

# Workers' Advisers Program

## **Annual Report**

for the fiscal year  
ending March 31, 2023



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May 2023

The Honourable Jill Balsler  
Minister of Labour, Skills and Immigration  
1505 Barrington Street  
Halifax, NS B3J 2T8

Dear Minister Balsler:

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, 2022 to March 31, 2023.

Yours truly,

## **Workers' Advisers Program**

Kenneth LeBlanc  
Barrister & Solicitor  
Chief Worker Adviser

copy: Ava Czupalay, Deputy Minister  
Department of Labour, Skills and Immigration

copy: Cynthia Yazbek, Senior Executive Director  
Labour Services Branch  
Department of Labour, Skills and Immigration

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Workers' Advisers Program Annual Report 2023

June 2023

ISBN:

# Table of Contents

<b>Letter from the Chief Worker Adviser .....</b>	<b>1</b>
<b>Mandate and History .....</b>	<b>6</b>
<b>Annual Program Expenditures .....</b>	<b>8</b>
<b>Personnel .....</b>	<b>12</b>
<b>Client Services .....</b>	<b>13</b>
<b>The Program's process .....</b>	<b>13</b>
Triage .....	13
Intake .....	14
Resource .....	14
Implementation .....	15
<b>Operations.....</b>	<b>16</b>
Case Summary Statistics .....	16
<b>Process .....</b>	<b>18</b>
Service Wait Time.....	18
Client Count by County .....	19
Program Statistics .....	21
<b>Client Satisfaction .....</b>	<b>23</b>
Client Survey Results .....	23
<b>Committees and Associations .....</b>	<b>25</b>
Canadian Association of Workers' Advisers and Advocates.....	25
Workplace Safety and Insurance System.....	25
Other Committees and Associations .....	26
<b>Professional Development and Training.....</b>	<b>26</b>



## Letter from the Chief Worker Adviser

The Workers' Advisers Program is a public agency established under Part III (sections 259 – 274) of the *Workers' Compensation Act* and the regulations to provide free and independent legal assistance, advice, and representation to eligible injured workers and their families seeking workers' compensation benefits. Generally, to receive representation from the Program, a worker must have a reasonable expectation of success in a claim or appeal for compensation.

The Chief Worker Adviser, appointed pursuant to Part III of the *Act*, is responsible for supervising and administering the Program's staff and operations and for reporting annually to the Minister of Labour, Skills and Immigration regarding the finances and operation of the Program.

The Program has a head office in Halifax, as required under Part III, and an office in Sydney. As of March 31, 2022, the Program had 19 employees, including the Chief Worker Adviser, 11 Workers' Advisers and our Registrar.

Pursuant to section 269 of the *Workers' Compensation Act*, the Program receives 100% of the funding for its operations by way of a grant from the Accident Fund authorized by Order-in-Council.

### Program Statistics for 2022-23

#### Active Files

At year-end on March 31, 2023, the Program had 952 active files. This compares to 1058 active files on March 31, 2022.

#### Requests for Service from Workers and Closed Files

The Program had 733 requests for service from workers. The Program denied representation in 98 requests because in our opinion there was no reasonable expectation of success in the case. The Program closed 813 files.

#### Service to Workers

The Program provided service to 1772 workers, which is the number of active files at the Program on April 1, 2022 and all requests for service we received in 2022-23.

## **Appeals Filed**

On behalf of workers, the Program filed 281 appeals to the Workers' Compensation Appeals Tribunal (WCAT) and 147 appeals to Hearing Officers of the Workers' Compensation Board (WCB). The Program filed 4 Notices of Application for Leave to Appeal or Notices of Appeal to the Nova Scotia Court of Appeal on behalf of workers.

## **Hearings Attended and Written Submissions**

At the WCB Hearing Officer level of appeal, the Program attended 0 hearings and provided 107 written submissions. At WCAT, the Program attended 166 hearings and provided 124 written submissions. At the Nova Scotia Court of Appeal, the Program attended 5 hearings and filed 6 factums.

## **Service wait times**

The Program tracks and reports on service wait times, which is the date from when a worker contacts the Program concerning a claim or appeal until the date when the Program's Registrar or a Workers' Adviser contacts the worker, which should take no more than 6 weeks. The Registrar or Workers' Adviser will be knowledgeable about the worker's claim or appeal at the time of initial communication with the worker.

In 2022-23, with 733 requests for service, the Program's average province-wide service wait time was 5.1 weeks.

## **Satisfaction surveys**

The Program mails satisfaction survey forms to clients who we represented in appeals when we close their files for service. We have been mailing these survey forms to clients since 2003. Our target is that at least 80% of the responses from clients indicate they "strongly agree" or "agree" that the service provided by Program staff satisfied their requirements.

The five questions asked in the survey form are:

1. The program staff I dealt with were professional and friendly at all times?
2. In my experience, I felt the program staff had the knowledge and experience for dealing with my situation?
3. I felt the program staff did their very best to provide me with the best possible service?
4. My calls were returned in a timely manner?
5. My questions were answered to my satisfaction?



For each question, clients have the choice of selecting: Strongly agree; Agree; Disagree; or Strongly disagree.

In 2022-23, the Program closed 813 files in total. Of those files, survey forms were sent to 576<sup>1</sup> clients, with 151 surveys returned (a 26.2% survey return rate). 96.3% of clients who returned surveys “Strongly agree” or “Agree” that the service provided by Program staff satisfied their requirements.

### **Budget 2022-2023**

The Program spent \$3,341,843 in 2022-23, which was 84% of our budget authority (\$3,990,000) and 97% of our forecast (\$3,428,000).

The Program was under its budget authority in 2022-23 partly because in the aftermath of the pandemic more hearings proceeded via teleconference or video conference, resulting in reduced travel expenses.

Another reason the Program was under budget was because two Workers’ Advisers were on maternity leave for part of the fiscal year and we had two administrative support positions unfilled for part of the year.

As well, we anticipated there would be large costs associated with the development of a modern digital case management system for the Program. However, that project was delayed and the funds were released from our budget.

Section 272 of the *Workers’ Compensation Act* authorizes the Minister of Labour, Skills and Immigration to designate a worker association as an organization authorized to provide advice, assistance, and representation to workers as part of the Workers’ Advisers Program under the general supervision and direction of the Chief Worker Adviser and to provide funding to any designated organization from the budget of the Program.

In 2022-23, the Minister designated two injured workers’ associations to receive funding: the Pictou County Injured Workers’ Association and the Cape Breton Injured Workers’ Association. Under funding agreements, the Department of Labour, Skills and Immigration provides each injured workers’ association with regular funding of \$108,000 per year, paid in two instalments. The Department did not pay the second instalment of this funding - \$40,500 - to the Cape Breton Injured Workers’ Association, which is another reason the Program was under budget.

<sup>1</sup> *The Program implemented a Resource and Intake process in 2016 to streamline requests for service with a view to assigning files sooner and dealing with enquiries from workers where no decision has been rendered by the WCB or WCAT. As a result, some files (237 files in this fiscal year) were closed and were not assigned to an Adviser. In those instances, a survey was not sent to the worker as we had not agreed to provide legal services beyond assessing the file. Surveys are only sent to workers upon closure of their files after we had formally represented them.*

## Psychological Stress

Psychological stress in the workplace continues to be a prominent issue for the workers' compensation system.

In previous annual reports, I discussed the amendment to the *Workers' Compensation Act* that created a rebuttable presumption for a "front-line or emergency-response worker", as defined, who is diagnosed with post-traumatic stress disorder (PTSD). Those amendments came into force, along with accompanying amendments to the *Workers' Compensation General Regulations*, in October 2018. The presumption created applies on and after October 26, 2013. This change in the law means that, unless the contrary is shown, PTSD in a front-line or emergency-response worker which is diagnosed by a "prescribed diagnostician" is presumed to be work related.

The *Workers' Compensation Act* requires a worker to have stress from an acute reaction to a traumatic event before the stress can be accepted as an accident and qualify for compensation. The Workers' Advisers Program continues to represent several workers in appeals at WCAT - most of these appeals are on hold - who are relying on the *Canadian Charter of Rights and Freedoms* to challenge this requirement under the *Workers' Compensation Act*.

On September 11, 2019, WCAT issued Decision 2014-706-AD, which concluded that the requirement for a worker to show their stress resulted from an acute reaction to a traumatic event violates the *Canadian Charter of Rights and Freedoms*. Neither the WCB nor the provincial Attorney General filed an appeal from *Decision 2014-706-AD*. The employer in that case filed an appeal but later withdrew it. We are still waiting to see if there will be legislative change to address this matter which could impact the stress claim appeals on hold.

In recent years, claims for psychological stress and claims where a significant psychological component arose later have increased in number and added to the complexity of many appeals. Especially where psychological stress was not the initial reason for a claim, but became more prominent later, it is often difficult to obtain information from physicians and psychologists needed to support a worker's appeal.

## Delays in the Workers' Compensation System

Delays in Nova Scotia's workers' compensation appeal system continue to be a problem. Significant factors causing delays in appeals involving the Program include: (1) the length of time it often takes to obtain supportive medical evidence; and (2) employers' frequent active participation in opposing workers' appeals in Nova Scotia's adversarial appeal process.

Nova Scotia's workers' compensation 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.

Many injured workers do not have a family physician and often have a long wait to see a medical specialist. These factors increase delay and complexity in many appeals. Workers' Advisers regularly refer Program clients to non-treating medical experts for independent medical examinations, but there are signs that these resources will become scarcer in the future.

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

### **Other Activities**

I attended online meetings of the Canadian Association of Workers Advisors and Advocates (CAWAA). These meetings are opportunities to network and exchange information with counterparts from across the country.

I continued to be 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 October 2022.

I attended regular meetings with the Executive Director and my fellow directors from the Department of Labour, Skills and Immigration's Labour Services Branch. These meetings are useful for the exchange of information and views they facilitate and the support they provide to me and the Program.

Along with other employees at the Program, I took part in many in-person and online educational and training sessions in 2022-23. These sessions were relevant to our work as government employees and legal professionals. The Nova Scotia Barristers' Society expects practicing lawyers to participate in appropriate continuing legal education each year.

We look forward to another busy and successful year in 2023-24.

Submitted,

Kenneth LeBlanc  
Barrister & Solicitor  
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 financial 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 decisions 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 a public agency which provides free and independent 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 meets 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.

Pursuant to section 269 of the *Workers' Compensation Act*, the Program receives 100% of the funding for its operations by way of a grant from the Accident Fund authorized by Order-in-Council.

The Chief Worker Adviser supervises and administers the Program and reports to the Minister of Nova Scotia's Department of Labour, Skills and Immigration 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. Only Workers' Advisers who are lawyers may appear in court for a worker.

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 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 2022-23 report:

## WAP Cost Centre 530013 – Year Over Year Comparison

Cost elements	2022-23	2021-22	Diff
611100 Civil Servants	1,903,302.49	1,742,995.84	160,306.65
614100 Contract Employee		11,761.75	11,761.75-
615100 Casual Employees	2,180.07	5,733.04	3,552.97-
621100 Overtime	54.84	203.02	148.18-
625100 SUPP SERV PAYOUT			
626100 Other Earnings	9,825.35	9,680.23	145.12
627100 Fringe Benefits	154,382.09	131,499.19	22,882.90
627200 Fringe Benefits LTD	4,481.72	6,774.88	2,293.16-
627400 PSSP Contribution	173,255.64	154,671.38	18,584.26
627500 PSSP Contribution LTD	6,104.80	7,772.90	1,668.10-
627550 PSSP Contributions - Past Service		9,645.09	9,645.09-
627700 W C B	560.58		560.58
<b>* Salaries and Benefits</b>	<b>2,254,147.58</b>	<b>2,068,975.57</b>	<b>185,172.01</b>
631100 Travel - In Prov	8,419.11	3,907.36	4,511.75
631200 Travel - Out of			
635100 Travel Allowance			
635600 Travel Allow KMs			
636000 Kilometres Trave	7,048.40	3,155.46	3,892.94
<b>* Travel</b>	<b>15,467.51</b>	<b>7,062.82</b>	<b>8,404.69</b>

<b>Cost elements</b>	<b>2022-23</b>	<b>2021-22</b>	<b>Diff</b>
651100 Professional Services	95.00	107.83	12.83-
651800 Legal Services - External			
651900 Consulting Services	28,427.75	9,906.74	18,521.01
655300 Transcripts	2,029.50	6,513.20	4,483.70-
659900 Other	343,973.69	407,075.37	63,101.68-
661300 Clerical Service		27,574.56	27,574.56-
661600 Administration Fees		732.18	732.18-
<b>* Professional Services</b>	<b>374,525.94</b>	<b>451,909.88</b>	<b>77,383.94-</b>
761200 Misc. Office Exp			
761300 Printing/Station	21,400.24	14,301.05	7,099.19
761400 Postage	6,733.11	10,074.08	3,340.97-
761600 Freight, Duty		1,847.33	1,847.33-
761700 Photocopy Charge	6,851.30	5,019.27	1,832.03
763100 Gen Operating Supplies	4,843.95	6,252.17	1,408.22-
782300 IT Software Purchases			
784100 Telecommunication	14,203.16	15,047.69	844.53-
784500 IT Data Communication	1,107.00	1,107.00	
786100 Equipment Repair			
786600 IT Hardware Maintenance	1,233.38		
786700 IT Software Main			
793400 Taxi And Messenger	2,193.17	1,514.49	678.68
792210 Creative Serv CNS		2,469.20	2,469.20-
400121 TPW- Project Settlement		200.00	200.00-
<b>* Supplies and Services</b>	<b>58,565.31</b>	<b>57,832.28</b>	<b>733.03</b>

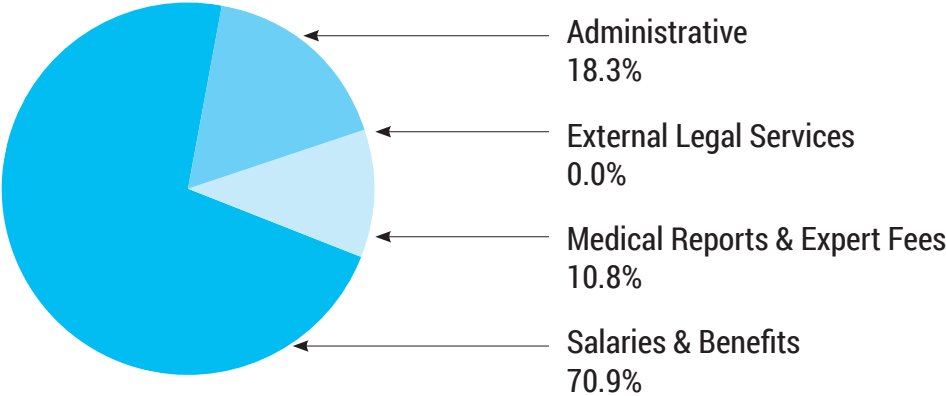
<b>Cost elements</b>	<b>2022-23</b>	<b>2021-22</b>	<b>Diff</b>
811300 Office Rentals	126,336.00	126,336.00	
811800 Equipment Rental	179.40	134.55	44.85
811900 Equipment Leases			
813000 IT Hardware	5,811.73	2,009.45	3,802.28
813100 Equipment Purchases			
813300 Office Furniture		25,812.00	25,812.00-
814100 Staff Training	9,468.67	6,664.04	2,804.63
815100 Meeting Expenses	1,092.40	828.11	264.29
817100 Membership Dues	34,340.31	37,949.75	3,609.44-
818100 Subscription/Periodicals	936.08		936.08
819100 Other	285,472.48	264,039.00	21,433.48
<b>* Other</b>	<b>463,637.07</b>	<b>463,772.90</b>	<b>135.83-</b>
<b>** Operating Costs</b>	<b>912,195.83</b>	<b>980,577.88</b>	<b>68,382.05-</b>
865100 Program Grants			
<b>** Grants and Contributions</b>			
<b>*** Gross Expenses</b>	<b>3,166,343.41</b>	<b>3,049,553.45</b>	<b>116,789.96</b>
990800 L/C Dept:*Salaries			
<b>*** Recoverables - Province</b>			
<b>***** Over/underabsorption</b>	<b>3,166,343.41</b>	<b>3,049,553.45</b>	<b>116,789.96</b>

## IWA Grant

<b>Cost elements</b>	<b>2022-23</b>	<b>2021-22</b>	<b>Diff</b>
865100 Program Grants	175,500.00	216,000.00	40,500.00-
<b>** Grants and Contributions</b>	<b>175,500.00</b>	<b>216,000.00</b>	<b>40,500.00-</b>
<b>***** Workers' Advisers Program</b>	<b>3,341,843.41</b>	<b>3,265,553.45</b>	<b>76,289.96</b>

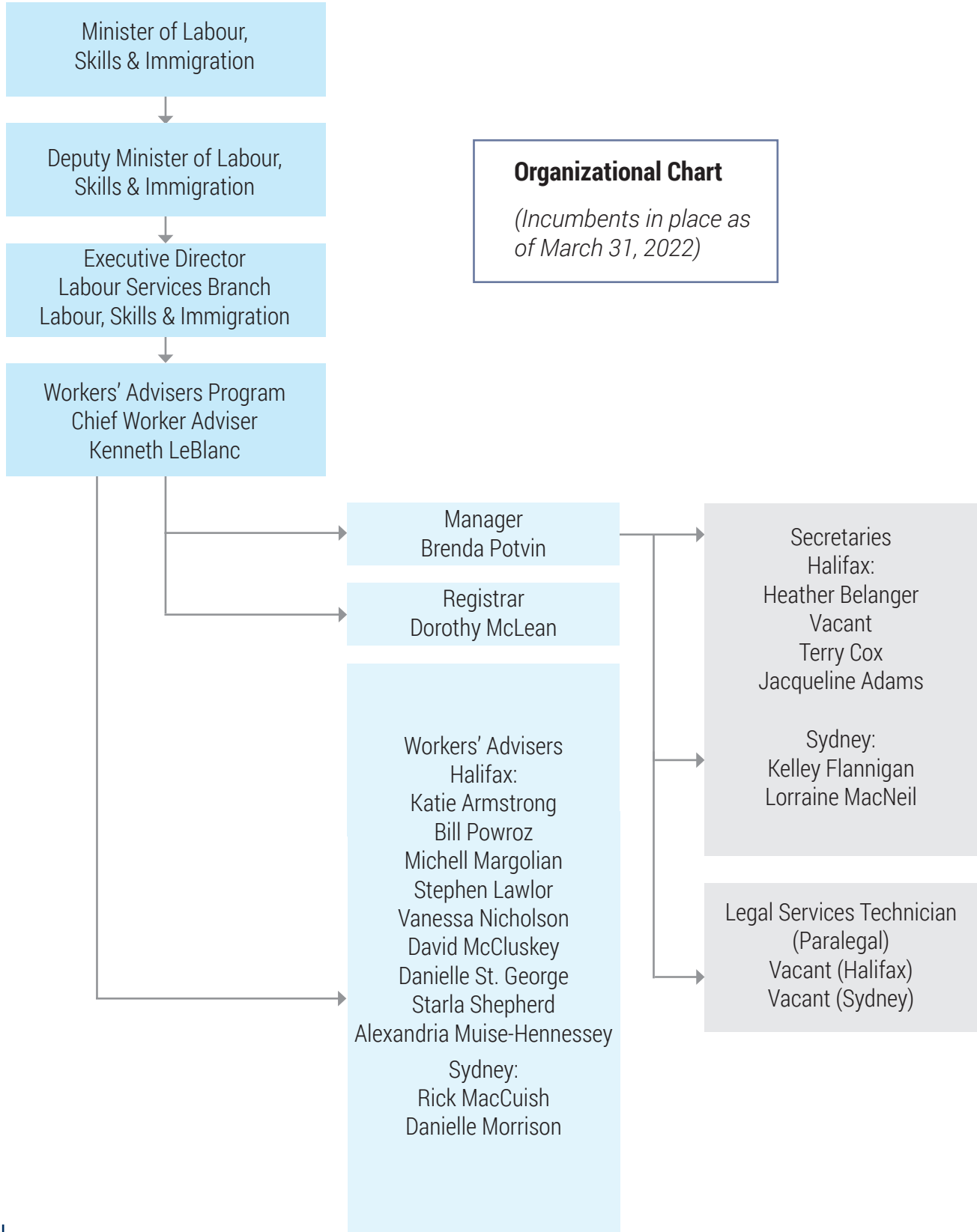


**2022-23 Financial Expenditures**



# Personnel

The following is the current organizational chart for the Workers' Advisers Program.



**Organizational Chart**  
*(Incumbents in place as of March 31, 2022)*

## Client Services

The Workers' Advisers Program is a public agency operating as a 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 (WCB) and the Workers' Compensation Appeals Tribunal (WCAT). 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 levels of decision-making and appeal in the workers' compensation system and in Court if appropriate.

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

## The Program's process

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 has a file opened (or re-opened if the worker was previously a client of the Program). The worker's file is then referred to the Program's triage process.

In the triage process, the Registrar for the Program determines if the worker received a recent written decision from the WCB or WCAT. If there is a recent written decision, the Registrar makes a preliminary assessment of whether the worker has a reasonable expectation of success on appeal from the decision.

Generally, to receive representation from the Program, a worker must have a fairly arguable case for workers' compensation benefits to receive representation from the Program. However, the *Workers' Advisers Program Eligibility Regulations* authorize the Chief Worker Adviser, in exceptional circumstances such as but not limited to a worker's literacy level, to allow the Program to assist, advise, and represent a worker who does not otherwise meet the Program's eligibility criteria.

Where an employer appeals from the WCB's acceptance of a worker's claim, generally the Program represents the worker to respond to the employer's appeal.

## Intake

If the Registrar considers that there is a reasonable expectation of success on appeal, the worker's file is referred to the Program's intake process and a telephone appointment is scheduled for the worker to speak with a Workers' Adviser. After the initial telephone appointment in the intake process, the Workers' Adviser and the worker may arrange to meet in person or by telephone as necessary to deal with the claim or appeal.

## Resource

If the Registrar determines the worker does not have a recent written decision or does not have a written decision with a reasonable expectation of success on appeal, the worker's file is referred to the Program's resource process and the worker is contacted by letter or telephone regarding the request for service.

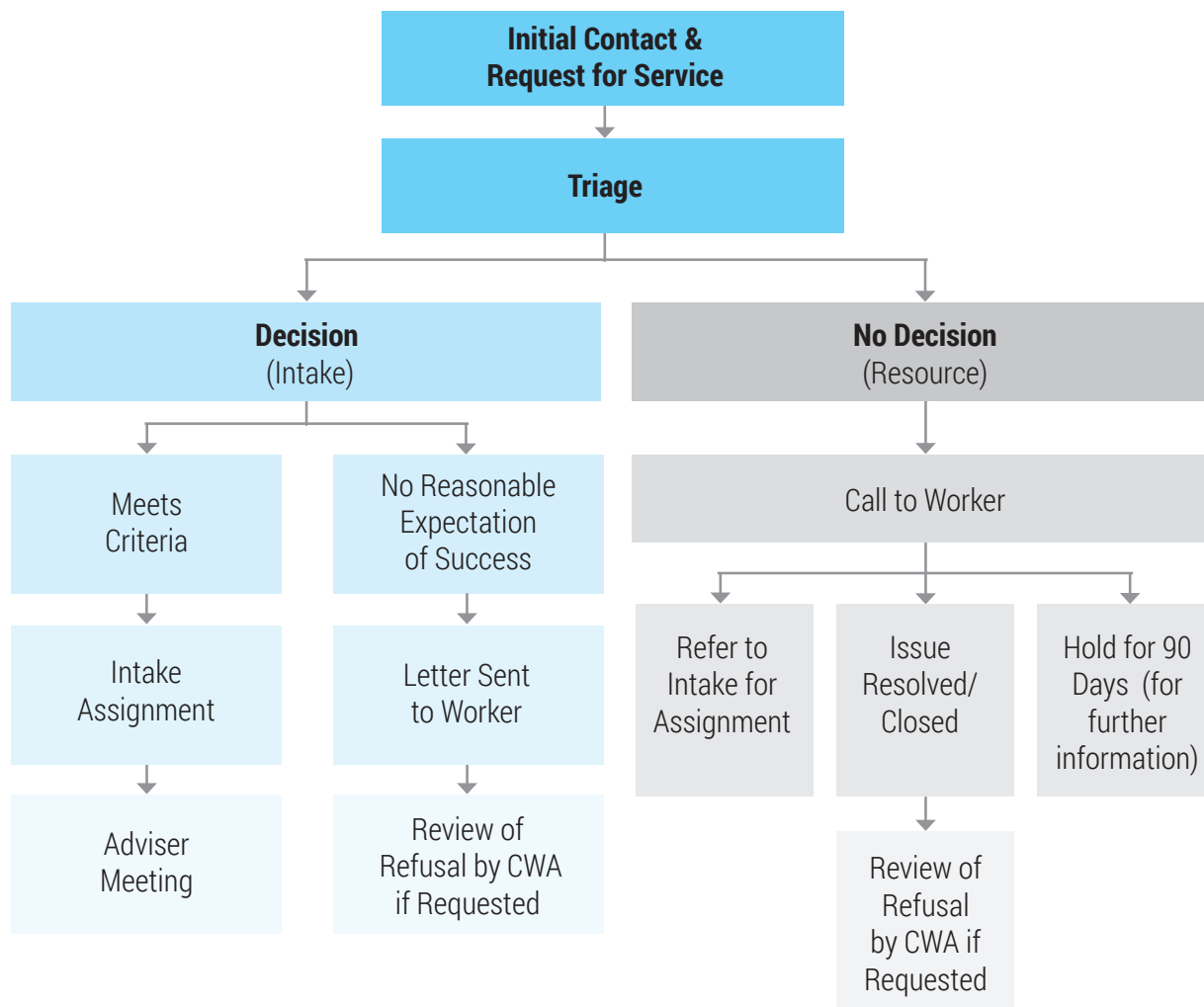
It is important to note that sometimes workers do not understand they have received a recent written decision, or they are confused about whether they received one. If, after a worker's file is referred to the resource process, it is discovered that a recent written decision was made on an issue, the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

In the resource process, where a worker does not have a recent written decision or does not have a written decision with a reasonable expectation of success on appeal, the Registrar or a Workers' Adviser may still assess whether the worker warrants the Program's assistance in a claim. This assistance might include: writing to the WCB on the worker's behalf about a matter; trying to obtain additional medical or other information to support the worker's claim; or simply keeping the file open at the Program while the worker tries to obtain additional information for review.

The Registrar or a Workers' Adviser might satisfactorily address the worker's question or concern through correspondence or a telephone conversation. Other times, the Registrar or a Workers' Adviser might advise the worker that he or she does not have a reasonable expectation of success on an issue. In either case, the worker's file will be closed at the Program.

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

A worker may also contact the Chief Worker Adviser to discuss the advice or service provided by the Registrar or a Workers' Adviser. The Chief Worker Adviser makes the final determination regarding any service the Program provides 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 may be referred to the Program’s implementation process.

The Registrar for the Program oversees the implementation process. In the implementation process, the Program keeps the worker’s file open and the Registrar or a Workers’ Adviser monitors to ensure that the worker’s 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.

Workers denied legal services by the Program may continue to pursue claims or appeals on their own. Workers 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 Program’s mandate is limited to pursuing compensation benefits for workers in Nova Scotia’s workers’ compensation system. The Program does not represent employers and it does not represent government or other public agencies.

# Operations

## Case Summary Statistics

<b>1058</b>	<b>Active # files at year beginning April 1, 2022</b>	<b>Apr, May, Jun</b>	<b>Jul, Aug, Sep</b>	<b>Oct, Nov, Dec</b>	<b>Jan, Feb, Mar</b>	<b>YTD</b>
<b>952</b>	<b>Active # files at year beginning March 31, 2023</b>					

### # Incoming Files:

Files Opened		181	157	177	196	711
Intake:	Assigned to a Workers' Adviser but still awaiting a telephone appointment	22	19	49	23	
Intake:	Unassigned as of EOM	25	37	18	15	
Resource:	Clients with questions and/or without identifiable decision					
	Calls to Resource	30	32	41	28	131
	Calls Returned / telephone interview	38	29	43	21	131
	# awaiting call back	3	6	3	7	
	On a 90-day hold	13	16	26	14	69
	Closed	16	9	11	6	42
	Referred to Intake	7	2	5	1	15
	Issue Resolved	2	2	1	0	5

### # Requests for Service / Representation Denied:

	is 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.	26	17	24	31	98
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### # Clients Served to Date this Year

	The number of clients on April 1, 2021, plus the total number of files opened YTD.					1772
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### # Files Closed

	The file has been closed and we no longer represent the worker.	258	167	162	226	813
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“Requests for Service” is the number of calls received by the Intake Clerk for processing during each of the reporting periods. During 2022-23, the Program received an average of 57.9 requests for service per month.

We denied representation in 98 requests for service 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 2022-23” is the number of active files on April 1, 2022, combined with the total number of files opened to the end of the fiscal year (March 31, 2023).

The Program carried an average of 966.9 active files over the course of 2022-23.

On March 31, 2023, there were 96 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 2022-23 Workers’ Advisers each carried an average caseload of 60.4 active files. This average excludes files assigned to two Workers’ Advisers working on resource files. This average is significantly lower than last year as we had two Workers’ Advisers return from maternity leave.

# Process

## Service Wait Time

Period 2021-22	Halifax	Sydney	Out-Town		
			Bridgewater/ Yarmouth	Digby/ Kentville/ Amherst/ Truro	New Glasgow/ Antigonish/ Port Hawkesbury
April/May/June	4.7	5.7	5.4	6.5	6.2
July/August/September	4.0	4.5	3.6	4.4	3.6
October/November/December	4.5	5.1	4.8	5.0	4.3
January/February/March	6.4	6.1	4.6	5.4	7.4
Area Averages					
<b>Local Offices Average Wait Time</b>	<b>5.1 weeks</b>				
<b>Out-of-Town Average Wait Time</b>	<b>5.1 weeks</b>				
<b>Provincial Average Wait Time</b>	<b>5.1 weeks</b>				

The service wait 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 contact with the Program's Registrar or a Workers' Adviser concerning the worker's claim or appeal.

The Program tries to ensure that the service wait time for any worker is no more than 6 weeks. The Registrar or Workers' Adviser will be knowledgeable about the worker's claim or appeal at the time of contact. The provincial average wait period for 2022-23 was 5.1 weeks (which includes local and out-of-town times), a decrease of 0.8 weeks from the previous year.

Factors affecting service wait times include delays in obtaining access to the WCB claim files, both paper and electronic, and staff shortages due to maternity leaves and retirements, and staff workloads.



## Client Count by County

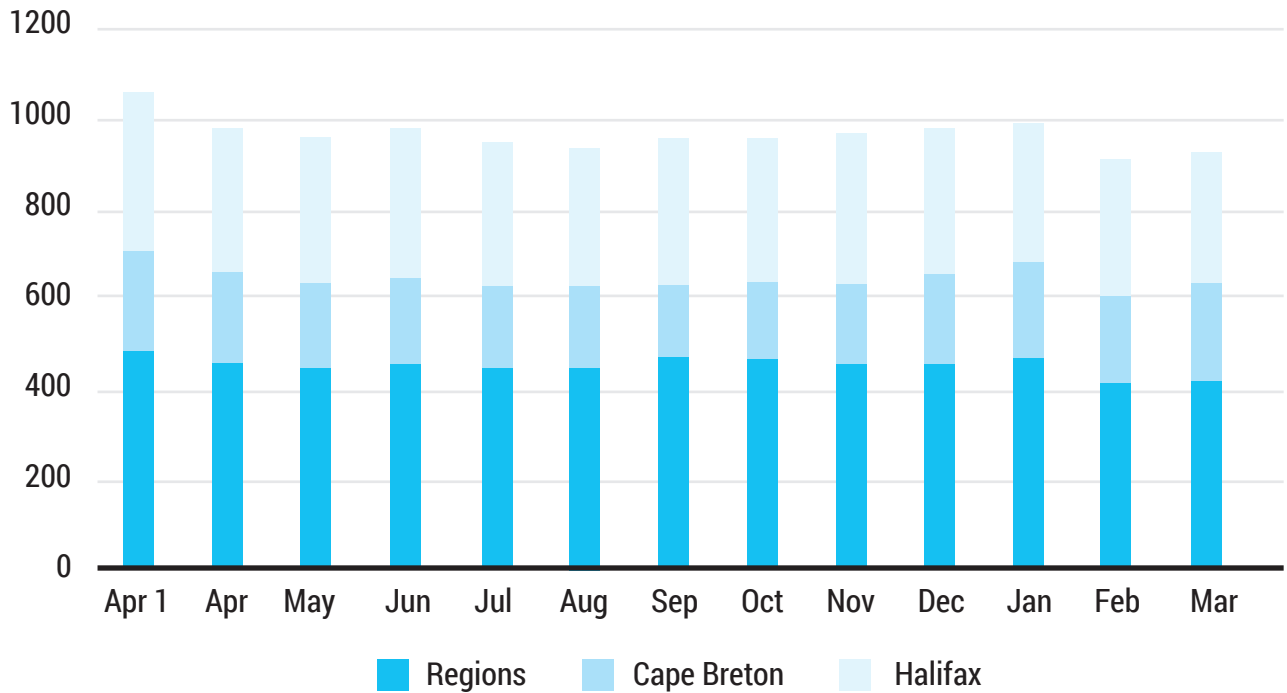
On April 1, 2022, the Program had 1058 active files. On March 31, 2023, there were 952 active files, a 10% decrease over the course of the year. There was an average of **966.6** open files between April 1 and March 31.

County	Apr 1	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar 31
Annapolis	30	36	34	31	31	33	35	33	32	33	33	29	28
Antigonish	12	14	14	14	13	14	14	13	13	18	17	16	17
Cape Breton	206	192	187	189	188	186	182	183	179	186	188	183	190
Colchester	56	57	57	60	59	60	61	60	66	66	68	63	63
Cumberland	47	47	44	44	39	39	38	40	45	45	49	47	41
Digby	18	15	16	15	14	15	14	15	16	16	19	16	18
Guysborough	7	6	6	6	5	5	5	5	6	6	6	6	7
Halifax	358	331	328	328	317	311	324	333	342	333	341	323	337
Hants	59	54	53	57	53	53	53	53	56	56	54	52	54
Inverness	10	9	9	9	9	8	8	7	8	6	6	6	6
Kings	50	43	42	45	46	50	51	48	44	43	43	38	40
Lunenburg	56	51	44	46	46	46	50	52	50	50	50	39	41
Pictou	67	61	58	56	52	47	48	46	46	48	48	43	46
Queens	17	15	13	15	15	15	16	14	13	15	15	14	14
Richmond	10	12	12	12	12	12	12	13	13	12	11	7	8
Shelburne	10	7	8	7	7	8	9	9	8	7	8	6	8
Victoria	2	2	2	2	2	3	2	3	2	2	1	2	2
Yarmouth	17	17	17	14	18	16	16	14	12	14	15	12	11
Other	26	23	27	28	28	27	28	26	23	24	23	21	21
<b>Total</b>	<b>1058</b>	<b>992</b>	<b>971</b>	<b>978</b>	<b>954</b>	<b>948</b>	<b>966</b>	<b>967</b>	<b>977</b>	<b>980</b>	<b>995</b>	<b>923</b>	<b>952</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 an issue relating to a claim. When this issue is resolved in the worker's favour or if the Registrar or Workers' Adviser determines there is no reasonable expectation of success in an appeal, we will close the file for services.

### Client Count by Area

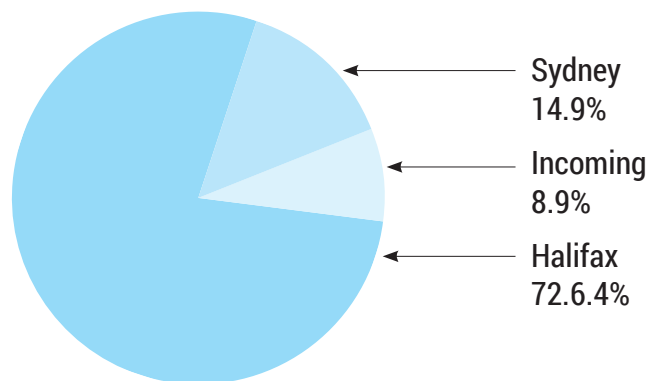


The above chart graphically displays the proportion of clients living in Halifax, Cape Breton and Out-of-Town. The Out-of-Town figures represent all clients living outside metro Halifax or Cape Breton.

An average of 34.0 percent of the Program’s clients live within the Halifax Regional Municipality; 19.3 percent live within the Cape Breton Regional Municipality and 46.7 percent reside outside the CBRM or HRM areas.

Files are distributed between the Halifax and Sydney offices.

### File Distribution



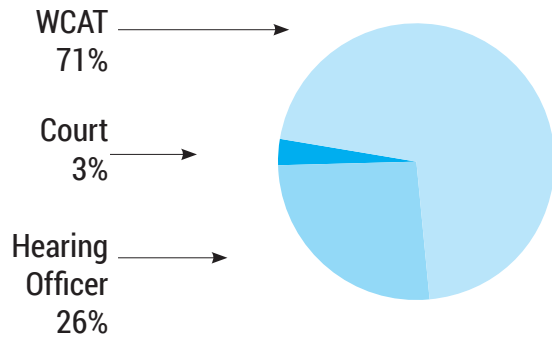
## Program Statistics

	Submissions/Hearings Done		New Appeals Filed			
	Court	Hearing Officer	WCAT	Court	Hearing Officer	WCAT
<b>April</b>	1	17	25	0	10	18
<b>May</b>	0	7	22	0	13	26
<b>June</b>	2	8	28	1	17	25
<b>July</b>	1	13	27	0	20	29
<b>August</b>	0	9	20	0	13	16
<b>September</b>	2	10	30	0	7	20
<b>October</b>	0	11	23	0	11	23
<b>November</b>	2	6	22	0	7	33
<b>December</b>	0	4	15	0	5	23
<b>January</b>	1	4	24	0	13	16
<b>February</b>	1	9	27	2	17	30
<b>March</b>	1	9	28	1	14	22
<b>TOTAL</b>	11	107	290	4	147	281

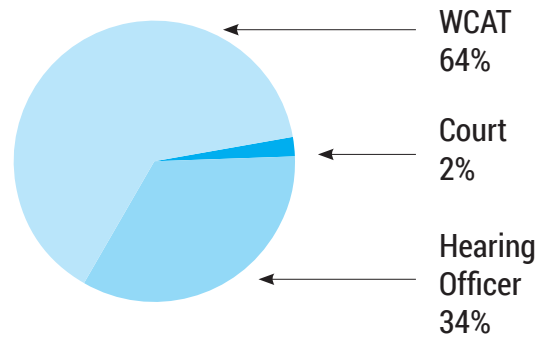
- The Program's resources are mainly focussed on appeals at the WCAT level.
- Workers typically file their own appeals to the Hearing Officer before going through the Program's intake process.

The Program filed 4 new appeals (Notices of Application for Leave to Appeal or Notices of Appeal) to the Nova Scotia Court of Appeal in 2022-23. 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. There is no appeal on a question of fact.

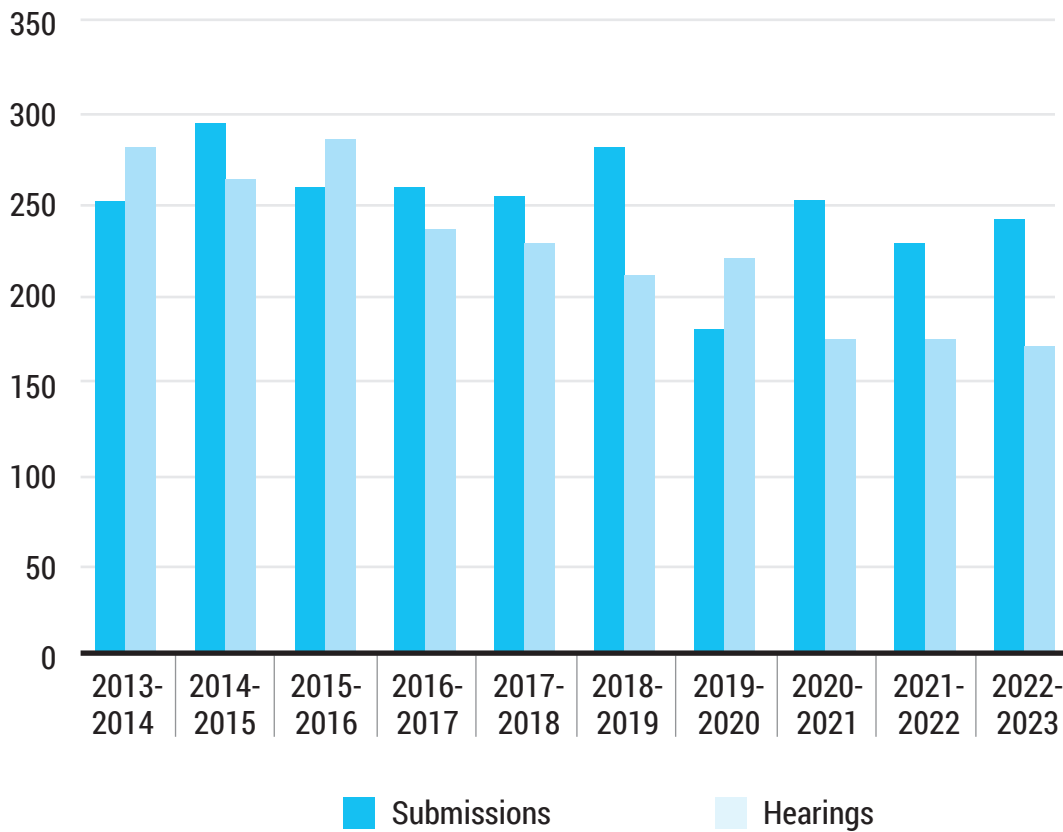
### Hearings/Submissions



### New Appeals Filed



### # Hearings/Submissions



# Client Satisfaction

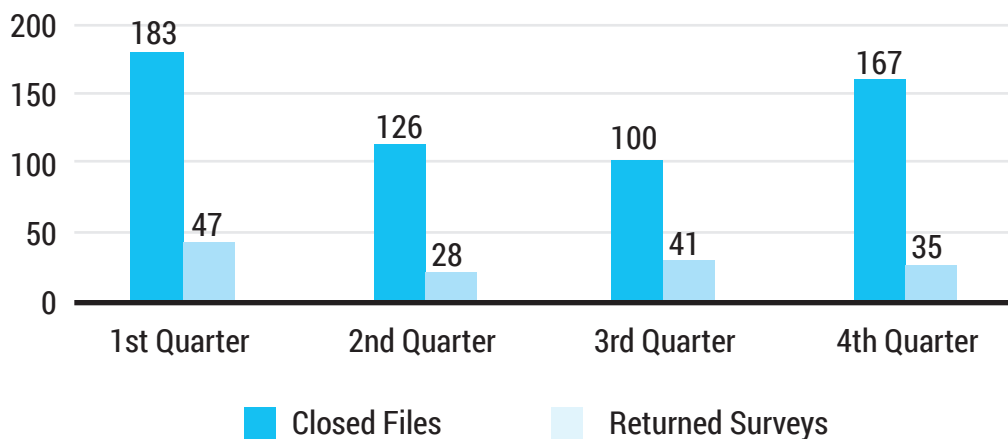
## Client Survey Results

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
Closed Files*	183	126	100	167	576	
Returned Surveys	47	28	41	35	151	26.22
Provided Comments	32	23	34	27	116	77.1
Not Positive Outcome	5	3	2	4	14	11.4
Negative Comments	4	0	0	0	4	0.0
% Return for the Quarter	25.7	22.22	41.0	21.0		

*\*These closed file numbers do not include those files closed through our Resource and Intake Process. Surveys are only sent to those workers whose files were assigned to an Adviser and where we formally represented the worker.*

### Surveys Returned / Files Closed



Based on the data obtained from the returned surveys, we can determine that **96.3%** of our clients **“strongly agree”** or **“agree”** that the service provided by the Program staff satisfied their requirements.

Specific results to our questions are as follows:

		<b>Strongly Agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>
<b>The program staff I dealt with were professional and friendly at all times.</b>	Apr/May/ Jun	73.3	25.1	0.0	1.6
	Jul/Aug/Sep	90.0	6.3	3.7	0.0
	Oct/Nov/Dec	97.4	2.6	0.0	0.0
	Jan/Feb Mar	97.0	3.0	0.0	0.0
<b>% for year</b>		<b>89.4</b>	<b>9.2</b>	<b>0.9</b>	<b>0.4</b>
<b>In my experience, I felt the program staff had the knowledge and experience for dealing with my situation.</b>	Apr/May/ Jun	73.3	18.3	6.8	1.6
	Jul/Aug/Sep	96.3	3.7	0.0	0.0
	Oct/Nov/Dec	95.2	2.2	2.6	0.0
	Jan/Feb Mar	95.2	4.8	0.0	0.0
<b>% for year</b>		<b>90.0</b>	<b>7.2</b>	<b>2.4</b>	<b>0.4</b>
<b>I felt the program staff did their very best to provide me with the best possible service.</b>	Apr/May/ Jun	74.9	17.5	0.0	5.4
	Jul/Aug/Sep	93.7	2.6	3.7	0.0
	Oct/Nov/Dec	92.6	4.8	2.6	0.0
	Jan/Feb Mar	92.9	7.1	0.0	0.0
<b>% for year</b>		<b>88.5</b>	<b>8.0</b>	<b>1.6</b>	<b>1.3</b>
		<i>All the time</i>	<i>Most of the time</i>	<i>Sometimes</i>	<i>Never</i>
<b>My calls were returned within a timely manner.</b>	Apr/May/ Jun	82.4	11.6	6.0	0.0
	Jul/Aug/Sep	87.5	8.8	3.7	0.0
	Oct/Nov/Dec	76.8	15.9	7.4	0.0
	Jan/Feb Mar	78.4	16.2	5.4	0.0
<b>% for year</b>		<b>81.2</b>	<b>13.1</b>	<b>5.6</b>	<b>0.0</b>
<b>My questions were answered to my satisfaction. Friendly.</b>	Apr/May/ Jun	76.5	17.5	2.2	3.8
	Jul/Aug/Sep	90.0	6.3	3.7	0.0
	Oct/Nov/Dec	90.8	6.7	2.6	0.0
	Jan/Feb Mar	93.3	3.3	0.0	0.0
<b>% for year</b>		<b>87.6</b>	<b>8.4</b>	<b>2.1</b>	<b>1.0</b>
<b>Satisfaction rating</b>		<b>96.1</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: <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, Skills and Immigration, and the Program), and others who provide services in the system. Additional information is available on the WSIS website: <http://www.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, Skills and Immigration, Labour Services Branch
- Nova Scotia Barristers' Society
- 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, the provincial government 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, skills, and well-being.









