following documents:

- 1) 20 Tips for Representatives appearing before WCAT (prepared by AC Gary Levine); and
- 2) A Summary of recent notable Court decisions describing briefly the key principles from the decisions and including quotable quotes (prepared by AC Sandy MacIntosh).

These documents are available on WCAT's website.

**WSIS Joint Initiatives:**

On July 4, 2005, Gail Boone, Manager of the WCB TST Unit made a joint presentation to Workers' Advisers and WCAT Commissioners entitled "Rethinking Disability Case Management". Ms. Boone's presentation touched on new strategies for disability case management focusing on a return to work and the prevention of chronic pain. The presentation also reviewed the adjudication process for determining entitlement under the chronic pain regulations, more specifically focused on the pain related impairment process.

On September 21, 2005, WCAT Appeal Commissioners attended an educational session sponsored by the TST Unit. This session featured a presentation by Dr. Tom Evans of the Atlantic Spine Clinic in Moncton, New Brunswick regarding the management of chronic pain. The session not only involved WCAT Commissioners but Workers' Advisers, Board Case Managers and Board Medical Advisors.

Both these sessions were examples of joint education sessions that enhanced decision makers' understanding of the issues involved in adjudicating chronic pain claims.

WCAT, in the last quarter, has also participated in ongoing joint initiatives with partner agencies in WSIS such as the issues resolution working group and appeal issues discussion group.

**Table 14: Appeals Received Volume by Month**

<b>Appeals Received Volume</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Total</b>
Fiscal 05-06	39	41	29	44	52	56							261
Fiscal 04-05	47	36	76	70	55	40	53	58	72	48	36	68	659
Fiscal 03-04	70	83	94	76	97	48	81	86	87	71	42	55	890
Fiscal 02-03	85	72	71	96	65	68	80	83	129	58	61	59	927

**Table 15: WCAT Decisions Rendered by Month**

<b>WCAT Decisions Rendered</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Total</b>
WCAT Decisions Rendered Fiscal 05-06	58	55	44	49	35	37							278
WCAT Decisions Rendered Fiscal 04-05	53	53	35	45	108	174	53	40	54	65	55	48	783
WCAT Decisions Rendered Fiscal 03-04	97	83	70	69	58	43	83	60	50	24	34	56	727
WCAT Decisions Rendered Fiscal 02-03	87	79	78	83	69	57	59	78	41	58	64	78	831

**Table 16: Appeals Outstanding at Month End**

<b>Appeals Outstanding at Month end</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>
WCAT Outstanding 05-06	267	245	226	215	227	240						
WCAT Outstanding 04-05	479	460	491	510	453	317	309	325	341	319	292	302
WCAT Outstanding 03-04	365	361	378	380	411	413	406	425	457	501	501	489
WCAT Outstanding 02-03	399	386	368	372	358	361	370	363	445	437	424	398

**Table 17: Timeliness to Decision (Months)**

<b>Timeliness to Decision (cumm. %)</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12&amp;&gt;</b>
WCAT Decisions Rendered 1 <sup>st</sup> Quarter	0.00%	5.06%	17.72%	37.97%	51.90%	68.99%	77.22%	82.91%	86.08%	88.61%	93.04%	100.00%
WCAT Decisions Rendered 2 <sup>nd</sup> Quarter	0.00%	5.79%	17.36%	48.76%	58.68%	70.25%	81.82%	85.95%	87.60%	90.08%	90.08%	100.00%
WCAT Decisions Rendered 3 <sup>rd</sup> Quarter												
WCAT Decisions Rendered 4 <sup>th</sup> Quarter												

**Table 18: Average Days to Decision**

<b>Average Days to Decision</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>
2005 - 2006	184	170	174	155	168	228						

**Table 19: WCAT Appeal Decisions by Outcome**

<b>WCAT Appeal Decisions by Outcome</b>	<b>Accepted</b>	<b>Accepted in Part</b>	<b>Denied</b>	<b>Other Disposition (RTH, S29)</b>	<b>Total</b>
1 <sup>st</sup> Quarter 05-06 (April - June)	58	30	51	18	157
2 <sup>nd</sup> Quarter 05-06 (July - Sept)	37	20	44	20	121
3 <sup>rd</sup> Quarter 05-06 (Oct - Dec)					
4 <sup>th</sup> Quarter 05-06 (Jan - Mar)					

**Table 20: Decisions Rendered by Mode of Hearing**

<b>Decisions Rendered by Mode of Hearing</b>	<b>Oral Hearings</b>	<b>Paper Review</b>	<b>Total</b>
1 <sup>st</sup> Quarter 05-06 (Apr - Jun)	87	70	157
2 <sup>nd</sup> Quarter 05-06 (Jul - Sep)	61	60	121
3 <sup>rd</sup> Quarter 05-06 (Oct - Dec)			
4 <sup>th</sup> Quarter 05-06 (Jan - Mar)			

**Table 21: Decisions by Appellant Type**

<b>No. of Appeal Decisions by Appellant Type</b>	<b>Worker Claim Appeals</b>	<b>Employer Claim Appeals</b>	<b>Employer Assessment Appeals</b>	<b>Section 29 Applications</b>	<b>Total</b>
1 <sup>st</sup> Quarter 05-06 (Apr - Jun)	153 30 (20%)*	3	1	0	157
2 <sup>nd</sup> Quarter 05-06 (Jul - Sep)	109 29 (26.6%)*	8	3	1	121
3 <sup>rd</sup> Quarter 05-06 (Oct - Dec)					
4 <sup>th</sup> Quarter 05-06 (Jan - Mar)					

\*Employer participation on worker claim appeals.

**Table 22: Worker Representation**

<b>WORKER REPRESENTATION</b>	<b>Self-Represented</b>	<b>WAP</b>	<b>Injured worker groups &amp; others</b>	<b>Outside Counsel</b>	<b>Total</b>
1 <sup>st</sup> Quarter 05-06 (Apr - Jun)	48	101	7	0	156
2 <sup>nd</sup> Quarter 05-06 (Jul - Sep)	25	82	7	3	117
3 <sup>rd</sup> Quarter 05-06 (Oct - Dec)					
4 <sup>th</sup> Quarter 05-06 (Jan - Mar)					

**Table 23: Financial Information**

<b>OPERATING BUDGET</b>	<b>Actual Expenditures</b>	<b>Authority</b>	<b>Percentage of Total</b>
1 <sup>st</sup> Quarter 2005-06 (Apr - Jun)	\$239,855.00	\$1,699,000.00	14%
2 <sup>nd</sup> Quarter 2005-06 (Jul - Sep)	\$595,949.00	\$1,699,000.00	35%
3 <sup>rd</sup> Quarter 2005-06 (Oct - Dec)			
4 <sup>th</sup> Quarter 2005-06 (Jan - Mar)			

## APPENDIX 3 – OHS DIVISION, NOVA SCOTIA DEPARTMENT OF ENVIRONMENT AND LABOUR DETAILED REPORT

---

### 1) Highlights

- A) The Department's Internet site was completely redesigned. Due to malfunctions in the Internet visits tracking program, the impact of this redesign cannot be assessed.
- B) The values in the OH&S Division activity tables have been restated for the 2<sup>nd</sup> and 3<sup>rd</sup> quarters. This corrects a programming fault.
- C) Work continued on a quality management program with an expected completion date sometime in 2005/2006.
- D) Work started on the overall workplan for the OH&S Division.

### 2) Time Intervals in Tables

With the exception of the financial tables presented in Section 4 (where data is grouped by fiscal year), all of the data displayed in this Quarterly Report is based upon the calendar year – January 1 to December 31. In many of the tables, you will see rows or columns that are entitled March, June, September and December (or shortened forms of these). These represent each of the four quarters in a year and pertain to the following time periods:

March = January 1 to March 31  
June = April 1 to June 30  
September = July 1 to September 31  
December = October 1 to December 31

### 3) Operational

**Table 24 - Workplace Fatalities in NS**

	<b>2003</b>	<b>2004</b>	<b>2005 as of Sept. 30</b>
<b>Fatalities</b>	22	27	17

*\*Please note: These values were obtained from a combination of reports to the OH&S Division, WCB data, news releases and other sources in which fatalities were being reported.*

**Table 25 – OH&S Division Activity By Type**

Period	General Inspect	Re-Inspect	Targeted Inspect	Complaint	Work Refusal	Discrim Action	Incident Invest	Total
2003	1,398	515	255	765	16	45	261	3,896
2004	1,139	475	482	882	27	77	321	4,162
March	251	120	59	173	2	10	73	893
June	262	94	36	219	3	12	61	687
Sept	228	77	23	193	4	9	59	593
Dec								
2005 YTD	741	291	118	585	9	31	193	2,173

**Table 26 - Orders Issued Broken Down By Law**

Period	OHS Act	FPSR	FAR	GBR	OHR	OSGR	TWTCR	WHMISR	UMR	Total
2003	2096	592	795	7	27	2492	10	541	14	6574
2004	2397	627	769	34	27	2901	39	530	169	7493
Mar	569	101	161	3	2	554	1	115	2	1508
Jun	166	17	44	0	0	142	0	20	0	389
Sep*										0
Dec										0
<b>2005 YTD</b>	<b>735</b>	<b>118</b>	<b>205</b>	<b>3</b>	<b>2</b>	<b>696</b>	<b>1</b>	<b>135</b>	<b>2</b>	<b>1897</b>

## Acronym Definitions for Table 3.3

OHS Act	Occupational Health And Safety Act
FPSR	Fall Protection and Scaffolding Regulations
FAR	First Aid regulations
OHR	Occupational Health Regulations
OSGR	Occupational Safety General Regulations
TWTCR	Temporary Workplace Traffic Control Regulations
WHMISR	Workplace Hazardous Materials Information System Regulations
UMR	Underground Mining Regulations

\* Data not available.

**Table 27 a) – Full Form Prosecutions Initiated and SOTs issued and decided**

Period	Full Form Prosecutions initiated (non-SOT)	SOTs Issued		SOTs Decided		
		Non Compliance with Order	No Compliance Notice	No trial Paid	Verdict = Guilty	Trial Verdict = not Guilty or withdrawn
2003	43	NA	NA	NA	NA	NA
2004	53	10	6	5	6	3
Mar	5	2	0	0	4	0
Jun	0	2	1	0	1	1
Sep	9	0	0	2	0	0
Dec						
2005 YTD	14	4	1	2	5	1

*\*In certain instances, the total number of SOTS decided may exceed the total # of SOTS issued for a given Quarter. This is a result of SOTS which were issued in a previous Quarter being decided in a future Quarter (in other words, the SOTS issued in a Quarter and the SOTS decided / paid in a Quarter are not always one in the same).*

**Table 27 b) – Full Form Prosecution Outcomes (individual charges)**

Period	Charges Laid	Charges Decided				Total Decided Charges
		Guilty	Not Guilty	Dismissed	Withdrawn	
2003	NA	29	0	2	29	60
2004	114	54	6	12	52	124
Mar	16	12	3	6	3	24
Jun	0	4	0	3	4	11
Sep	33	5	0	6	6	17
Dec						0
2005 YTD	49	21	3	15	13	52

*\*Note - charges laid are from prosecutions initiated in the quarter, decided charges may stem from other quarters that were decided in the current quarter.*

**Table 28 - Additional Tracked Activities and Statistics**

Period	Closed Orders That Went Past the Stated Compliance Date (%)	Stop Work Orders Issued	Deviation Requests	Deviations Granted	Codes of Practice Granted	Appeals Filed of Officer's Decisions or Orders	Appeals Filed of Director's Decisions or Orders
2003	47.7	129	70	28	15	20	10
2004	44.1	119	24	21	30	27	8
Mar	39.61	12	4	3	4	4	0
Jun	**	33	2	0	12	6	1
Sep	**	24	6	4	9	5	1
Dec							
2005 YTD	-	69	12	7	25	15	2

*\*\* Unable to calculate due to programming issues.*



**Table 29 - Outcomes and Outcome Measures**

<b>Measure</b>	<b>Target</b>	<b>2003</b>	<b>2004</b>	<b>Mar</b>	<b>Jun</b>	<b>Sep</b>	<b>Dec</b>	<b>2005</b>
Percentage of targeted inspections where an order is not issued.	Increase the Percentage from the base year (2001 - <b>43.5%</b> .)	52.5	36	49.2	53.3	0		-
No. of WCB claims per 100 employees, compared to the 5-year running average.	Maintain or decrease number of claims relative to 5 year running average ( <b>7.97</b> )	7.73	7.72	Provided Annually by WCB				
Average no. of compensable days for all new compensable time loss claims filed in the year and receiving benefits during the year, compared to the 5-year running average.	Maintain or decrease the average number of days relative to the 5-year running average ( <b>35.42</b> )	38.2	41.01	Provided Annually by WCB				

\* Data not available.

The above outcomes and outcome measures are noted in the Department's 2005/2006 Business Plan (see <http://www.gov.ns.ca/enla/pubs/docs/NSELBusinessPlan06.pdf>).

**Table 30 – Complaints and Inquiries Received**

	<b>2004</b>	<b>Mar</b>	<b>Jun</b>	<b>Sep</b>	<b>Dec</b>	<b>2005</b>
# Complaints Received	1170	243	317	326		886
# Complaints for Which no Follow-Up Inspection was Performed (by Quarter end)	NA	59	NA	NA		-
Avg. # Days Between Receipt of Complaint and Inspection (if one is conducted) (by Quarter end)	NA	6.04	NA	NA		-
# Inquiries Received	2302	784	835	512		2131

\* The Quarterly figures presented above were tabulated shortly following the end of the Quarter. That said, the values for rows 2 & 3 could be drastically different at a later time.

**Table 31 – OH&S Internet Tracking Statistics**

	Total # Page Views	Total # Downloads*
2003	245,653	59,505
2004	334,937	119,934
Mar	95,319	29,737
Jun	90,394	29,991
Sep	**	**
Dec		
2005	185,713	59,728

\*The total # of Downloads figures do not include the number of OHS Act page views as we are unable to track the activity on the server where this document resides.

\*\* Data not available due to tracking program changes.

**Table 32 – OH&S Toll-Free calls received**

	2003	2004	Mar	Jun	Sep	Dec	2005
OH&S Toll-Free calls received	4988	4548	900	942	991		2833

September's value is a pro-rated estimate as telephone billing information, which has the call information in it, has not arrived.

#### **4. Financial**

\* The following table showing financial data is broken down by fiscal year- April 1 to March 31 (as opposed to the calendar years used in all other tables in the report).

**Table 33- Financial Summary**

<b>Business Area</b>	<b>2004/2005 Actual Expenditures</b>	<b>2005/2006 Estimate</b>
OHS Administration	\$1,644,656	\$1,546,400
OHS Professional Services	\$964,792	\$2,103,200
OHS Inspection & Compliance Services	\$381,002	\$437,500
OHS Inspection & Compliance Services, Central	\$1,134,177	\$1,264,900
OHS Inspection & Compliance Services, Southwest	\$528,667	\$620,500
OHS Inspection & Compliance Services, Northeast	\$571,297	\$638,600
OHS Inspection & Compliance Services, Cape Breton	\$589,715	\$675,500
Blaster's Board	\$15,409	\$12,000
OHS Advisory Council	\$111,780	\$51,000
<b>Total</b>	<b>\$5,941,495</b>	<b>\$7,349,600</b>

#### **5. Client Satisfaction**

**Table 34 - Client Satisfaction with Email Question / Answer Service**

<b>Question</b>	<b>Percent of maximum score</b>				
	<b>2004/ 2005</b>	<b>2003/ 2004</b>	<b>2002/ 2003</b>	<b>2001 / 2002</b>	<b>2000 / 2001</b>
No. of e-mail surveys sent	95	43	131	251	220
Response rate (%)	31	63	71	41	40
The information answered my question.	83.0	82.2	86.5	86.1	83.1
The information was clear, concise and understandable.	82.9	80.7	87.0	87.1	85.5
The information was received within an acceptable time frame.	86.9	87.9	86.8	88.5	87.4
You are pleased with the service you received.	83.0	87.7	89.3	88.7	86.8
<b>Average</b>		<b>84.6</b>	<b>87.4</b>	<b>87.6</b>	<b>85.6</b>

\* Note that not every respondent to the client satisfaction survey answers every question.

## **6. Strategic Plan / Business Plan**

### *6.1 Workplace Safety and Insurance System*

The Strategic Plan for the Workplace Safety and Insurance System has been accepted and is being implemented.

### *6.2 Occupational Health and Safety Division, Department of Environment and Labour*

During the second quarter of 2005, the Division:

Completed work on:

- A) Two plain language documents related to the Occupational Safety General Regulations

Started or continued work on:

- A) a quality management program, expected to be completed in 2005/2006
- B) a plan to improve occupational diving safety, including Occupational Diving Regulations
- C) an overall workplan for the OH&S Division. The plan will be finished in July, 2005
- D) the 2004/2005 annual report.

## **APPENDIX 4 – WORKERS’ COMPENSATION BOARD DETAILED REPORT**

---

The Workers’ Compensation Board has revised its performance reporting based on (a) a request from its Board of Directors to provide a more streamlined performance report; and (b) adjustments made to the WCB Corporate Performance Measures following the development of the WCB’s Long Term Business Plan in the spring of 2005. The newly streamlined report was put together in 2<sup>nd</sup> Quarter 2005 and provides quantitative results that support the WCB’s corporate goals and objectives as well as the goals outlined in the WSIS Strategic Plan.

The 3<sup>rd</sup> Quarter 2005 results detailed in the following table highlight some of the key measures contained in this new streamlined report:

### **3<sup>rd</sup> Quarter 2005 Results**

The results reported this quarter (generally data as of Sept. 30, 2005) showed steady performance in a number of areas including timeliness of first payment, % return-to-work, and timeliness of internal appeals decisions. Also, the volume of appeals received has shown a significant decrease (45%) compared to 3<sup>rd</sup> quarter 2004 results.

For the first time, the WCB is reporting a composite duration statistic on a monthly basis. Historically, the WCB has always reported this measure on an annual basis in our Annual Report. This new monthly composite duration is intended to provide a method of tracking our performance on a more frequent basis. This new measure provides a monthly estimate of annual composite duration which estimates the total number of compensable days of a typical time-loss claim.

We have experienced a significant notable increase in duration in 2004 and 2005. This increase is attributed the following:

- (1) SCC decision and process to implement new Regulations and Policies has resulted in elongating claims that are in the chronic stage; Return-To-Work (RTW) is more complex and takes longer for these claims,
- (2) the old disability case management approach has enabled many claims to advance to the chronic stage primarily due to lack of early intervention and proper care,
- (3) items 1 & 2 have increased caseloads, negatively impacting the timeliness of service on all claims,
- (4) the services needed to assess and effectively treat Chronic Pain were not available in Nova Scotia; we are just getting those in place now,
- (5) the lack of collaboration between employers, workers, health care and the WCB toward a common RTW goal,
- (6) workers disconnecting from pre-injury employers has resulted in more time required to execute vocational rehabilitation programs to assist workers back to work, and
- (7) long wait times for surgery.

Action: The WCB is addressing these root causes through the implementation of RTW Redesign with a primary focus on collaboration and RTW; new physiotherapy contract with accountability and outcome focus; the establishment of new services to assist in managing chronic pain; additional resources; a focused effort on resolving some of the older files where RTW is unlikely; and we are exploring options to deal with the surgery wait times.

Worker satisfaction with the WCB has shown an overall decrease on all key service indicators since April 2005. This downward turn can be partially attributed to the following:

- (1) Significant resource turnover in Case Management Teams due to Transition Services Team, Return-To-Work, & Internal Appeals recruitment,
- (2) Client Services was heavily engaged in RTW Redesign thus diluting focus on regular operations,
- 3) Delays resulting from learning how to deal with Chronic Pain has increased caseloads and negatively impacted service on all claims, and
- (4) Deployment of RTW changes took longer than originally planned.

Action: The WCB is addressing this trend of dissatisfaction through (1) the implementation of RTW Redesign, including additional resources (completed Sept. 2005), (2) securing new services to assist in managing chronic pain (in progress), (3) the addition of a new collective agreement clause regarding term positions which will help to reduce resource turnover (completed), and (4) refocusing operational management on operations as opposed to projects.

With the shift to the new RTW model, we may see over the coming months some impact – positive or negative depending on perception – on the satisfaction numbers for both employers and workers.

**WCB CORPORATE OBJECTIVES HIGHLIGHTS**

	Year-End Target	3rd Quarter 2005	Year to Date 2005	Year to Date 2004	Variance (YTD to YE Target)	
<b>Worker Satisfaction</b>						
Treated fairly	91%	89%	87%	91%	(4%)	
With outcome	75%	63%	71%	74%	(4%)	
With employee effectiveness	74%	65%	68%	72%	(6%)	
<b>Employer Satisfaction</b>						
Treated fairly	71%	73%	72%	70%	1%	
With ability to answer questions	69%	75%	74%	n/a*	5%	
With employee effectiveness	34%	39%	36%	35%	2%	
* n/a = data not available (only started collecting this stat in Q4 2004)						
	Year-End Target	3 <sup>rd</sup> Quarter 2005	2 <sup>nd</sup> Quarter 2005	Quarterly Variance		
% RTW at 100% pre-injury earnings	92%	92%	90%	2%		
	Year-End Target	August 2005	August 2004	Variance (2005 to YE Target)		
Time-loss injuries*	2.99	2.91	2.94	(0.08)		
Duration – Composite (days)*	106	118	103	12		
* latest data available is for August 2005						

**OPERATIONAL PERFORMANCE HIGHLIGHTS**

	3rd Quarter 2005	3rd Quarter 2004	Variance	Year to Date 2005	Previous Year-End	Year-End Target
Timeliness of First Payment	80.51%	80.07%	0.5%	81.10%	80.90%	83%
New Appeals Received Internal Appeals (Total appeals received)	273	495	(45%)	938	1,553	n/a
Timeliness of Internal Appeals Decisions	99.66%	95.14%	4.8%	99.59%	97.0%	95%