

The OEA Update

1-800-387-0774 www.employeradviser.ca Email: askoea@ontario.ca

September 24, 2008

Tip of the Month

How can I manage my worker's claim effectively?

As the WSIB assumes the worker's short-term and long-term earnings are the same, you may need to ask the decision-maker for a recalculation of the worker's average earnings if his/her short-term average earnings do not reflect his/her long-term average earnings. If a recalculation results in a lower rate, a benefit-related debt is created and the worker may have to pay that amount back to the WSIB.

WSIB outlines the new positions in its new service delivery model

The WSIB has outlined the "new and redesigned jobs" that have "a more specialized focus" in its new service delivery model (NSDM) on its website at:

<http://www.wsib.on.ca/wsib/wsibsite.nsf/public/NSDM>.

- **Eligibility Adjudicator** determines eligibility upon receiving a claim for benefits
- **Case Manager** concentrates on the opportunities and obstacles to return to work, determines ongoing benefits to be paid to the worker, and arranges and monitors Labour Market Re-entry services wherever and whenever needed
- **Nurse Consultant** coordinates specific medical interventions and improved timelines aimed at resolving health care barriers and decides what health care services and benefits are allowable
- **Account Specialist** and **Account Analyst** provide employers with access to dedicated revenue decision-making services within the Employer Service Centre
- **Return to Work Specialist** facilitates return to work and case resolution at the workplace

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- **Disability Prevention Specialist** assists employers (in-house as needed) to build new or improved prevention, disability management and compliance programs and practices for their entire workplace.

The WSIB says the NSDM will be "implemented in phases to minimize service disruption and ensure continuity of services." It began in Ottawa and Kingston in September 2008, and will be followed by Toronto and the regional offices. The WSIB expects the transition to be complete by mid-2009. The Occupational Disease, Serious Injury and Pre-1990 programs are expected to implement new service delivery models in the coming months that incorporate the principles of the NSDM.

Standing Committee on Government Agencies reviews the WSIB

The WSIB appeared before the Standing Committee on Government Agencies on September 12, 2008 as part of a follow-up to last year's agency review. The full committee transcript is at:

http://www.ontla.on.ca/web/committee-proceedings/committee_transcripts_details.do?sessionid=c72d607830da66257c00bd9642eea5279b9391820537.e3eObNaNa3eRe34PbxqQc3mSahr0n6jAmljGr5XDqQLvpAe?locale=en&Date=2008-09-12&ParlCommID=8859&BillID=&Business=Agency+review%3A++Workplace+Safety+and+Insurance+Board.

New Minister of Labour: Peter Fonseca

As a result of the Cabinet shuffle on September 18th, the new Minister of Labour is Peter Fonseca, who is moving over from the Ministry of Tourism. He has been charged with the task of building "safe, fair and harmonious workplace practices that contribute to Ontario's economic well-being." His biography is at:

http://www.labour.gov.on.ca/english/about/mn_bio.html.

2009 WSIB premium rates finalized

The WSIB's 2009 premium rates were approved on July 24, 2008 (<http://www.wsib.on.ca/wsib/wsibsite.nsf/public/PremiumRates2009>). There were no changes to the 2009 preliminary rates that were announced in June 2008. The average premium rate remains at \$2.26. The maximum insurable earnings ceiling for 2009 is \$74,600.

WSIB occupational disease consultation deadline extended

The WSIB extended its deadline for submission on the occupational disease draft policies to October 1, 2008:

<http://www.wsib.on.ca/wsib/wsibsite.nsf/public/ODConsultation>. You can read the OEA's submission at <http://www.employeradviser.ca/pdf/OccupationalDiseaseConsultationSubmission.pdf>.

Value for money audit of the WSIB/CRA registration program released

The executive summary of the value for money audit of the WSIB/CRA registration program is available on the WSIB's web site at:

<http://www.wsib.on.ca/wsib/wsibsite.nsf/Public/ValueForMoneyAudits>.

WSIB's 2007 Annual Report available

You can download a copy of the WSIB's 2007 Annual Report from its web site at:

<http://www.wsib.on.ca/wsib/wsibsite.nsf/Public/AnnualReports>.

Firefighter cancer claim costs soar for municipalities

A July 23, 2008 article in the *Toronto Sun* said Toronto taxpayers paid more than \$1.6 million for firefighter cancer claims in the first three months of 2008, up from \$250,000 in all of 2007. The WSIB estimates the average cost of these claims to be up to \$600,000. David Miller expressed concern about how this impacts the bottom line of municipalities because those that are in Schedule 2 have to pay the full costs from their budgets, and these costs are ongoing since claims will continue to be filed. Municipalities are looking to Queen's Park for financial help.

WSIB increases the number of Regional Evaluation Centres

The WSIB has increased the number of Regional Evaluation Centres (RECs) from 14 to 22 and its web site offers a tool to easily identify all of the RECs by region, with centres in the cities of Brampton, Hamilton, Kingston, Kitchener, London, North Bay, Ottawa, Sault Ste. Marie, St. Catharines, Sudbury, Thunder Bay, Toronto, Whitby, Windsor and Woodstock:
<http://www.wsib.on.ca/wsib/wsibsite.nsf/public/HealthRECs>.

RECs are independent, hospital-based clinics that have been approved by the WSIB to provide workers who have soft-tissue injuries with access to Multidisciplinary Health Care (MDHC) assessments by a physician and either a chiropractor or physiotherapist. They are now also providing workers with non-economic loss (NEL) musculoskeletal assessments. For more information, treating health professionals can call the WSIB's Health Professional Access Line at 1-800-569-7919 or (416) 344-4526.



Study shows a presenting history of Raynaud's phenomenon in workers seeking compensation for HAVS may not be accurate

A study presented in the September 2008 issue of *Occupational Medicine* called, "The validity of Raynaud's phenomenon symptoms in HAVS [hand arm vibration syndrome] cases" asked 36 workers with a history of occupational HAVS who were diagnosed with Raynaud's to document their finger symptoms by taking photographs of their hands, prior to a detailed clinical assessment. Of the 30 participants who provided photographs and underwent a clinical evaluation, the photographs submitted by 13 workers (43%) did not show Raynaud's and for four of these workers, the diagnosis was not supported by their symptom history. Seventeen workers (57%) provided photographic evidence of Raynaud's. The author concluded that, "[a] presenting history of Raynaud's phenomenon in workers seeking compensation for HAVS may not be accurate since approximately half the cases are unable to provide objective photographic evidence of Raynaud's phenomenon." The full text of the article can be purchased at: <http://occmmed.oxfordjournals.org/cgi/content/abstract/58/6/431>.

New medical treatment guidelines from the American College of Occupational and Environmental Medicine for treating workers with chronic pain

The American College of Occupational and Environmental Medicine (ACOEM) has released new medical treatment guidelines for treating workers who suffer from chronic pain. The evidence-based guidelines include more than 200 recommendations that were developed by a multidisciplinary panel of national experts and then reviewed by individuals from leading medical and health organizations. The recommendations focus on diagnosing and treating several common chronic pain conditions, an in-depth review of more than 20 allopathic and

complimentary pain medications, detailed recommendations regarding the use of a variety of therapies, the uses and limitations of various injection therapies and spinal cord stimulation, psychological evaluations and treatments, and functional restoration programs. Hard copies or electronic copies of the *Occupational Medicine Practice Guidelines: Evaluation and Management of Common Health Problems and Functional Recovery in Workers*, 2nd Edition, 2008 Revision may be purchased on the ACOEM's web site at:
<http://www.acoem.org/practiceguidelines.aspx>.

OEA helps rescind initial entitlement and restore the employer's cost records

The Claims Adjudicator accepted initial entitlement for the right shoulder injury of a labourer who claimed the injury was work-related. The Appeals Resolution Officer decided that, when considered together, the worker's inconsistent accident history, the absence of complaints to co-workers, the delay in reporting the injury to the employer and the delay in seeking medical treatment provided "compelling evidence" that, on a balance of probabilities, the worker's personal injury by accident did not arise out of and in the course of his employment. The WSIB rescinded the worker's entitlement for the right shoulder injury and amended the employer's accident cost records accordingly.

OEA helps to ensure appropriate classification

The employer appealed the ARO's decision that its business should remain classified in Rate Group F-636-45, "plumbing, heating and air conditioning equipment, sales." The OEA successfully argued at the WSIAT that the employer should be classified within Rate Group I-958-19, "manufacturer's agents." As Rate

Group I-958-19 is covered by application, the employer had the option of choosing not to be covered in this rate group for the time period in question, and receiving a refund of premiums paid, plus interest.

Helpful Web Site: <http://mozy.com/>

Have you ever thought about what you would do if your computer crashed and you were unable to retrieve any of the information that meant the most to you – either personally or professionally? According to TIME Magazine, this was the best web site of 2007. You can download software from Mozy onto your computer, choose the electronic information you would like to have backed up, and Mozy encrypts it before saving it safely on its own servers. This software continuously monitors your computer in the background and saves any changes to the information you have selected. You can also view your saved files from any personal computer, and restore files if you need to. You can store either 2 GB of information for free, or purchase an unlimited amount of space for \$4.95 each month.

Events

October 1, 2008	IAPA Safety Solutions 2008 Health and Safety Conference and Trade Show	Holiday Inn 1696 Regent Street, Sudbury
October 7, 2008	EAC & CME - Business Summit on Workplace Safety & Insurance	Holiday Inn Kitchener-Waterloo Conference Centre 30 Fairway Road South, Kitchener
October 9, 2008	IAPA SPIRIT 2008 Health and Safety Conference and Trade Show	Deer Creek Golf and Banquet Facility 2700 Audley Road N., Ajax
October 15, 2008	EAC Workshop – Workplace Safety & Insurance Appeals	Centre for Health & Safety Innovation 5110 Creekbank Road, Mississauga
October 21, 2008	IAPA Awareness 2008 Health and Safety Conference and Trade Show	Bingemans Conference Centre 425 Bingemans Centre Drive, Kitchener
October 23, 2008	EAC Workshop – Workplace Safety & Insurance Appeals	Great Northern Resort & Conference Centre 229 Great Northern Road, Sault Ste Marie
October 23, 2008	IAPA Partners 2008 Health and Safety Conference and Trade Show	Casino Rama 5899 Rama Road, Rama
October 28-29, 2008	IAPA Safety Solutions 2008 Health and Safety Conference and Trade Show	Caesars Windsor 377 Riverside Drive East, Windsor
October 30, 2008	IAPA Eastern Ontario 2008 Health and Safety Conference and Trade Show	Hampton Inn Ottawa & Conference Centre 200 Coventry Road, Ottawa
November 4-6, 2008	IAPA 26th Annual Forum North Health & Safety Conference & Trade Show	Valhalla Inn 1 Valhalla Inn Road, Thunder Bay
November 6, 2008	EAC Workshop – Workplace Safety & Insurance Appeals	Southway Inn 2431 Bank Street, Ottawa
November 19, 2008	IAPA Golden Horseshoe 2008 Health and Safety Conference and Trade Show	Chandelier Place 550 Barton Street, Stoney Creek
November 20, 2008	EAC Workshop – Workplace Safety & Insurance Appeals	EAC Education Centre 625 Wabanaki Drive, Unit 2, Kitchener

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For more updated events and training information, visit the OEA website at:
<http://www.employeradviser.ca/html/trainingcrossroads.html>

All information is correct at time of publication. For specific questions, please call the Office of the Employer Adviser Advice Centre at 1-800-387-0774.

To review earlier OEA Updates please click [here](#).

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