



**ANNUAL REPORT**  
**Workers' Advisers Program**  
for the fiscal year ending March 31, 2017

*Kenneth LeBlanc, B.A., M.A., LL.B.*  
Chief Worker Adviser

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May 1, 2017

The Honourable Kelly Regan  
Minister of Labour & Advanced Education  
5151 Terminal Road  
Halifax, NS

Dear Minister Regan:

In accordance with Section 268 of the *Workers' Compensation Act*, S.N.S. 1994-95 c.10, as am., I have the honour of submitting the Workers' Advisers Program Annual Report for the period April 1, 2016, to March 31, 2017.

Yours truly,



Kenneth LeBlanc  
*Barrister & Solicitor*  
Chief Worker Adviser

copy: Duff Montgomerie, Deputy Minister  
Labour & Advanced Education

copy: Cynthia Yazbek, Executive Director  
Labour Services Branch  
Labour & Advanced Education



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# Letter from the Chief Worker Adviser

The Workers' Advisers Program is a public agency established under Part III of the *Workers' Compensation Act* and regulations to provide free legal assistance, advice, and representation to eligible injured workers and their families seeking workers' compensation benefits. Generally, a worker must have a reasonable expectation of success with respect to a claim for workers' compensation benefits before receiving legal representation from the Workers' Advisers Program.

As Chief Worker Adviser appointed pursuant to Part III of the *Workers' Compensation Act*, I am responsible for supervising and administering the Program's operations.

## Program statistics

The Workers' Advisers Program had a very busy and productive year in 2016 - 2017. At year-end on March 31, 2017 the Program had 1387 active files, a 33.5% increase compared to the number of our active files (1039) on March 31, 2016. During the year, the Program had 977 requests for service/files opened, 619 files were closed, and we provided service to 2014 clients.

In 2016 - 2017 the Program filed 350 appeals to the Workers' Compensation Appeals Tribunal ("WCAT") on behalf of workers. We also filed 186 appeals to Hearing Officers of the Workers' Compensation Board ("WCB") and 4 appeals to the Nova Scotia Court of Appeal.

In 2016 - 2017 at the Hearing Officer level the Program did 5 hearings and provided 96 written submissions; at WCAT the Program did 223 hearings and provided 153 written submissions; and at the Nova Scotia Court of Appeal the Program did 9 hearings and provided 10 factums.

We track and report our service waiting time, which is the date from when a worker contacts the Program to request assistance with a claim or appeal until the worker has a discussion with a Workers' Adviser, which should take no more

than 6 weeks. The Workers' Adviser is expected to be knowledgeable about the worker's claim or appeal at the time of this discussion. In 2016 - 2017, with 977 requests for service, the Program's average province-wide wait time for service was 6.2 weeks.

Since April 2003, the Program has mailed satisfaction surveys to clients when their files are closed at the Program. Our target is that at least 80% of the responses from clients indicate they "strongly agreed" or "agreed" that the service provided by Program staff satisfied their requirements. In 2016 - 2017, with 619 closed files and 181 returned surveys (a 29.24% survey return rate), 94.6% of clients who returned surveys "strongly agreed" or "agreed" that the service provided by Program staff satisfied their requirements.

## **New resource process**

From 1996, when the Program started operations, until April 2016, the Program generally limited itself to providing services to workers who contacted us with written decisions concerning their claims. In April 2016, however, we started a new process, which we called "resource", with the aim that every worker contacting the Program about a workers' compensation claim or appeal, with or without a recent written decision, would be referred to a Workers' Adviser with the Program and contacted to discuss their workers' compensation issue or issues of concern.

In 2016 – 2017 the Program received 279 calls from workers who were initially referred to our resource process because it did not appear, at least initially, that they had a recent written decision concerning a claim. As of March 31, 2017, Workers' Advisers had returned calls and/or interviewed 248 of these workers. Based on the nature of the cases, 40 of these workers were referred to our regular intake process. We intervened and successfully resolved the issues for 11 workers. We kept files open for 78 workers while we continued to look into their claims or waited for more information. We closed 83 of these files because we were able to address the worker's issue when we spoke with them. Thirty-one of these files were carried forward into the 2017 – 2018 fiscal year.

Unquestionably, adding the resource process has contributed to the Program having 1387 active files on March 31, 2017 compared to 1039 active files a year earlier, a 33.5% increase over the year. Nevertheless, we intend to keep the resource process as a regular part of the Program's work. It has enabled Workers' Advisers to identify issues of concern in many workers' claims that previously, in the absence of the worker identifying a recent written decision on initial contact to the Program, would probably not have been discovered.

Hopefully, through the resource process, every worker who contacts the Program for assistance will gain a better understanding of the applicable law and process that led to the outcome in their claim.

## WCAT's disclosure of a worker's claim file information to an employer

WCAT issued a preliminary decision in *Decision 2015-416-AD* (June 20, 2016) dealing with WCAT's authority to release information from a worker's claim file to the worker's employer. In this decision, a panel of WCAT Appeal Commissioners ruled that the worker's employer was entitled to have full access to the worker's claim file and that WCAT would not review or redact the file to ensure that only information which it determined was relevant to the issue under appeal would be released to the employer. This ruling was a significant change from WCAT's previous practice (and the WCB's past and current practice) of only releasing information from a worker's claim file to an employer which it determined was relevant to the issue under appeal.

The Program represented the worker in this case at WCAT and, on the worker's behalf, appealed to the Nova Scotia Court of Appeal. The Court of Appeal granted the worker's application for leave to appeal in March 2017 and the Court of Appeal is scheduled to hear the appeal on October 10, 2017.

## Psychological stress

Psychological stress in the workplace continues to be a prominent issue for Nova Scotia's workers' compensation system, as well as in other workers' compensation systems in Canada. The Program currently represents workers in appeals at WCAT who are relying on the *Canadian Charter of Rights and Freedoms* to challenge the requirement under the *Workers' Compensation Act* for a worker to have stress from an acute reaction to a traumatic event before the worker's stress can be accepted as an accident and eligible for compensation.

Some provinces have recently legislated change to the workers' compensation system's approach toward psychological stress. Other provinces are considering similar legislation.

Some provinces have also enacted presumptive workers' compensation coverage of stress claims for emergency first responders. Similar legislation was recently introduced in the Nova Scotia Legislature.

## Medically-prescribed marijuana

As I also reported in last year's letter, the controversy over whether the WCB should cover medically-prescribed marijuana continues to be a prominent issue. The WCB continues typically to deny workers' request for coverage of medically-prescribed marijuana. The Program has represented several workers in successful appeals from WCB decisions dealing with this issue. This issue promises to remain in the spotlight with next year's legalization of marijuana for recreational use.

## Delays in the workers' compensation system

Delays in Nova Scotia's workers' compensation appeal system continue to be a source of major concern. The main reasons for delays in appeals involving the Program are: (1) the length of time it often takes to obtain supportive medical evidence; and (2) employers' frequent active participation in opposing workers' appeals in WCAT's adversarial appeal process.

Our appeal system can fairly be called litigious and adversarial. The need for workers to obtain medical information in many cases is related to the adversarial nature of our appeal system.

Based on my conversations with my counterparts around the country, delays in resolving workers' compensation appeals is a major concern in most Canadian jurisdictions. This issue continues to be the subject of discussions and meetings among staff and stakeholders in the workers' compensation system.

## Program's appeal success rate at WCAT

Historically, workers have filed approximately 95% of the claim appeals that WCAT receives. For example, in 2015 – 2016, WCAT reported that it received 576 worker claim appeals and 25 employer claim appeals.<sup>1</sup>


In 2016 – 2017, there were 476 WCAT decisions resulting from appeals to WCAT. Of these 476 decisions, overall WCAT allowed 163 (34%) appeals and allowed in part 71 (15%) appeals. That is, in 2016 – 2017 WCAT allowed or allowed in part 49% of appeals overall.

Of the 476 decisions in WCAT appeals in 2016 – 2017, the Program was the worker's representative in 320 (67%) of these appeals. The Program was the worker's representative in 135 (83%) of the 163 appeals that WCAT allowed and in 51 (72%) of the 71 appeals that WCAT allowed in part. That is, in 2016 – 2017 the Program was the worker's representative in 79% of the appeals that WCAT allowed or allowed in part.

## Other activities

In September, 2016 the Program hosted the annual meeting of the Canadian Association of Workers Advisors and Advocates ("CAWAA") in Halifax. The annual CAWAA meeting and CAWAA telephone conferences during the year are great opportunities to network and exchange information with counterparts from across the country.

<sup>1</sup> Source: WCAT's annual report for the year ending March 31, 2016, page 34.



In 2016 - 2017, I met and discussed various workers' compensation issues with staff from the Office of the Worker Counselor and representatives from Injured Workers' Associations.

I continued to serve as a member of the Heads of Agencies Committee and the Issues Resolution Working Group as we worked to improve services to stakeholders of the Workplace Safety and Insurance System ("WSIS"). I participated in the WSIS Annual General Meeting in May 2016.

In 2016 - 2017 I attended regular meetings with my fellow directors from the Department of Labour and Advanced Education's Labour Services Branch. These meetings are very useful for the exchange of information and views they facilitate and the support they provide to me and the Program.

We are continuing to work to implement a modern IT case management solution, which we expect will be operational in 2017. The work of other Program employees, as well as other employees in the Department of Labour and Advanced Education and others in the Nova Scotia Public Service, has been invaluable in doing the work associated with this project.

Along with other employees at the Program, I took part in many in-person and online educational and training sessions in 2016 - 2017. These sessions were relevant to our work as government employees and legal professionals. The Nova Scotia Barristers' Society expects practicing lawyers to participate in ongoing legal education each year.

The Program finished the year spending 89% of our budget authority, 96% of our forecast.

We look forward to another busy and successful year in 2017 - 2018.

Submitted,

Kenneth LeBlanc  
*Chief Worker Adviser*





# Mandate and History

Injured workers covered under Nova Scotia's *Workers' Compensation Act* are protected through benefits and services available under a no-fault insurance system. Through what is known as the historic trade-off, workers and their families give up the right to sue for the consequences of work-related injuries in return for compensation payable regardless of fault and without the need to pursue a lawsuit in court. The other side of the historic trade-off is that employers must pay assessments to cover the cost of the system in return for immunity from civil liability arising from work-related injuries.


The Workers' Compensation Board of Nova Scotia (WCB), is established under Part I of the *Workers' Compensation Act*. The WCB is the policy-leader for the workers' compensation system and investigates and adjudicates workers' claims in the first instance. The WCB also administers the Accident Fund, which is made up of employers' assessments and covers the costs of the workers' compensation system.

Workers or employers may appeal claim decision made by a WCB Hearing Officer to the Nova Scotia Workers' Compensation Appeals Tribunal (WCAT), established under Part II of the *Workers' Compensation Act*. There is a limited right of appeal from WCAT decisions to the Nova Scotia Court of Appeal.

The Workers' Advisers Program was established in February 1996 when Part III, along with most of the rest of the current *Workers' Compensation Act*, was proclaimed into force. The Workers' Advisers Program replaced the former Workers' Counselors' Program, which administered a certificate system whereby private law firms around the province provided legal representation to workers seeking workers' compensation benefits.

The Workers' Advisers Program is an independent legal clinic which provides free legal assistance, advice, and representation to injured workers and their families seeking workers' compensation benefits and who meet the Program's eligibility criteria. Generally, if the Program determines that a worker has a reasonable expectation of success of obtaining at least \$500 or its equivalent in an appeal of a claim, that worker will meet the Program's eligibility criteria for service.

Workers dealing with the Program are in a solicitor-client relationship with the Program and its staff, in the same way as they would be with any other lawyer or law firm in Nova Scotia.



The Program receives the funding for its operations by way of a grant from the Accident Fund.

The Chief Worker Adviser supervises and administers the Program and reports to the Minister of Nova Scotia's Department of Labour and Advanced Education regarding the Program's general operations and budget. Part III requires the Chief Worker Adviser to be a practising member of the Nova Scotia Barristers' Society.

Workers' Advisers with the Program are lawyers and non-lawyers who by formal education or professional experience are qualified to prepare and present claims for workers' compensation benefits and to advise on routine matters of evidence and law.

Workers' Advisers consult with workers and others regarding claims, attend meetings and hearings, and obtain evidence and present it to workers' compensation decision makers. Workers' Advisers have access to research and other resources required to pursue appeals. They are familiar with issues and pressures affecting injured workers and strive to achieve an effective working relationship with them.

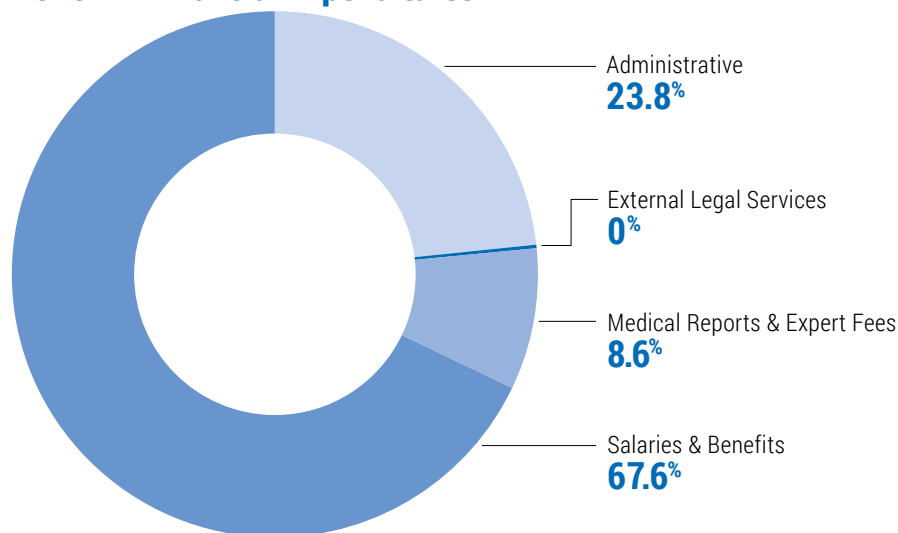
The Program's head office is in Halifax and with a second office in Sydney. The Program has maintained the Halifax and Sydney offices since May 1997, while monitoring the caseload by county to determine whether other offices in other parts of the province should be opened. Workers' Advisers will travel around the province to meet with workers and others and to attend hearings.

# Annual Program Expenditures

The total cost of the Program's operations is charged to the Accident Fund which the WCB administers. The Nova Scotia Department of Finance provided the following expenditures for the 2016 – 2017 report:

	2016-17	2015-16	2014-15	2013-14	2012-13	2011-12
<b>Salaries &amp; Benefits</b>	\$2,257,904	\$2,231,947	\$2,425,291	\$1,913,991	\$1,804,407	\$1,904,748
<b>Administrative</b>	793,381	763,972	803,844	543,765	470,033	494,228
<b>Legal Services – External</b>	275	1,989	246	6,448	2,886	6,027
<b>Medical Reports &amp; Expert Fees</b>	288,457	284,982	324,860	257,976	300,534	291,871
<b>Less Chargeable to other departments</b>	(1,825)	0	(471,685)	(17,061)	(3,011)	0
<b>TOTAL</b>	<b>\$3,338,192</b>	<b>\$3,282,890</b>	<b>\$3,082,556</b>	<b>\$2,705,119</b>	<b>\$2,574,849</b>	<b>\$2,696,876</b>
<b>% of Authority Spent</b>	89%	89%	92%	97.0%	93.6%	100.4%

## 2016-17 Financial Expenditures

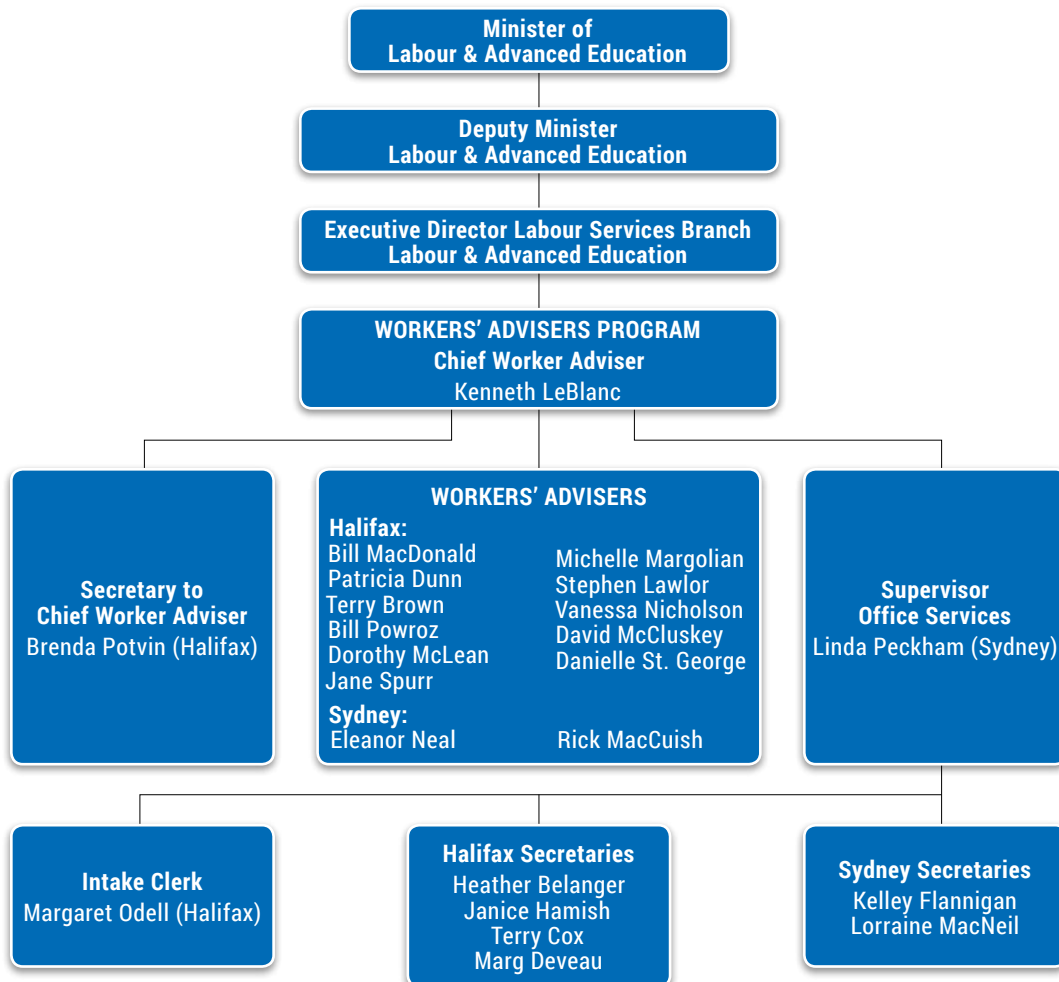


# Personnel

The Chief Worker Adviser, the Secretary to the Chief Worker Adviser, the Intake Clerk, eleven Workers' Advisers, and four secretaries work out of the Halifax office.

Two Workers' Advisers, the Program's Supervisor Office Services, and two secretaries work out of the Sydney office.

## Organizational Chart



(Incumbents in place as of March 31, 2017)



# Client Services

The Workers' Advisers Program is a public legal clinic established to help eligible injured workers and their families seeking workers' compensation benefits under the *Workers' Compensation Act*.

The Program provides free legal services independent of the Workers' Compensation Board and the Workers' Compensation Appeals Tribunal. Workers dealing with the Program are in a solicitor-client relationship with the Program and its staff, in the same way as they would be with any other lawyer or law firm in Nova Scotia.

The legal services which the Program provides to workers can include assistance, advice, and representation through all phases of decision-making and appeal in the workers' compensation system.

## The Program's Triage, Intake, Resource, and Implementation Processes

A worker with a question or concern about their workers' compensation claim is welcome to contact the Workers' Advisers Program.

### **Triage**

A Worker contacting the Program for help with a workers' compensation claim will have a file opened (or re-opened if they were previously a client of the Program). Then they will be referred to the Program's triage process.

In the triage process, a Workers' Adviser will first consider if the worker has received a recent written decision from the WCB or WCAT. At this stage, the triage Workers' Adviser will make a preliminary determination if the worker has a reasonable expectation of success on appeal from the decision. Basically, a worker should have a fairly arguable case for workers' compensation benefits in order to receive representation from the Program.

As a general rule, where an employer appeals from the WCB's acceptance of a worker's claim, the Program will represent the worker to respond to the employer's appeal.

## Intake

If the worker has a written decision triage Workers' Adviser thinks there is a reasonable expectation of success on appeal, the worker's file will be referred to the Program's intake process and a telephone appointment will be scheduled for the worker to speak with another Workers' Adviser. After the initial telephone appointment in the intake process, the Workers' Adviser and the worker can arrange to meet in person or by telephone as necessary to deal with the claim or appeal.

## Resource

If it appears to the triage Workers' Adviser that the worker does not have a recent written decision or the worker has a written decision but does not have a reasonable expectation of success on appeal, the worker will be referred to the Program's resource process. A telephone appointment will be scheduled between a resource Workers' Adviser and the worker.

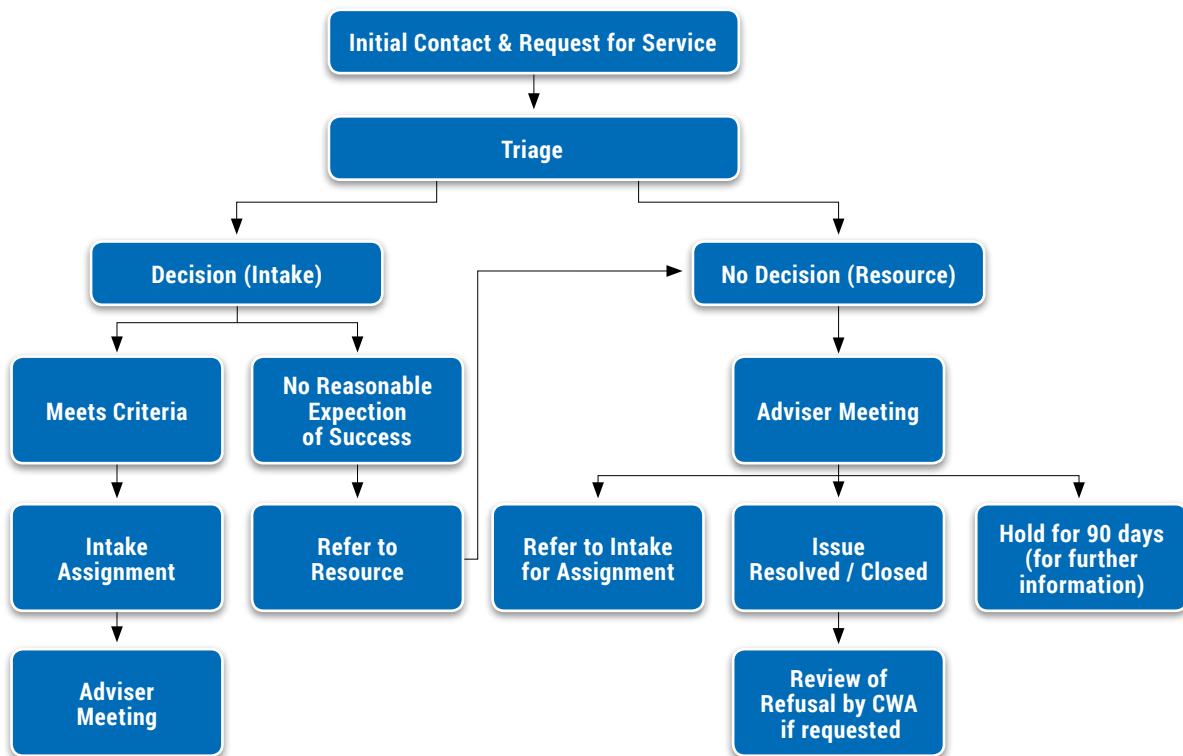
It is important to note that sometimes workers do not understand that they have received a recent written decision or they are confused about whether they received one. If, after a worker's file is referred to the resource process, the Workers' Adviser discovers that a written decision was made on an issue, the worker can be referred to the intake process discussed above.

If the resource Workers' Adviser determines the worker does not have a recent written decision or does not have a written decision which has a reasonable expectation of success on appeal, the Workers' Adviser will determine if the worker's claim still warrants the Program's assistance. This assistance might include: the Workers' Adviser writing to the WCB on the worker's behalf about a matter; the Workers' Adviser trying to obtain additional medical or other information that might support the worker's claim; or simply keeping the file open at the Program because the worker is going to try to obtain additional information for the Workers' Adviser to review.

The resource Workers' Adviser might be able to satisfactorily address the worker's question or concern during the resource telephone call. Other times, the Workers' Adviser must tell the worker that they do not have a reasonable expectation of success on any issue. In either case, the worker's file will be closed at the Program.

A worker may contact the Program later if they wish to discuss the issue further or another workers' compensation issue or to submit additional information for review.

A worker may also contact the Chief Worker Adviser to discuss the advice or service provided by a Worker Adviser. The Chief Worker Adviser makes the final determination regarding service the Program will provide a worker.



## Implementation

Where the Program represents a worker in an appeal which results in the appeal being allowed, allowed in part, or a direction for further investigation or other work on the claim, the worker will be referred to the Program’s implementation process.

In the implementation process, the Program will keep the worker’s file open and the Program’s staff will monitor to ensure that the workers’ compensation benefits are paid as ordered or that the investigation or work is done as directed. If necessary, the Program can file any further appeal on the worker’s behalf.

Part III states that it does not give any person a right to legal advice or representation under the Workers’ Advisers Program.

If a worker is denied legal services by the Program, the worker may continue to pursue the claim or appeal on their own. A worker may retain legal representation on their own and at their own expense. The Program’s denial of services has no impact on the status of a worker’s claim or appeal.


The Workers’ Advisers Program does not pursue matters for workers outside the workers’ compensation system. The Program does not represent employers and it does not represent government or other public agencies.

# Operations

## Case Summary Statistics

Active # files at year beginning April 1, 2016 = 1039		Apr, May, Jun	Jul, Aug, Sep	Oct, Nov, Dec	Jan, Feb, Mar	YTD
Active # files at year ending March 31, 2017 = 1387						
<b># Incoming Files:</b>						
Files Opened		255	242	237	<b>243</b>	<b>977</b>
Intake:	Assigned to a Workers' Adviser but still awaiting a telephone appointment	44	27	28	<b>31</b>	
Intake:	Unassigned as of EOM	44	65	73	<b>75</b>	
Resource:	Clients with questions and/or without identifiable decision					
	Calls to Resource	32	106	63	<b>78</b>	<b>279</b>
	Calls Returned / telephone interview	54	72	49	<b>73</b>	<b>248</b>
	# awaiting call back	n/a	6	25	<b>22</b>	
	On a 90-day hold	20	22	17	<b>22</b>	<b>78</b>
	Closed	22	25	23	<b>13</b>	<b>83</b>
	Referred to Intake	11	17	4	<b>8</b>	<b>40</b>
	Issue Resolved	1	1	6	<b>3</b>	<b>11</b>
<b># Requests for Service / Representation Denied</b>		<b>35</b>	<b>14</b>	<b>37</b>	<b>17</b>	<b>103</b>
Indicates the number of clients who were denied assistance and/or representation after being referred to the Program's Intake process and who were determined not to meet the program's eligibility criteria.						
<b># Clients Served to Date this Year</b>						<b>2014</b>
Represents the number of clients on April 1, 2016, plus the total number of files opened YTD.						
<b># Files Closed</b>		<b>134</b>	<b>141</b>	<b>203</b>	<b>141</b>	<b>619</b>
The file has been closed and we no longer represent the Worker.						





“Requests for Service” represents the number of calls received by the Program for processing during each of the reporting periods. During 2016 - 2017 the Program received an average of 81.3 requests for service per month.

There were 103 requests for service representing files that were closed for various reasons including:

- the benefits were restored and worker withdrew request;
- there was no reasonable expectation of success;
- the worker was seeking benefits that were not available in Nova Scotia’s workers’ compensation system.

The “# Clients Served 2016 - 2017” represents the number of active files on April 1, 2016, combined with the total number of files opened to the end of the fiscal year (March 31, 2017).

The Program carried an average of 1240 active files over the course of 2016 - 2017.

On March 31, 2017, there were 106 pending service requests or clients who had gone through the intake process but had not yet been contacted by a Workers’ Adviser to discuss their case.

In 2016 - 2017 the Workers’ Advisers each carried an average caseload of 99 active files.

# Process

## Service Waiting Time

Period: 2016 - 2017	Out-Town				
	Halifax	Sydney	Bridgewater/ Yarmouth	Digby/ Kent- ville/ Am- herst/ Truro	New Glasgow/ Antigonish/ Port Hawkes- bury
April/May/June	5.2	5.9	4.8	5.2	5.6
July/August/September	4.8	6.0	4.8	5.5	6.4
October/November/December	7.1	5.7	5.3	6.6	7.0
January/February/March	8.3	6.3	8.2	8.5	7.2
Area Averages	6.4	6.0	5.8	6.4	6.4
<b>Local Offices Average Service Waiting Period</b>			6.2		<b>Weeks</b>
<b>Out-of-Town Average Service Waiting Period</b>			6.2		<b>Weeks</b>
<b>Provincial Average Service Waiting Period</b>			6.2		<b>Weeks</b>

The service waiting time for all incoming requests for service is calculated from the date the worker first contacts the Program to the date of the worker's first appointment with a Workers' Adviser (in person or by telephone) to discuss the worker's claim or appeal.

The Program tries to ensure that the service waiting time for any worker is no more than 6 weeks. The Workers' Adviser is expected to be knowledgeable about the worker's claim or appeal at the time of this discussion. **The provincial average service waiting period for 2016 - 2017 was 6.2 weeks (which includes local and out-of-town times), an increase of 1.6 weeks from the previous year.**

Factors affecting service waiting times include delays in obtaining access to the WCB claim files, both paper and electronic, and the Workers' Advisers' workloads and travel to out-of-town appointments or hearings.

## Client Count by County

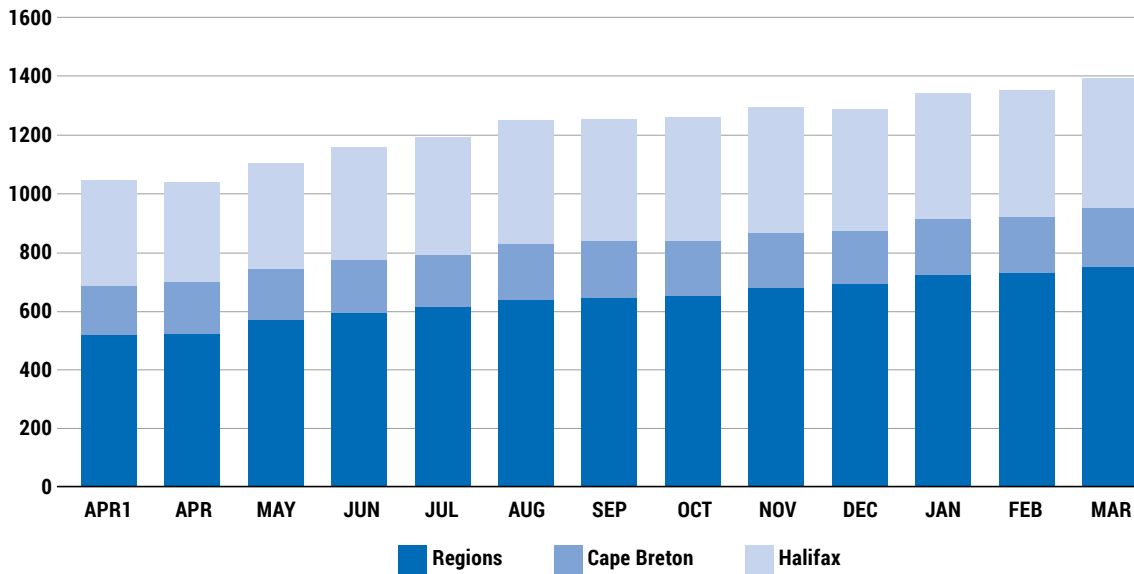
On April 1, 2016, the Program had 1039 active files. On March 31, 2017, there were 1387 active files, a 33.5% increase over the course of the year. There was an average of **1240** open files between April 1 and March 31.

County	Apr 1	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar 31
<b>Annapolis</b>	15	13	11	14	14	15	19	18	21	23	24	24	24
<b>Antigonish</b>	13	13	14	15	16	17	18	20	20	24	24	23	23
<b>Cape Breton</b>	173	170	177	181	182	187	195	190	193	184	193	193	202
<b>Colchester</b>	50	52	57	58	62	68	65	67	72	76	81	84	86
<b>Cumberland</b>	56	60	61	64	67	70	68	66	70	71	76	78	83
<b>Digby</b>	13	13	15	15	14	15	15	16	19	17	17	18	19
<b>Guysborough</b>	12	12	13	12	12	12	14	16	16	15	15	15	15
<b>Halifax</b>	350	342	365	386	393	418	417	421	422	418	427	435	438
<b>Hants</b>	52	50	58	63	61	60	58	58	62	64	67	69	67
<b>Inverness</b>	8	8	10	10	12	14	16	17	17	21	21	23	24
<b>Kings</b>	60	60	69	69	73	77	80	79	81	78	81	81	81
<b>Lunenburg</b>	98	102	108	111	115	117	115	115	120	118	121	120	126
<b>Pictou</b>	68	70	76	81	85	85	81	79	82	81	86	89	93
<b>Queens</b>	16	18	18	21	21	24	25	26	24	27	26	25	27
<b>Richmond</b>	10	10	11	13	11	15	16	12	14	12	16	14	14
<b>Shelburne</b>	13	13	12	10	10	10	12	14	14	15	16	14	16
<b>Victoria</b>	1	2	2	2	3	4	4	6	6	6	6	6	6
<b>Yarmouth</b>	13	11	11	12	13	14	14	14	14	15	16	15	16
<b>Other</b>	18	16	17	19	19	20	21	22	22	22	24	26	27
<b>Total</b>	<b>1039</b>	<b>1035</b>	<b>1105</b>	<b>1156</b>	<b>1183</b>	<b>1242</b>	<b>1253</b>	<b>1256</b>	<b>1289</b>	<b>1287</b>	<b>1337</b>	<b>1352</b>	<b>1387</b>

File reviews/audits are completed on an on-going basis.

The Program's primary role is to help workers with their appeals and we usually do this on an issue-by-issue basis. When a worker contacts the Program for help, it is typically because of a particular issue relating to a claim. When this issue is resolved in the worker's favour or if the Workers' Adviser determines there is no reasonable expectation of success in an appeal, we will close the file for services.

## Client Count by Area

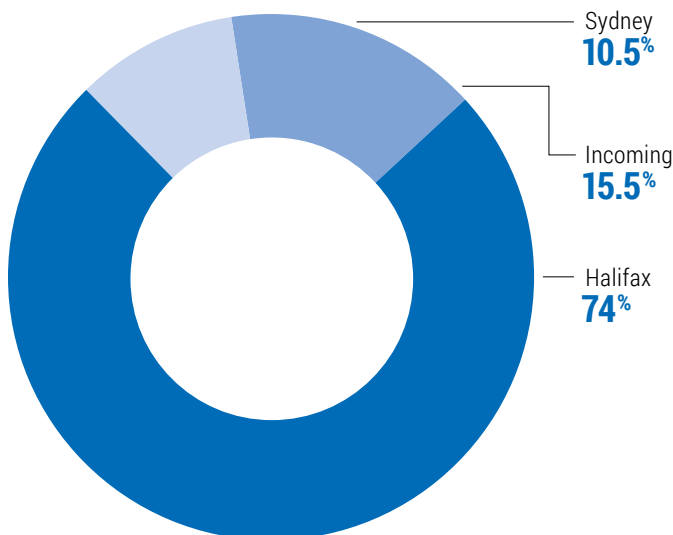


The above chart graphically displays the proportion of clients living in Halifax, Cape Breton and Out of Town. The Out of Town figures represent all clients living outside metro Halifax or Cape Breton.

An average of 32.8 percent of the Program's clients live within the Halifax Regional Municipality; 15.1 percent live within the Cape Breton Regional Municipality and 52 percent reside outside the CBRM or HRM areas.

Files are distributed between the Halifax and Sydney offices.

## File Distribution



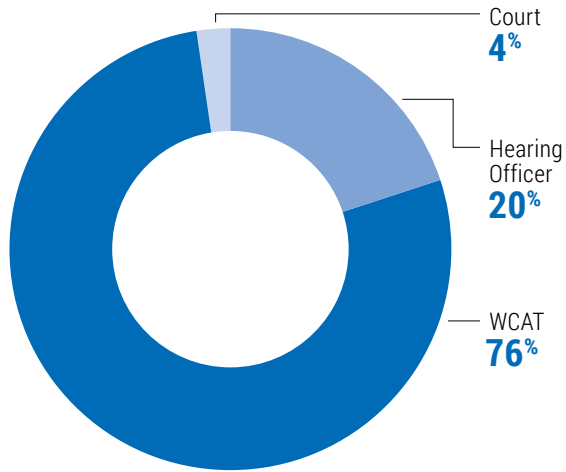
## Program Statistics

	Submissions/Hearings Done			New Appeals Filed		
	Court	Hearing Officer	WCAT	Court	Hearing Officer	WCAT
<b>April</b>	1	9	38	0	10	25
<b>May</b>	3	7	39	1	9	13
<b>June</b>	0	10	44	0	17	17
<b>July</b>	1	18	29	1	13	32
<b>August</b>	0	5	31	0	18	19
<b>September</b>	1	15	30	0	14	31
<b>October</b>	3	7	33	0	16	27
<b>November</b>	2	6	34	0	20	35
<b>December</b>	3	4	24	1	23	37
<b>January</b>	3	4	25	0	10	26
<b>February</b>	0	3	16	0	16	35
<b>March</b>	2	13	33	1	22	53
<b>TOTAL</b>	<b>19</b>	<b>101</b>	<b>376</b>	<b>4</b>	<b>188</b>	<b>350</b>

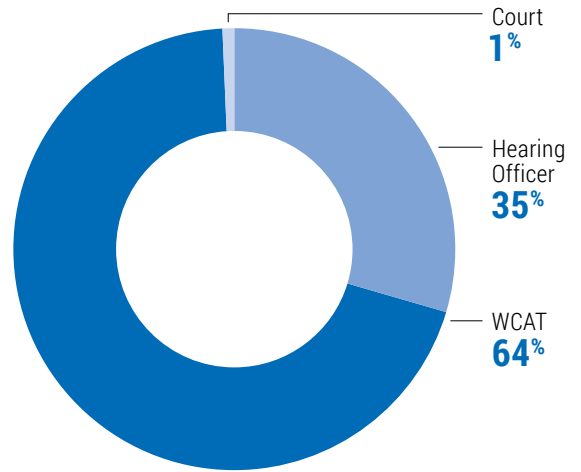
- The Program's resources are mainly focussed on appeals at the WCAT level.
- Workers typically file their own appeals to the Hearing Officer before going through the Program's intake process.

The Program filed 4 new appeals to the Court of Appeal in 2016 - 2017. An appeal to the Court of Appeal is limited because, pursuant to section 256 of the *Workers' Compensation Act*, an appeal can only be made from a WCAT decision on a question of law or jurisdiction.

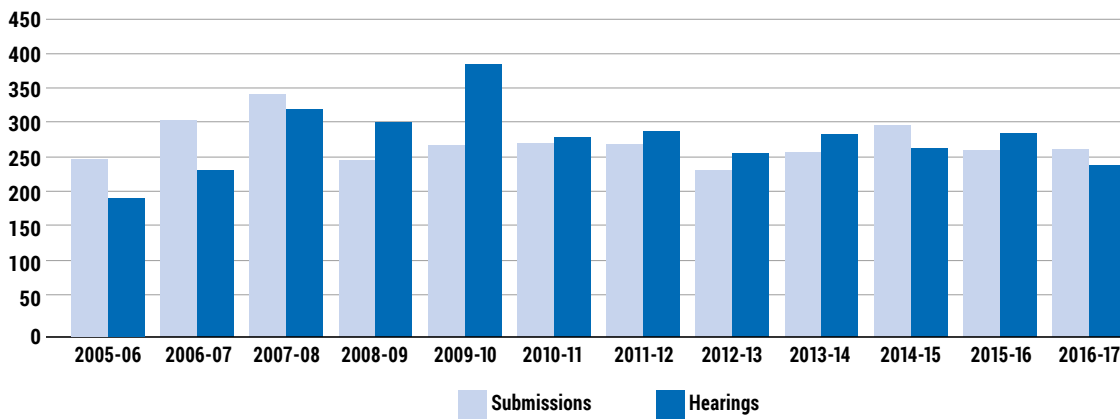
### Hearings / Submissions



### New Appeals Filed



### # of Hearings and Submissions



# Client Satisfaction

## Client Survey Results

The Program began mailing satisfaction surveys to clients with their closed files in April 2003. This practice will continue so that future results will allow us to track satisfaction trends and address service issues.

	Apr/May/ Jun	Jul/Aug/ Sep	Oct/Nov/ Dec	Jan/Feb/ Mar	Total	% Return for Year
<b>Closed Files</b>	134	141	203	141	619	
<b>Returned Surveys</b>	50	42	38	51	181	29.2
<b>Provided Comments</b>	36	28	27	35	126	69.6
<b>Not Positive Outcome</b>	6	2	7	10	25	13.8
<b>Negative Comments</b>	0	1	5	6	12	9.5
<b>% Return for the Quarter</b>	37.3	29.8	18.7	36.2		
<b>Variance from previous quarter</b>	12.7	-7.5	-11.1	+17.5		

Based on the data obtained from the returned surveys, we can determine that **94.6%** of our clients **“strongly agreed” or “agreed”** that the service provided by the Program staff satisfied their requirements.

Specific results to our questions are as follows:		Strongly Agree	Agree	Disagree	Strongly Disagree
1. The program staff I dealt with were professional and friendly at all times.	Apr/May/June	92	6	0	2
	Jul/Aug/Sep	81	19	0	0
	Oct/Nov/Dec	82	13	2.5	2.5
	Jan/Feb Mar	76	19	4	2
<b>% for year</b>		<b>82.9</b>	<b>14.4</b>	<b>1.7</b>	<b>1.7</b>
2. In my experience, I felt the program staff had the knowledge and experience for dealing with my situation.	Apr/May/June	94	4	0	2
	Jul/Aug/Sep	76	21.5	2.5	0
	Oct/Nov/Dec	81.5	16	2.5	0
	Jan/Feb Mar	70.5	21.5	6	2
<b>% for year</b>		<b>80.7</b>	<b>15.5</b>	<b>2.8</b>	<b>1.1</b>
3. I felt the program staff did their very best to provide me with the best possible service.	Apr/May/June	94	4	0	2
	Jul/Aug/Sep	81	19	0	0
	Oct/Nov/Dec	71	21	5	3
	Jan/Feb Mar	72.5	17.5	6	4
<b>% for year</b>		<b>80.1</b>	<b>14.9</b>	<b>2.8</b>	<b>2.2</b>
		All the time	Most of the time	Some-times	Never
4. My calls were returned within 24 hours.	Apr/May/June	72	22	6	0
	Jul/Aug/Sep	71	24	5	0
	Oct/Nov/Dec	55	32	10.5	0
	Jan/Feb Mar	53	33	8	4
<b>% for year</b>		<b>63</b>	<b>27.6</b>	<b>7.2</b>	<b>1.1</b>
5. My question were answered to my satisfaction.	Apr/May/June	94	6	0	0
	Jul/Aug/Sep	85.5	9.5	5	0
	Oct/Nov/Dec	76	13	11	0
	Jan/Feb Mar	68.5	21.5	6	4
<b>% for year</b>		<b>81.2</b>	<b>12.7</b>	<b>5</b>	<b>1.1</b>
<b>Satisfaction rating</b>			<b>94.6</b>		





# Committees and Associations

## Canadian Association of Workers' Advisers and Advocates

The Canadian Association of Workers' Advisers and Advocates (CAWAA) is a national organization established to develop a professional system of sharing information and best practices across jurisdictions and to explore emerging workers' compensation issues relevant to workers while respecting its members' distinct workers' compensation mandates.

The Chief Worker Adviser represents the Nova Scotia Workers' Advisers Program at this association and chairs its Research Committee. Additional information on this association is available on their website: [cawaa.org](http://cawaa.org)

## Workplace Safety and Insurance System

### Advisory Councils and Working Groups

Nova Scotia's **Workplace Safety and Insurance System** (WSIS) includes workers, employers, the relevant statutory agencies (the WCB, WCAT, the Occupational Health and Safety Division of the Department of Labour and Advanced Education, and the Program), and others who provide services in the system. Additional information is available on the WSIS website: [wsis.ns.ca/index.php](http://wsis.ns.ca/index.php)

The **Issues Resolution Working Group** and a sub-committee, the **Appeal Issues Discussion Group**, consist of representatives from the Program, the WCB, and WCAT. These committees meet regularly to discuss workers' compensation issues and advise system partners on ways to improve issues resolution in the workers' compensation system.

The **Heads of Agencies Committee** is comprised of the heads of the four statutory system agencies:

- Director of the Occupational Health and Safety Division;
- Chief Worker Adviser of the Program;
- Chief Appeal Commissioner of WCAT; and
- CEO of the WCB.

Members of the Heads of Agencies Committee are responsible for the ongoing delivery of service to workers and employees in the system and for measuring and reporting of outcomes and progress in alignment with system goals. They are also responsible for coordinating strategic plan implementation.

## Other Committees and Associations

Workers' Advisers Program staff are involved in other committees and associations to enhance their contribution to the workers' compensation system, the Department, and community. They include:

- Joint Occupational Health and Safety Committee
- Labour and Advanced Education, Labour Services Branch
- Labour and Advanced Education, Occupational Health Steering Committee
- Labour and Advanced Education, Labour Services Branch
- Canadian Bar Association



# Professional Development and Training

This year, as in the past, Program staff members took part in training programs to enhance their professional skills and personal development.

Workers' Advisers attended various courses put on by Canadian Bar Association, the Nova Scotia Barristers Society, and other training providers.

Throughout the year staff members attended various government mandatory and optional courses and training sessions.

The Workers' Advisers Program is committed to ensuring our people are provided with opportunities to acquire and improve their accreditations and skills.

## **Workers' Advisers Program**

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