

## Survey shows users get fair treatment at FPC

People who contact the Fair Practices Commission get fair treatment. That's what an overwhelming number (88 per cent) said during a recent telephone survey.

The Commission conducted a user satisfaction survey between November 2005 and March 2006 to find out how people learned of the Commission, to measure user satisfaction, and to learn what improvements users would like. Every complainant who called the Commission during this period was phoned for the survey.

Overwhelmingly— 98 per cent— users said the Commission took the time to listen to their complaints. Eighty per cent said the staff knew the issues; 87 per cent said the staff understood their

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**“Just want to say that I have never dealt with any organization that was as helpful and professional as the FPC.”**

—user comment

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needs; and 99 per cent found the staff to be polite and courteous. Overall, 78 per cent found staff easy to reach.

Users (84 per cent) reported that they felt comfortable contacting the Commission about their issues, and 91 per cent felt confident their privacy would be protected.

In all, 84 per cent received information via the phone. Of these, 85 per cent  
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### Commissioner's Message

#### What the people and the numbers say

We were gratified to receive the results of the user survey, for it showed that people who contact the Commission think we are a useful resource and provide excellent service. We intend to do the survey periodically, so that we can ensure we keep on the right track.

We also get useful information from the statistics we keep. Our turnaround time on resolving complaints has gone from 4.6 days on average during the first nine months of 2005 to 2.9 days for the most recent six months. This decrease occurred while the number of complaints increased.

More on statistics, case summaries and systemic issues will be out in this year's annual report, which will be available during the summer. You can either request the report by mail or get it from our web site.

*Laura Bradbury*

123 Front Street West  
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**BY THE NUMBERS****October 1, 2005 to March 31, 2006**

The Commission received 873 inquiries and complaints.

Of those received, 63 per cent were within the Commission's mandate.

The average turnaround time was 2.9 days.

The Commission's specialists handled 208 complaints.

**Fairness Category**

		Previous 9 months
Delay	37.6%	37.9%
Communication	9.4%	10.9%
Behaviour	4.9%	5.8%
Decision-making process	11.0%	10.6%

**User Groups**

			Previous 9 months
Worker self-referral	651	75.0%	77.7%
Worker rep, family, MPP, OWA	127	14.5%	14.4%
Employers, Employer reps	55	6.3%	5.2%
WSIB staff who are themselves injured workers	8	0.9%	1.0%
Service providers	10	0.1%	0.3%
Anonymous	3	0.3%	0.3%
FPC own motion	7	0.8%	0.2%
Other	12	1.4%	0.8%

**Complaint Resolution Outcomes**

Advice given to complainant, no further action required 118

Referrals to WSIB

Mandate 295

Non-mandate 57

Inquiries made to WSIB (including systemic issues)

Action required by WSIB, complaint resolved 105

No action required 18

No current fairness issued identified 14

Complainant contacted/file reviewed, no current fairness issue identified 18

Right of appeal exists (non-mandate) 124

Issue under WSIB appeal or review 25

Complaint withdrawn 2

*The above account for 89% of cases closed between October 1, 2005 and March 31, 2006. The other 11% of complaints are under WSIAT appeal, or not about WSIB, or were abandoned by the complainant.*

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**Available on the  
Fair Practices Commission web site**

- guide and form for submitting a complaint
- case summaries
- links and resources
- newsletters
- annual report

**[www.fairpractices.on.ca](http://www.fairpractices.on.ca)**

## SYSTEMIC ISSUES RESOLVED

### Timely referrals for expert advice

The Commission raised the issue of delays in seeking referrals for expert advice or assistance from ergonomists, return-to-work mediators, and claims investigators as a factor that contributes to delays in decision making by adjudicators.

In response, the WSIB created standards that give adjudicators information about the types of assistance available and expected turnaround times from the date of referral. The standards require regular updates on

these referrals to go to the adjudicator and the workplace parties.

### Retroactive experience rating adjustments

An employer representative approached the Commission with concerns about the decision-making process after the WSIB denied his client's claim for a retroactive adjustment in the experience rating costs. In this case, the decision to grant 75 per cent Second Injury Enhancement Fund relief was made six weeks after the three-year deadline.

As a result of meetings between

the commissioner and the WSIB senior management, the WSIB has added a new Appendix F to the Appeals Branch Practice and Procedure manual. The appendix includes guidelines for appeals resolution officers to use when exercising discretion in deciding whether to allow a retroactive adjustment based on exceptional circumstances. This should result in fewer appeals to WSIAT on this issue.

*More summaries of cases involving systemic issues will be in the Commission's second annual report, due out this summer.*

## CASE SUMMARIES

### Multiple adjudicators

A worker complained that the number of different adjudicators handling his claim resulted in no one responding to his concern about the suitability of his labour market re-entry program (LMR). The worker reported increasing physical and psychological problems over a 10-month period to each of the six adjudicators and to his two LMR service providers. The worker felt his restrictions were not being accommodated and his depression was deepening to the point of despair. He was only able to attend school for an hour and a half each day and was afraid that he would lose his loss of earning (LOE) benefits.

The Commission learned that the worker's claim had just been transferred to another adjudicator in a new district office. The managers of the old and new district offices both agreed with the Commission that the nurse case manager in the old office was most familiar with the worker's cir-

cumstances and the claim should return to a senior adjudicator in that office.

The responsible manager called the worker to listen to his concerns and explain the next steps. The worker was immediately referred for treatment and was advised to cease his LMR program until the outcome of treatment was reviewed.

### Access to investigation documents

A worker complained to the Commission when the regulatory claims officer (RCO) failed to respond to his request for access to his claim file, including all the notes, audio tapes and surveillance gathered by the WSIB investigator. The worker had received a preliminary decision to suspend benefits, based on information from the investigator. The worker wanted that information so that he could respond before a final decision was made on his entitlements.

The worker did not receive the investigation record until after the RCO

made the final decision, which confirmed the benefit suspension. When the worker received the documents, many parts were missing. He wrote to the RCO eight times between November and March, asking for specific missing information.

The Commission met with the directors of prosecutions and compliance. They agreed to rewrite the letter sent to workers after an investigation is completed and a preliminary decision is made to suspend benefits. The letter will now state clearly how workers can participate in the process. They also agreed to provide workers with automatic access to the investigation record.

The director of prosecutions also said he was reviewing and revising the process and procedure in investigations.

*More case summaries are available on the Commission's web site: [www.fairpractices.on.ca](http://www.fairpractices.on.ca)*

# Survey shows users get fair treatment at FPC

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cent found the information helpful and 95 per cent found it easy to understand. Of those who dealt with Commission specialists, 83 per cent were satisfied with the length of time it took.

Just under 40 per cent of the respondents were referred to other organizations. Of these, 62 per cent said the referral was helpful.

When it comes to repeat business, 95 per cent said they would call the Commission in the future if they had a similar issue and 96 per cent reported that they would recommend the Commission to someone else in a similar situation.

The survey showed that users learned about the Commission mostly

through worker representatives (21 per cent), WSIB staff (20 per cent), and the Internet (17 per cent).

Only a few respondents made comments that could lead to suggestions for improvements. These included suggestions for better promotion of FPC services and more clarity about standard response times.

*The Commission designed the survey, with help from the WSIB research and evaluation branch. A total of 173 surveys were completed. Of those, 76 per cent had their cases resolved at intake (their first contact with the Commission), and 24 per cent had cases that Commission specialists dealt with.*

*At the end of the survey, users were asked for any final comments. Here's what some had to say:*

**"Keep up the good work!"**

**"When I reached the FPC, I finally felt like someone was listening to me and they cared. She explained everything to me in detail even though my English is not very good."**

**"Very surprised how much information the FPC provides."**

## On our mailing list?

**Let us know if you'd like to be added to our mailing list for newsletters and the annual reports.**

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1-866-258-4383**

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## OUT AND ABOUT

### Thunder Bay Injured Workers Information Fair

Mary Carl, the Fair Practices Commission specialist located in Thunder Bay, participated in that city's Injured Workers' Information Fair. The Thunder Bay and District Injured Workers' Support Group sponsored the fair to coincide with the April 28 Day of Mourning.

The fair included workshops and individual one-on-one advice sessions for workers. Many workers and representatives stopped by the Commission's booth to find out more about the Commission and to talk about problems they experienced with the WSIB.

### Open House and Intake Clinic in Sault Ste. Marie

On May 16 commissioner Laura Bradbury and specialists Mary Carl and Tom Irvine hosted an open house and intake clinic in Sault Ste. Marie.

Community members came to learn more about the Commission. Some raised individual issues related to fairness of service or treatment they received from the WSIB.

The event was advertised in advance on local radio and in the local newspaper. Invitations were sent to worker, employer and service provider groups in the area.