

OFFICE OF THE WORKER COUNSELLOR



ANNUAL REPORT

2016

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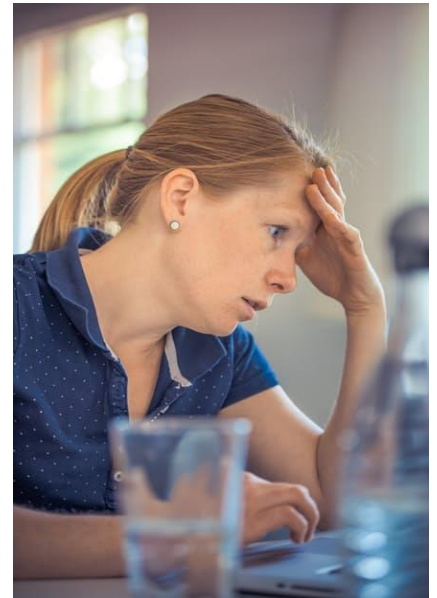
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President's Message



Danny Cavanagh, President of the NS Federation of Labour and Stuart MacLean, CEO of the Workers' Compensation Board, sign the new Agreement on November 10, 2016

I'm pleased to introduce the Office of the Worker Counsellor's Annual Report for 2016.

The Office of the Worker Counsellor was created in 2008 by the Nova Scotia Federation of Labour. Prior to that time there was no independent source of information and support relating to the Workers' Compensation and Occupational Health and Safety systems in Nova Scotia.

Since my election as President of the Nova Scotia Federation of Labour in November 2015, I've had the privilege of overseeing the operations of the Office of the Worker Counsellor Program.

As I become more involved and see the great work the Office of the Worker Counsellor does, I am more convinced than ever that their services are essential to the workers of Nova Scotia.

In 2016 The Nova Scotia Federation of Labour entered into a new agreement with the Workers' Compensation Board, securing funding for the Office of the Worker Counsellor for an additional three years.

The Office of the Worker Counsellor is now putting the finishing touches on their Five Year Strategic Plan. The Plan will ensure their resources are directed at making the biggest impact on justice and safety for Nova Scotian workers.

The Office of the Worker Counsellor makes a difference to thousands of people every year through their assistance, advocacy and education activities.

I look forward to seeing the Office of the Worker Counsellor continue to grow and develop in years to come.

Danny Cavanagh
President, Nova Scotia Federation of Labour

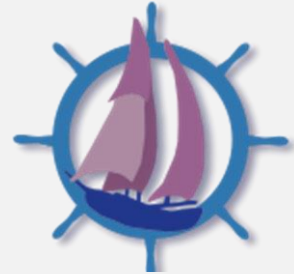


Our Mission, Vision and Values



OUR MISSION

To help Nova Scotia's workers navigate workers' compensation and occupational health and safety systems, to provide information and training to workers and their representatives about the systems, and to advocate for improvements to ensure these systems meet the community's needs.



OUR VALUES

Integrity
Dignity
Empowerment
Justice
Compassion



OUR VISION

A workers' compensation and occupational health and safety system that offers services, protections, fair compensation and justice to workers of Nova Scotia

The Nova Scotia Federation of Labour receives funding for the Office of the Worker Counsellor Program through an agreement with the Workers' Compensation Board of Nova Scotia (WCB). The mandate, services and objectives of the Program are defined by that agreement.

The Office of the Worker Counsellor's Mission, Vision and Values were renewed during a process of strategic planning in 2016. They were framed by the agreement with WCB and created through consultation with stakeholders including the Nova Scotia Federation of Labour Executive Council, the Workers' Compensation Board, Staff and clients.

Our renewed Mission, Vision and Values establish and protect the overarching purpose of the program and will govern all of its future activities.

Our Mission describes our reason for being.

Our Vision describes what we want to achieve.

Our Values are attitudes and beliefs that guide our behavior and relationships.

Together, our Mission, Vision and Values are the building blocks of our organization.



The Office of the Worker Counsellor staff includes two Worker Counsellors and one Administrative Assistant.

Prior to joining the Program as a Worker Counsellor, **Rachel Barbour** spent years working with the WCB of British Columbia. She was a leader in the Compensation Employees Union (CEU), focusing on advocating for co-workers on matters related to Occupational Health and Safety, Harassment, Diversity and Mental Health.

Administrative Assistant **Kim Tanner** is a seasoned administrative professional, and started at the Program in August 2016. She has become essential to the smooth operation of all Office of the Worker Counsellor's activities. Since taking on the role Kim has improved the organization's consistency and reliability by a huge margin.

Worker Counsellor **Dean Tupper** joined the Program in September 2015. Dean spent many years in leadership roles within the labour movement, and developed a deep understanding of the issues facing workers in Nova Scotia. This experience, together with his three years as a Worker Representative on WCB's Board of Directors, brings important partnerships to the organization.

Operations at the Office of the Worker Counsellor are organized around our Key Performance Areas.

In keeping with our mission, vision and values, the Office of the Worker Counsellor focuses on providing Assistance, Advocacy and Education services to the public. These aspects of our work are the Key Performance Areas that are crucial to fulfilling our mandate.



A Worker's Story

It Takes a Community

A worker fractured his hip at work. He required surgery and extensive rehabilitation. He was left with significant problems standing, walking and climbing stairs.

One year after his injury the worker remained totally disabled and unable to work. Despite this his workers' compensation benefits were terminated. Somehow it was decided his hip fracture had "fully recovered".

Without any assistance the worker became housebound in his third floor walk-up apartment. For months, this man - who had worked and provided for himself for his entire life - had no income. He lived in poverty and was entirely dependent on kind neighbours for support.

The worker's plight came to the attention of his Union. They referred him to the Office of the Worker Counsellor for assistance.

After 30 days WCB decisions get "locked in" unless they're appealed. The worker hadn't received WCB's decision letter closing his benefits - he wasn't able to get downstairs to pick up his mail. The appeal deadline had long since passed. We were worried there was no hope to remedy his situation.

The Office of the Worker Counsellor reached out to the Internal Appeals department and explained the situation. They agreed to allow a late appeal and they expedited a review of the claim. The decisions were overturned.

Within weeks the issues facing the worker were resolved. His benefits were reinstated retroactively. He was compensated for his permanent hip injury and for his loss of earnings.

It's impossible to measure the impact the collaboration of the Union, the Office of the Worker Counsellor, the Internal Appeals department and kind neighbours had on this worker's life. His dignity and independence has been restored.

We're very proud to be part of a community committed to justice for the workers of Nova Scotia.





2016 by the numbers

330

issue files opened



273

issues resolved



58

appeals filed



80%

resolved without appeal



*An **ISSUE FILE** is opened*

when a Worker's matter

cannot be resolved

immediately or within one or

two contacts.

The numbers of requests for assistance increased substantially in 2016. We opened 330 Issue Files compared to 153 in 2015 (a 115% increase).

The number of appeals we filed increased by 80%, from 32 in 2015 to 58 in 2016. This increase is proportionate with the increase in Issue Files.

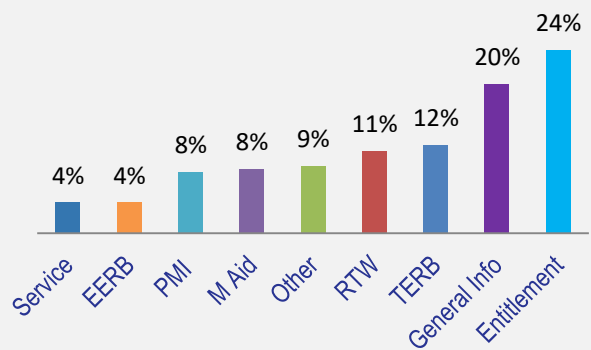
In 2016, we resolved 273 issues compared to 127 in 2015. The fact that **we are resolving 80% of issues without an appeal** demonstrates the effectiveness of our intervention.

The primary issues we address remain steady year over year. Entitlement, or acceptance of a claim or diagnosis, remains the top concern.

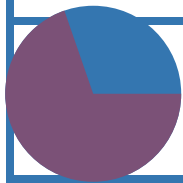
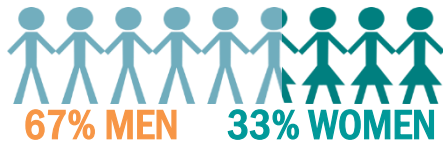
Customer service is often a secondary issue with WCB. Many workers report difficulty reaching their Case Worker.

Worker's also share many positive experiences about WCB and their Case Workers. We've started to track these complements as well as the complaints. We believe it's important to reflect the great work that so many workers compensation employees do and to be sure our feedback is balanced.

Primary Issues



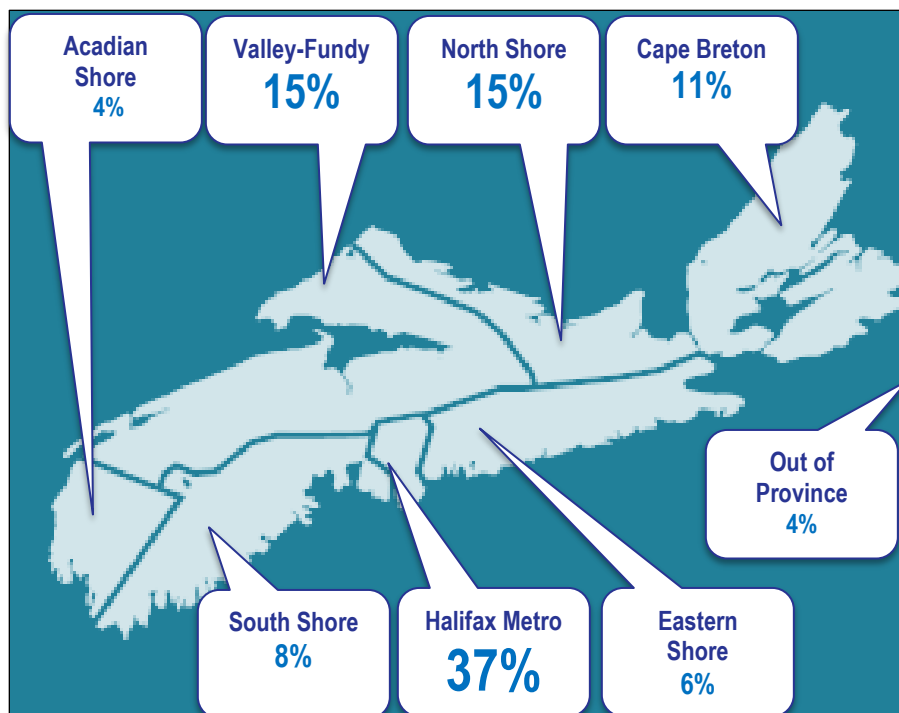
Demographics



68% NON UNION
32% UNION

We continue to be concerned that our **ratio of female to male clients** is not reflective of Nova Scotia's workforce. We are unclear why this disparity exists and we are working to understand and remedy this issue.

We are always conscious of ensuring **our services are available to all workers in Nova Scotia**, regardless of whether they are unionized or not. Our proportion of unionized clients is between 30 and 32%, consistent with the 31% of union coverage in Nova Scotia's workforce (source, Statistics Canada).



The regional distribution of The Office of the Worker Counsellor's clients show **our efforts to reach every area of the Province were successful**. Personal service and face to face meetings make an enormous difference. **In 2016 we made 22 trips out of Halifax and we met with workers in every area of the province.**

Awareness of our services is growing throughout the province and extends into all kinds of workplaces.

172

face to face meetings

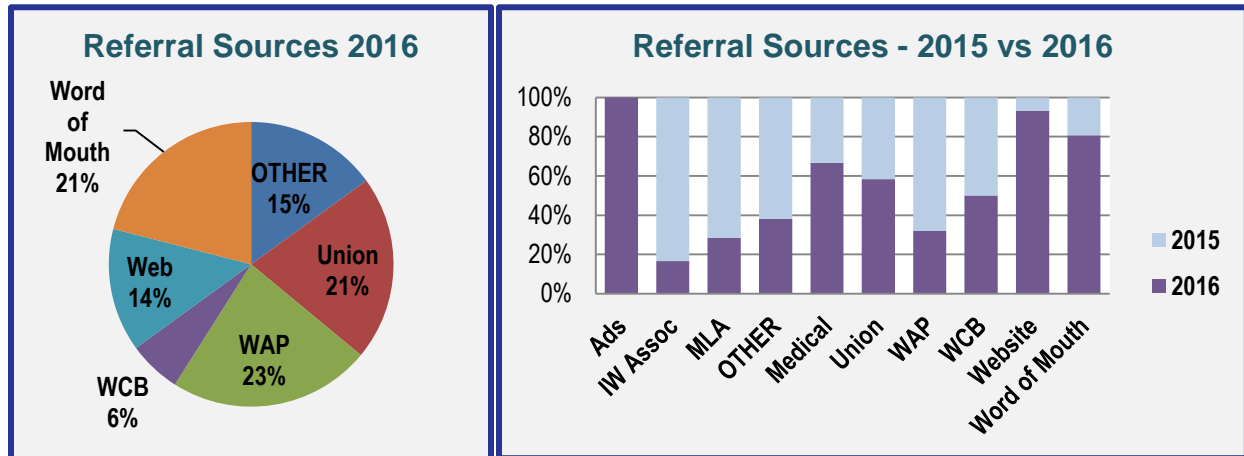
44

Case Conferences attended

A **CASE CONFERENCE** is a meeting held by Case Workers, usually including the Worker, their Rehabilitation Team, and their Employer. Workers often feel intimidated and outnumbered at these meetings.

We attend Case Conferences with Workers to offer moral support, to help them understand the process, and to ensure their concerns are addressed.

Through 2016 we had a goal of diversifying our source of referrals. Until 2015 up to 80% of workers were referred from the Workers' Advisers Program (WAP) and the remainder came from Unions. We felt it was a priority to increase independent awareness of our organization through the province.



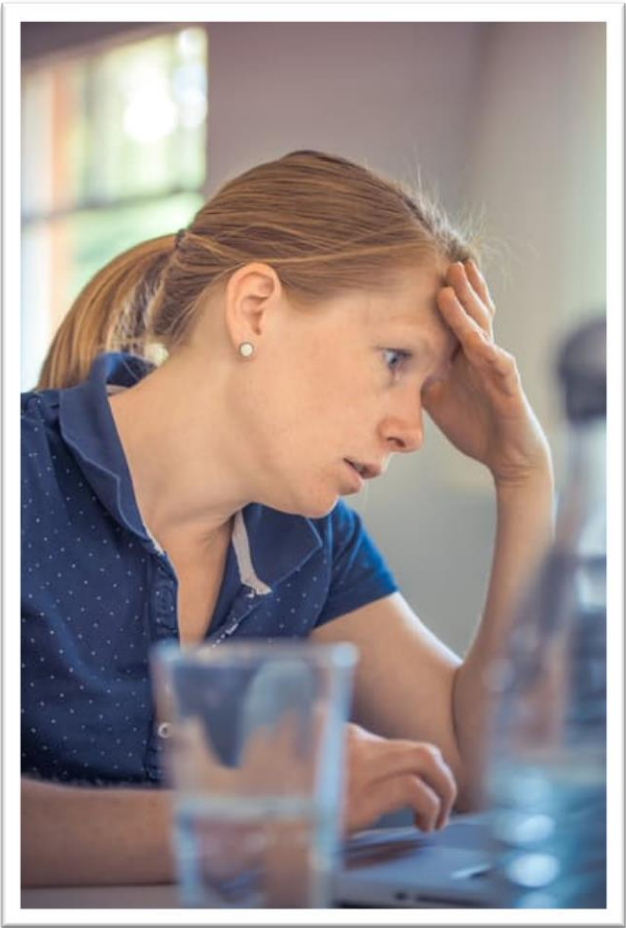
Efforts included outreach at community events and advertising. The success of these efforts is demonstrated by the sources of referrals in 2016.

We continue to receive a large number of referrals from the Workers Advisers and Unions. But figures for 2016 show that word of mouth and internet referrals have grown considerably. Referrals from MLAs also increased substantially. **We were particularly pleased that we had referrals from several law firms and physicians' offices, and even from Employers.**

Our experiments with different kinds of outreach in 2016 were extremely successful, and we'll continue to try new approaches in the future.

The Windsor Exhibition is held over two weekends in September, and sees over 30,000 visitors pass through its gates. In 2016 the Office of the Worker Counsellor participated in the Exhibition, hosting an information booth and sponsoring several events. Through the course of the Fair we spoke with over 600 people directly. Countless others saw our ad in the Exhibition's Program. We were overwhelmed with the response, and continue to get calls from individuals who saw or met us at the Exhibition.





An Amazing Feeling

A Worker sustained soft tissue injuries in a car accident. She developed chronic pain and wasn't able to return to work. She was receiving permanent impairment benefits from WCB.

Surveillance of the worker surfaced. It had been undertaken by the respondent in WCB's third party lawsuit.

The video showed the worker going through her usual daily routine of caring for her children. A great deal was made of the fact that, on one occasion she lifted her two year old into a car seat. She was seen walking without a cane.

This video was considered proof that the worker had misrepresented the extent of her injuries. Her benefits – the worker's sole source of income – were terminated.

A review of the claim file showed that the worker had never denied being able to do anything. Like most people with chronic pain she described good days and bad days. Her life was about choice and consequences. She only used her cane when

necessary, as instructed by her physician. When her children needed her she was there, no matter how much pain she was in.

The worker approached the Office of the Worker Counsellor. We helped her file an appeal and we wrote a detailed submission. The Appeal was successful and the worker's benefits fully reinstated.

The worker wrote,

"I cannot thank you enough. My family cannot thank you enough. What you do for individuals like me and their families is so very important. I can tell you are passionate and care about doing what is right for people. It must be an amazing feeling knowing you make a big difference in families' lives. Thank you, thank you, thank you!"

We agree. It's an amazing feeling.



2016 was a very busy year for Education. We held 18 individual workshops. Most of them were for union organizations, but we were very pleased to be invited by an Employer to provide mini-workshops to their employees about their workers compensation rights and responsibilities.

Our contacts and opportunities to educate were extended by participating in community events including the Windsor Exhibition, the CUPE NS Convention, and an MLA's community picnic.

2016 by the Numbers

18

workshops delivered



235

participants



100%

positive reviews



2000+

in person contact



OUR WORKSHOPS 2016

Date	Workshop	Location
Jan 28	Navigating Your Way	Dartmouth, NS
Jan 29	RTW Red Flags Green Lights	Dartmouth, NS
Jan 30	Navigating Your Way	Kentville, NS
Mar 9	Navigating Your Way	Greenwood, NS
Mar 16	Stress at Work	Truro, NS
Apr 11	Navigating Your Way	Halifax, NS
Apr 12	Return to Work – Red Flags	Halifax, NS
Apr 22	Mini OHS Workshop	Moncton, NB
Oct 2	Mini WCB & OH&S Workshops	Dartmouth, NS
Oct 13	Navigating Your Way	Hantsport, NS
Oct 14	RTW Red Flags Green Lights	Hantsport, NS
Oct 28	Mini WCB & OH&S Workshops	Yarmouth, NS
Dec 6 - 15	Mini WCB Workshops (x4)	Dartmouth, NS

After a year of limited workshops, **we've re-established the Office of the Worker Counsellor as a provider of quality education.** We intend to return to the spring and fall school model of workshop delivery. Of course, we will always make ourselves available to groups who require a tailored schedule or program.



Advocacy is at the center of everything we do.

The Office of the Worker Counsellor believes that each time we connect with a Worker, a WCB Representative, a Physiotherapist, an Employer, or any other stakeholders we have an opportunity to transform the WCB and OH&S systems.

The Office of the Worker Counsellor serves as a conduit for all workers to provide input to government and WCB about areas of concern and suggestions for improvements in the WCB and OH&S systems.

We meet quarterly with the WCB's Director of Service Delivery to discuss issues and concerns of a general nature. We have found this an enormously helpful opportunity. We've had many productive discussions and positive outcomes. In 2016 our discussions have included;

- When decision letters are issued
- Customer service
- Medical aid and WCB's Centralized Surgical Services
- WCB's Investigations Department and surveillance practices

As usual, our relationship with WCB is a collaborative one, and they are always open and responsive to our feedback.

In 2016 the Office of the Worker Counsellor participated in the **WCB's Policy Consultation on Pre-existing Conditions**. We were part of the pre-consultation working group and outlined our perspective on the issue.

We provided our feedback on the Draft Policy in early 2017, and we are looking forward to the outcome.

In the summer of 2016 we attended the **Department of Labour's Stakeholder Engagement sessions**, and had an opportunity to provide our perspective on workplace health and safety.

We believe that improvements in the WCB and OH&S systems are improvements for every citizen of Nova Scotia. We will continue to seek suitable ways to foster positive changes in every interaction we have.

When workers are assessed for Chronic Pain they receive a Client Information Questionnaire (CIQ) to complete.

The Office of the Worker Counsellor was approached by several workers who were concerned about two questions on the CIQ – one asking if they had a mortgage or loans and another asking if they had other insurance coverage. The purpose of these questions wasn't clear.

We brought these concerns to the attention of the WCB. We were very pleased that they agreed the questions were not necessary. They planned to conduct a review of the full CIQ in order to ensure it was up to date, and they agreed the two questions would be removed.

Justice Delayed

After a back injury in 1983 he went back to work. But he never fully recovered.

The worker struggled to manage and changed jobs several times to get away from heavy lifting. He kept seeing a doctor. Like many people, the worker didn't know WCB would help even after you were back at work.

Finally, in 1992, someone told him he should call WCB. When he did, he was told that they'd issued a decision letter denying benefits.

They told him that because he hadn't appealed, the decision was final and couldn't be changed. They told him he wasn't entitled to any assistance.

The worker didn't give up. Over the years he tried having his doctors send more information. He spoke with lawyers. He called WCB. The worker kept getting the same answer. There was a decision. It was final. WCB couldn't help him.

When the worker contacted the Office of the Worker Counsellor in 2016 we weren't sure how to help with such an old case, but we were willing to try.

We requested a copy of the worker's WCB claim file. The "decision letter" the Board kept referring to, written in 1990, hadn't been a decision at all. It contained three sentences saying only that the file had been closed. There was no decision, reasoning or appeal instructions.

We spoke with the Internal Appeals Department. The file was sent to a Case Worker to finally make a decision about whether the worker was entitled to benefits for his 1983 injury. The worker was granted a retroactive permanent impairment benefit.

Without our intervention this worker might never have had his issues resolved. We were very pleased we could help, even after more than 30 years.

How many workers facing similar situations are out there? Our goal is to reach them all.

Because justice delayed does not have to be justice denied.



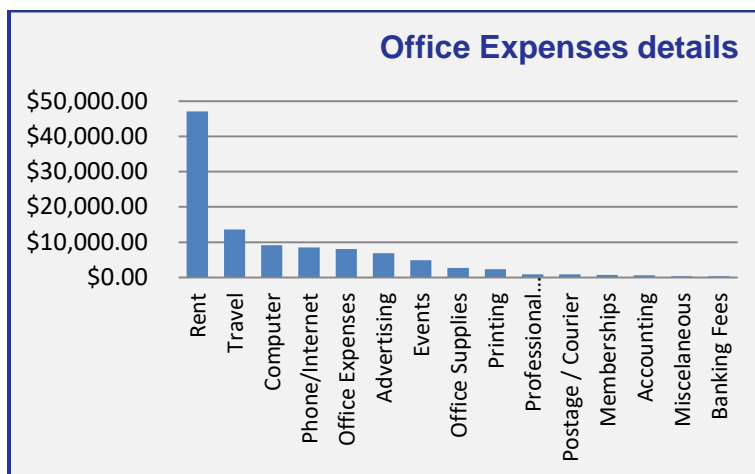
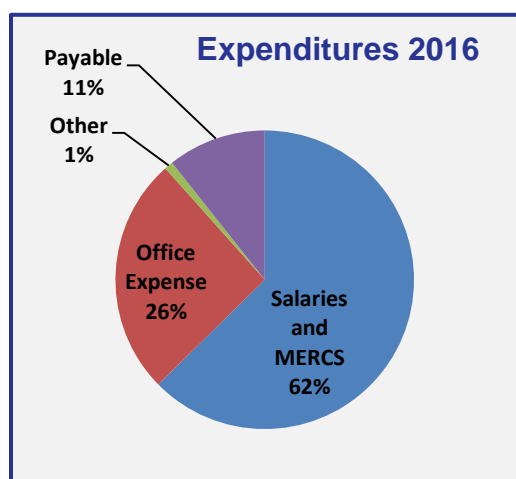


The Office of the Worker Counsellor maintained its strong financial position through 2016 and into 2017.

Over the last four years funds had been set aside to cover the cost of a database. This system came in well under the anticipated cost. Additional funds were saved in 2015 and 2016 due to periods of partial staff. Part of the remaining funds has been allocated in our 2017 budget. The balance will be used to grow the services provided by the Office of the Worker Counsellor as determined in our Five Year Strategic Plan.

ASSETS		EXPENSES	
Cash	\$95,253.79	Expenses	\$371,503.02
Income	\$400,750.00	Payable	\$44,350.00*
TOTAL ASSETS	\$496,003.79	TOTAL EXPENSES	\$415,823.02
CASH POSITION END OF 2016			\$80,150.77

*(Administrative, Strategic Planning, Database and Educational Design fees which were budgeted but not billed in 2016).



Our largest expense remains human resources, the backbone of the Program. This is followed by office expenses, including rent.

Travel costs grew in 2016 reflecting the greater amount of time the Worker Counsellors were on the road meeting with workers across Nova Scotia. Advertising costs also increased, and we expect them to continue to do so as we launch campaigns to raise awareness about Occupational Health and Safety.

We are committed to maintaining the integrity and transparency of our financial status, and to using our resources in the most effective and impactful way for Nova Scotians.



BUILDING RESILIENCY

We contracted with the Association of Workplace Educators in Nova Scotia (AWENS) to develop a new workshop for injured workers. The workshop focuses on building resiliency at what is often a very difficult time in worker's lives.

The lesson plan was completed in late 2016. We have scheduled the first run through in April 2017, and very much look forward to piloting the workshop very soon.



OUR FIVE YEAR PLAN

Through 2015 and 2016 the Office of the Worker Counsellor underwent a great deal of change and renewal. In order to capitalize on this transformation, we decided it was an excellent time to revisit the mission and vision of the organization, and to develop a Five Year Strategic Plan.

We have engaged a Facilitator, John Hugh Edwards, to assist us in this process. After a great deal of time and effort on the parts of stakeholders, the draft plan has been completed. We will be meeting two more times to make final changes to this very important document.

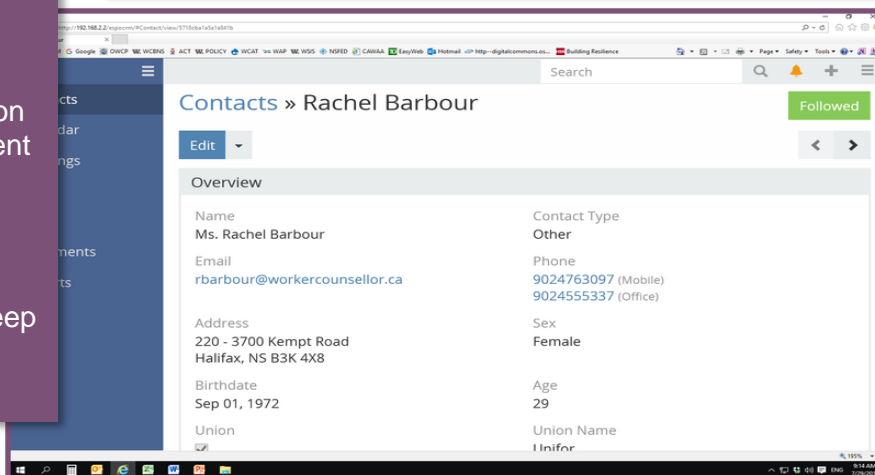
When the Plan is complete the Office of the Worker Counsellor will have its direction charted for the next five years.

INTRODUCING ESPO!

At long last, the database that is been on the Office of the Worker Counsellor's agenda for more than four years is a reality.

We worked with a local developer to source and customize the right solution for our organization. The program went live in October 2016 and is fully operational.

Named ESPO, the Program has brought efficiency that allows us to keep reliable records and gather important information.



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