



Ken Rayner

Navigating workplace injuries can feel overwhelming, but you're not on your own. The Office of the Worker Adviser, otherwise known as OWA, is there to support injured Ontario workers and make sure their rights are respected and enforced, all at no cost. From filing a claim to navigating appeals, the OWA is there when you need them most, and we are going to show you how.

Announcer

It's time for the IHSA Safety Podcast.

Ken Rayner:

Welcome to the IHSA Safety Podcast. I'm your host, Ken Rayner. On this episode, I'm going to be speaking with Kevin Brown and Kristen Lindsay from Ontario's Office of the Worker Adviser, a team that guides injured workers through the WSIB process, helps them understand their rights and stands up for fairness without charging a penny. Kristen and Kevin, welcome to the podcast. It's a pleasure to have you both here.

Kristen Lindsay:

Good afternoon. It's a pleasure to be here as well. Thanks, Ken.

Kevin Brown:

Hi, thanks for having me.

Ken Rayner:

Great, excellent. Well, very, very excited to learn more about the Office of the Worker Adviser and all the services you provide. So Kevin, I'm going to start with you. Let's start with an overview. If you could please provide an overview of the services that the Office of the Worker Adviser provides to Ontario workers.

Kevin Brown:

Sure. There's actually two areas that we provide assistance with. The first of them is around Workplace Safety and Insurance Board (WSIB) claims, so that's injured workers who've filed claims with WSIB. And the second one, which is maybe a little less well-known, is we do also assist workers who've experienced reprisals under the *Occupational Health and Safety Act*. And there's really two main ways that we can help people under either one of those areas. The first of which is what we would call summary advice, which is early and upfront advice and educational information when people first contact us or soon after they contact us, when people can speak to experienced and skilled legal adviser and get some information about the situation that they're in and what sort of immediate actions they could possibly take.

So that's the first thing. The second thing that we do is actual formal legal representation, so that is exactly like you would have if you hired a lawyer to represent you in some other sort of matter. So we actually become the legal representative of injured workers or reprisal complainants, and we would do all of the pieces that go with that. So that involves preparing written submissions. It involves dealing with the Workplace Safety and Insurance Board (WSIB) or the Ontario Labour Relations Board (OLRDB). It would involve representing people at hearings and of course all of the consultation and counseling that surrounds that. So those are the two main ways.

I think I'd also just like to mention that we have offices throughout the province, so we're one of the only province-wide organizations that provides representation for injured workers. So we actually have 15 local offices and they're in every corner of the province from Windsor to Thunder Bay to Timmins to Ottawa, and pretty much everywhere in between. So regardless of where someone is in the province, there's probably an OWA office not too far off from them who can help.

Ken Rayner:

Fantastic. Kevin, thank you very much for that overview on the services. That's terrific. Kristen, who is eligible in Ontario to receive all these services that Kevin described. And then I'm just going to ask you to fact-check me because in the opening I did mention twice that there's no charge for OWA services, but I'd just like you to confirm that if you would as well in terms of what's included and what's not.

Kristen Lindsay:

Thanks, Ken. I can definitely positively fact-check you that our services are available and free to non-unionized workers throughout the province. And importantly, there's no means test for our services as well. Our workplace safety and insurance services are free to non-unionized injured workers and their survivors, again, throughout the province. And our occupational health and safety reprisal services are also, again, free to non-unionized workers who've experienced a reprisal.

Ken Rayner:

That's good news for Ontario non-unionized workers, that they have someone in their corner that can help them out and provide them with some expert guidance, and it's all covered and there's no charge to them. That's fantastic.

Kristen Lindsay:

Absolutely.

Ken Rayner:

So Kevin, what would you say would be the top three reasons that a worker on Ontario would want to engage with the OWA?

Kevin Brown:

I think, first of all, and I think you alluded this in your introduction, that whether it is workers' compensation or the reprisals process, these are very complicated and overwhelming situations for

workers to find themselves in. It's not something that most people are really prepared for or have a lot of expertise in. So it's really helpful to have a representative and someone who can give you expert advice. So I think there's really sort of three things that I would want to flag as to why OWA would be a place you'd want to come. And those are, first of all, we're experts. I think secondly, we're accessible, and thirdly, we're effective. So the first of those points, our office has been open since 1985, so this is actually our fortieth anniversary this year of providing this service.

Ken Rayner:

Hey, nice.

Kevin Brown:

And so our staff have a very deep knowledge of the system and of the process. The staff who do casework are mostly lawyers and licensed paralegals, and most of them have been doing this for years. The people who are newer, we have a very extensive training program where when we bring staff on board, we give them a lot of in-depth training so they can understand the law and the policy in this area. So hopefully, Ken, you'd agree that training is important and we also agree. And so our staff are recognized as experts within the field, within the practice area. So our staff are frequently called upon to do things like present at law society trainings or the Ontario Bar Association's workers' compensation section. So I think expertise is really important.

Accessibility, we already hit on a few of the points that are relevant to that, I think. It's easy to reach us, and people, they can speak to an experienced representative relatively quickly to get some upfront advice about what they should do. And as I said, there's no charge for our services, which is a big accessibility plus, obviously. The other piece of that is that workers get to keep all of the...Everything that we win, they get to keep all of the benefits that they win. There's no contingency fees or anything like that. We have offices throughout the province, as I said. And then the other thing that Kris also said is we have no means test, which means that our services are not tied to income. So anyone who is a non-unionized worker who is eligible for our services, just because they're employed or make a certain amount of money, we wouldn't turn them away, which is an issue that can sometimes happen from other sources of assistance.

And we have a relatively short wait time for representation services. It's not immediate, but it's currently around three or four months, which is not especially long, and we're really proud of that. We brought it down a lot in the last little while. And I think that the final thing I would just like to say, and it goes with the expertise, is that we're effective. We're very good at what we do and we're good at winning appeals for workers. We have a really high resolution rate through early dispute resolution. We don't like to take people through hearings if we don't have to. Hearings are rarely good for anybody. They prolong the process. They're very stressful for injured workers because they're unfamiliar and uncertain. And so that's a very effective thing.

As I said, we're just a source of comfort, I think, and aid in a situation that a lot of people find stressful, overwhelming, confusing, complicated, all of those things. And to have the ability to have someone in your corner who really understands the issues and can present the best possible case so that people can focus on really rebuilding their lives, which is a situation that a lot of injured workers are in, right? By definition, they've been injured, they have a lot of challenges, aside from trying to learn how to become

a workers' compensation advocate, so to have someone in your corner who can help you is just a huge, I think, comfort and a huge advantage for people.

Ken Rayner:

Absolutely. Wow, that's fantastic, Kevin. You were talking about accessibility. Kris, maybe we can get a little bit more into that in terms of what are the different ways in which Ontario workers can engage with OWA and its resources?

Kristen Lindsay:

Great question. Thanks, Ken. So currently they can contact the OWA toll-free, and we have a number of options with three toll-free numbers, one for English speakers, one for French speakers for our workers' compensation program, and then we have the 1-800 for the occupational health and safety reprisals program. They can also, again, contact us through a website inquiry, which is great for workers who have that technology available to them. It's quick, and those inquiries get responded to either the same day or certainly within one business day. Same with telephone messages are returned within one business day or by the very latest the next business day.

Our general inquiries are handled by our very professional and friendly Client Service Representatives, so our frontline staff. And once a worker's case is waiting for a case review or they are already clients, our staff can also communicate by email. We have an email consent process, also very efficient and expedient, and we can exchange documentation that way as well through secure process. And we also, of course, still meet the old-fashioned way in person and also offer virtual meetings on a Microsoft Teams platform or even Zoom. We have both platforms available to us.

And another exciting service we will be providing this fiscal year is the ability for clients to communicate with and provide us with information through our database online secure client portal, accessible online again also. And if a person has a more general inquiry for referral information, our Client Service Representatives provide this information during calls. And if the inquiry requires responses to legal questions and processes, our worker representatives and our reprisals program and our worker advisers in the workers' compensation program provide the information through a summary advice process, either by phone, a virtual Teams meeting again, or of course in person.

Ken Rayner:

Excellent. So lots of different ways that Ontario workers can engage with OW—email, phone, virtual, in person, and coming soon, the portal. So that's fantastic. Kevin, when these workers contact OWA, how about some of the most frequent questions that you receive from workers?

Kevin Brown:

Well, there's a huge variety of questions because each case is unique and every client is unique. But there are a few I think that we could say are more common than others. I think the most common thing that people call us about is when they receive a decision from the WSIB saying that they've been denied something, right? And so that could be something like initial entitlement. So that could be upfront the worker's claim has just not been allowed and there will be no benefits. Or it could be a negative decision

denying a specific period of benefit or type of benefit or something like that. So I think the most common situation where people are contacting us is they have a negative decision of some kind, and they know that they disagree with it, and they want to know what they can do about it.

And so in that situation, we can both explain the process to them. So we help them file an appeal. There are time limits that apply, so we want to make sure that people don't miss those time limits. And then also we might be able to actually represent them in the appeal. The other thing, another very common thing that people call us about is return to work meetings. So there's a process under the *Workplace Safety and Insurance Act* where workers are injured and have been off work where they're being brought back to work to work, and often that involves modified work or looking at the job duties and what is or is not safe. And the board gets involved. And then there's also work transition, which is retraining.

And both of those situations involve meetings with the board and or the employer. And so we can represent workers and give them advice on those situations. And in fact, for return-to-work meetings, we can actually have those happen very quickly. Another thing they talk to us about is around the medical evidence in their claims. It's a very common reason why claims or benefits will be denied, to not have enough medical or the medical says something different than what the worker expected it to, or there's a board doctor who has an opinion. And so we can help people understand those things, identify what they might need to get, possibly engage with their doctor or doctors to get things like reports.

Another thing that people often call us about is questions around how their WSIB benefits would interact with other types of disability benefits. So things like employment insurance or CPP or Ontario Works or the Ontario Disability Support Program (ODSP), things like that. And then the final one, I should say something about our reprisals program. Those are cases where people are contacting us because something negative has happened to them as a result of them trying to exercise their rights under the *Occupational Health and Safety Act* (OHSA). And the reality is most of the time that's a termination, but it can be other things. And that would be something that we would be able to assist people and give them advice and potentially file a complaint with the Ontario Labour Relations Board about.

Ken Rayner:

Okay, great. That's a great overview on the services. In terms of, maybe Kris, we could just focus a bit on what you do in regards to helping workers navigate the WSIB process. So how does the OWA assist workers in navigating the WSIB claim and appeal or return to work disputes in particular?

Kristen Lindsay:

Great, thanks, Ken. So we really have, over the decades, achieved a refinement of our processes to make the experience of navigating these different aspects of the life of a case, or even just questions about the system, as straightforward as possible, even though the system is undoubtedly complex and can certainly be overwhelming. And going back to—I cannot emphasize enough—the importance of the role of our Client Service Representatives as the first point of contact with workers who eventually, sometimes, do become clients. And that moves on to, as I mentioned earlier, to our summary advice process where the worker needs more in-depth or legal information from a worker adviser. And in that process, it's a very important educational aspect to our process that we offer to workers.

And in it, it can range from providing expert guidance with filing claims, providing education on the different types of benefits available to the workers, their rights and obligations with whichever system they're dealing with, whether it be occupational health and safety reprisal circumstance or workers' compensation situation, understanding the different multitude of various forms that come their way and the decisions that they've received. So we'll look at the decisions, the worker advisors will actually receive copies in the summary advice process and assess them and help the worker to understand what they mean and provide guidance on next steps. And it doesn't have to be, again, in an appeal context. This is upfront information through the summary advice process.

In that process, we also provide information on how to meet time limits, an important aspect to the system, and how to file appeals. And also information about the return to work processes, training processes, if return to work with the WSIB fails. And then of course, the last stage of the process, appeals processes. A great example is our representation at return-to-work meetings. These are meetings that are scheduled very quickly by the WSIB and we are able to prioritize these meetings where we offer immediate representation by the worker advisers. This is a huge benefit to the worker obviously in situations where our presence with an employer in a return-to-work circumstance is going to actually help to build a bridge. Our litigators are excellent at mediating with employers to try to do exactly that in these return-to-work scenarios, especially where there's a relationship to be salvaged and hopefully improved upon.

Our worker advisers are also really skillful at crafting what we call medical-legal request letters. These are provided to the practitioners and related specialists in the province to obtain the evidence needed to make strong legal arguments, either by way of written submissions or at oral hearings. And also, we're very skillful at communicating with workers. We have clear processes for keeping clients updated on their cases from start to completion with real adeptness at preparing clients to give testimony at their hearings, a super important part of the appeals process. Or at guiding them through the training processes when they're unable to return to work with the accident employer.

It's an important juncture in a WSIB claim because the more vested and interested and engaged and educated a worker is on that process and taking an active interest in learning how to home in on what would be an appropriate area of training given their permanent limitations, their earnings at the time of the accident, the more engaged they are in the process with the return to work specialists from the WSIB, the better potential for an outcome. And those training processes can be lengthy, one to two years on average.

We also provide excellent representation on alternative dispute resolution cases at the Workplace Safety and Insurance Appeals Tribunal, where it's sometimes very possible to obtain early resolution on workers' final stages of their appeals rather than needing to go through a much lengthier final hearing process. At every turn with whichever area we're providing representation on or summary advice, it's always with the purpose of educating workers so they can make informed decisions.

Ken Rayner:

Wow. So I'm guessing there's some semblance of listeners out there that are going to listen to this podcast and about this point go, "come on, this all can't be free. There's got to be some fine print or something else going on." But that's not the case, right? All these services that you've touched on,

everything you're going into detail about, about all the ways that you help Ontario workers, non-unionized workers, it's completely free.

Kristen Lindsay:

100 per cent, Ken.

Ken Rayner:

I think we may have to keep saying that through this podcast just to make sure it's clear because it is an amazing service that you provide. So how about going back a couple years, 2020 gave us the pandemic and it changed the way that a lot of businesses had to provide services to be able to keep in touch with their customers. How about, did the pandemic significantly alter the way that the OWA provides service to Ontario workers?

Kevin Brown:

Absolutely. I think you'd be hard pressed to find anyone who hadn't been changed by the pandemic, but it changed us in a few ways, right? So at one level, the pandemic changed the system, right? And so we are part of the system and we have to respond to what the WSIB and the Appeals Tribunal do. And so they changed the way that they work. And so we had to change the way that we work as well. But it also was an impetus, I think, because we really had no choice, for us to modernize some of our own approaches. And so the biggest thing that really happened as a result of the pandemic is people were working at home. They weren't able to go to things like in-person hearings and so forth. There really was this accelerated move to digital, and I think it's something that people had talked about for years, but it became necessary.

So it all moved forward very quickly. So a few examples of that. Hearings used to be in-person. Now they're almost always either by teleconference or in some cases on the telephone. There's very few hearings where people have to travel to a central location and everyone sits together in a room. That's much less common than it used to be, and it's worked out fine. I think it was something people were nervous about at first because it was unfamiliar, but it's really been something that I think has worked out well, particularly for our clients who don't have to travel. So if someone is not well, if someone doesn't have a lot of financial resources, having to travel is a real imposition. So to be relieved of that is really helpful in a lot of cases.

And then the other biggest change is a move away from paper. And so prior to the pandemic, we were still operating largely on paper. WSIB files were coming to us, printed out in enormous packages, many of them hundreds of pages, and we had to store them and ship them around the province and so forth. And what has happened as a result of that is we've now gone almost completely paperless, which saves a lot of time and money. We also are much better equipped to work with our clients remotely. So not only are they not having to come to hearings, they don't have to come to us. We're much more able to, I mean, we've always been able to talk to them on the phone obviously, but we're now able to use things like teleconferences and so forth.

So you can have a fairly rich interactive kind of meeting with somebody and get to see their facial expressions and know what they look like, and they get to see what we look like, and you can build more

of a relationship that way. And then even things like just being able to communicate with clients by email, which is something we didn't use to do a lot, is hugely more convenient for everyone really. And so overall, I think it's really improved a lot of things that we did. If there's anything positive to be said about the pandemic, I think-

Ken Rayner:

I'm glad we found one thing, at least, Kevin. That's great.

Kevin Brown:

I mean, I don't want to suggest that it was a positive thing. But I think the fact that we're still doing the things that we had to do is a sign that they were positive changes.

Ken Rayner:

Absolutely. Well, there's that saying, necessity is the mother of all invention, right?

Kevin Brown:

Yeah, I think that's very true. And there was a great deal of invention going on very quickly.

Ken Rayner:

There certainly was. Yep.

Kevin Brown:

Yeah.

Ken Rayner:

And I'm glad you arrived at something that's better for Ontario workers and makes it easier for everybody. So that is a positive. Speaking of positives, Kris, I'd love to hear about a success story where OWA services made a significant difference in the life of a worker, and I'm sure you've got lots to choose from. How about a success story you can share?

Kristen Lindsay:

Oh, thanks for the beautiful segue, Ken. We really have so many incredible success stories involving many different types of work injuries. And at the centre of all of those stories is the worker, the human being behind what's happened to them in their story. And every story is as important as the next. They can involve occupational health and safety reprisal circumstances, and under the workers' compensation program, physical or organic type injuries and/or psychological injury cases and occupational disease cases. So an important area of focus over the decades for the OWA is occupational disease. And we have worked and continue to work on a number of clusters.

So to share an example, one of our experienced worker advisers based out of our Windsor office has been providing excellent representation on what are called the rubber worker cases. This past number

of years, they have resolved quite a number of cases, but I've pulled these three examples because they're so intertwined and related, heartbreaking, but with a wonderful outcome in the end for the survivors. So there were three similar cases involving deceased male workers who were career production workers at the BF Goodrich plant in Kitchener. They all developed different types of cancers, stomach, lung and liver, I believe. And that was as a result of exposures over long periods, 25 to 30 years, from mixing rubbers containing chemicals referred to as, heinously, rubber worker fumes. They all sadly passed away in 1993.

So the OWA started working on these cases between 2022 and 2023, and the cases were resolved, remarkably, at what is called the operating or claims adjudication level at the Workplace Safety and Insurance Board, meaning they didn't require formal hearings, which really lengthens the process for getting to resolution one way or the other. The worker advisor very astutely highlighted existing evidence in the cases that had not been considered previously, and also obtained supportive Occupational Health Clinic for Ontario Workers reports to further support the cases. We call that clinic OHCOW for short. It's an important system partner whom we work with, and we have for many, many years.

They provide expert occupational medicine reports on causation for many types of occupational injuries and diseases. So with these three cases, the total amount combined awarded to the survivors alone was for about two and a half million dollars. And importantly, the OWA is continuing to work not just on this cluster, but a number of other clusters, including a newer **Kellogg's cluster** that got initiated over the last year or so.

Ken Rayner:

Terrific. I'm really glad you're able to help those that have gone through some circumstances maybe a while back, and were probably at the point where they just felt that they didn't have any other options. And it's great that the OWA has come in and been able to assist in that regard. So terrific. Kevin, maybe we can get back to accessibility a little bit. How does the OWA ensure that its services are accessible to workers whose maybe the first language isn't English or might face barriers related to sending an email or accessing a portal through either literacy or digital access, not being sure about those things? How do you provide those services?

Kevin Brown:

Sure. There's a number of different things that we do, right? And the key to this is really understanding individual people's circumstances and the things that are creating barriers for them, right? There's no one size fits all solution in these situations. So what we try to do is have as many options in our toolkit as we can, right? So first of all, we're an Ontario government agency, so all of our services are delivered in both official languages, so English and French. We have bilingual staff throughout the province who can offer any part of our services in both of those languages. Our staff do have access to an on-demand interpretation service. So this is an outside vendor who can provide interpreters in near real time if we have a person that we need to speak to who is unable to communicate in English or French.

And in terms of other areas, we're committed to being as accessible as we possibly can be to our clients and provide the accommodations that we need, or that they need, I should say. So on the issue of I think you flagged literacy and technology, and I talked a bunch before about all of these sort of great new

digital services that we have, which is very much a theme. A lot of our clients really want those things and demand those things, but I think we do have to recognize that not everyone is comfortable interacting that way. Not everyone has access to the technology that's better than it once was, but certainly not everyone has access. And so the solution there is really to offer as broad a range of options as possible, right?

So if people need to, we will absolutely talk to them on the telephone. If they want to come into the office and meet face-to-face, we can absolutely do that. If they want paper letters, that's fine. We can send those in large print. There's all sorts of different things that we can do and it really involves having a conversation with the individual, and as I said, understanding what their particular barriers are so that we can come up with a solution that really fits them, right? And I think, by definition, a huge proportion of our clients are disabled because they've had workplace injuries and many of them are permanently disabled. So it's an area that we have unfortunately many, many years of experience dealing with just because those are our clients and we're absolutely always trying to find better ways to be more accessible and eliminate those barriers as much as we possibly can.

Ken Rayner:

Excellent, excellent. Okay, Kris, now I know that Kevin and yourself are right now on the IHSA Safety Podcast doing outreach regarding the OWA, but I want to ask, outside of doing this podcast, what are some other educational resources or outreach programs to inform workers of their rights and responsibilities under Ontario's health and safety laws that the OWA offers?

Kristen Lindsay:

Thanks, Ken. So in addition to this wonderful platform where we reach out to people to discuss our services, it's a very topical question. It's a renewed area of focus for the OWA, especially with our very reduced wait times for service, our access to digital platforms. And as Kevin described through this transition, it's positive, weirdly, a transition to having access to doing our work more digitally as an outcome of the pandemic. But also we'll be looking at expanding our reach through various digital platforms, and I'll get into that in a sec. So we do have a very robust outreach program that includes providing virtual, not just virtual, but in-person educational sessions to workers, especially through outreach to injured worker groups. And they're known as Injured Workers Online, and they're recognized by the WSIB and the Ontario Network of Injured Worker Groups.

I think it's comprised that umbrella of about 19 different groups that are peppered throughout the province, mainly in all the major cities, basically where we have offices, there's an Ontario Network of Injured Worker Group, for short. So we offer these outreach sessions to community groups also, such as just to name a few, March of Dimes, Disability Employment Centres, which can be found in every city, immigrant groups, women's groups, and community group centres. Our staff are very well trained to provide referral information to other related areas of the social disability system at the provincial and federal levels, to legal clinics for related advice on other areas of employment law, to other areas of MLITSD, Ministry of Labour, Immigration, Training, and Skills Development, the Law Society of Ontario.

There's so many related areas that we provide some education and referral information where need, where another organization is better served to provide the details to the workers on that particular area. So from an assessment of a worker's needs, our staff are resourceful and will provide the referral

information required to assist. And the outreach sessions are a great opportunity to provide workers with key educational information to navigate their occupational health and safety reprisal issues and workers' compensation issues.

Ken Rayner:

All right.

Kristen Lindsay:

Thanks Ken.

Ken Rayner:

That's great, Kris. That's great, particularly the partnering up with other stakeholders to be able to get that information out. That's fantastic. Kevin, how have you been in the past in regards to predicting the future? Do you have a pretty decent track record? Because I want to ask you about where do you see the role of OWA evolving in the next five years, especially considering some of the workplace dynamics that continually are changing, like the remote work piece that's come up since the pandemic, short-term contracts, freelance work. How do you foresee that changing in the next five years?

Kevin Brown:

Well, I hope you're not going to invite me back on in five years-

Ken Rayner:

We might.

Kevin Brown:

And hold me to account for whatever it is that I say. I think the changing nature of work is not new, right? So it's like the old saying, the only constant is change. And so I've been at the OWA for 25 years, believe it or not, and things are different than they were 25 years ago, but they're also different than they were five years ago. So Ken, I don't know if anyone can get ahead of it other than to stay plugged in and try to follow what's going on, but certainly we've been dealing with change and responding to change for years. And it's very clear to us that workers who come to us are in more precarious positions than they were, they're in more vulnerable positions than they were, and we have to find them and provide service to them. And some of the solution to that is the outreach that Kris talked about, and it's doing things like coming on this podcast and letting people know who we are and what we do.

It's also about being more available to them, which we also talked about, whether that's digital or after hours through a portal or that sort of thing. A few things that I think we've seen that are maybe worth mentioning is we see a lot of workers who are told that they're not part of the system or they don't have rights. And so the worry is that those people never come to us because they never think to question that, right? So ideas of things like that are, you get workers who would be entitled to coverage, but their employer hasn't registered with the system, or otherwise taken the steps necessary to bring those workers under the umbrella of the WSIB, and we can help those people, right? There are things like

people who get hurt off of their employer's premises, which is not a bar to entitlement necessarily, right?

We recently had a case, here's an example of... I think this one was just recently decided at the tribunal not long ago, and this is a pandemic case because it takes a while to get to the tribunal. But this was a worker who was working remotely at home and was injured on a break. They went outside in front of their house to get some air and I think had a slip and fall, but there was an injury. And what it sort of boiled down to was if that person had been on the employer's premises and had been on a break and had stepped outside to get some air, they would have been covered. And so the case we had to make was, "Well, why is it different? Because they happen to be working from home, they're still working, and what they're doing is still incidental to the work that they had been doing." I mean, so that's an example, right?

And some of those are about challenging this sort of conventional wisdom that somehow those workers are different because in a lot of ways they're not, right? And that's about making the legal arguments that we need to make. Another area that we see is the changing dynamics of families and relationships because this is a 100-year-old system, the workers' compensation system that was based on a very traditional old-fashioned sense of what a family was and how families earned their money. And so family dynamics are changing and we're dealing with blended families and so forth. So we had another recent case where the question was whether a worker and his partner were actually cohabitating because they didn't live together full time and the worker maintained his own separate apartment, but actually spent a lot of time with his partner and their family.

And in that case, it was found that they were in fact cohabitating or in a conjugal relationship, to use the legal term, right? Another area is people are working past 65 now. It's very common for people to work past 65, and this is another area of sort of developing jurisprudence, right? So I think the challenge for us, as I said, is to reach people to challenge some of those assumptions so that we can move those issues forward and have the system be responsive to the changes, right? And in addition to that is sort of leveraging the technology now to help reach some of those people who can be very difficult to reach by nature of the fact that they are in sort of precarious employment. They may not be particularly well connected to their workplaces or other workers or those sorts of things.

Ken Rayner:

Yeah. Yeah. Thanks, Kevin. That's most interesting. Didn't consider age on that either, so that was an interesting aspect that you brought up too. Kris, maybe last question to you, Kevin and yourself have covered off a lot of ground. You provided a lot of information about what the OWA services are. Maybe just one final question on are there any innovative programs or new pilot projects planned to further improve OWA's impact on workplace health and safety?

Kristen Lindsay:

Absolutely. So going back to the earlier question, my last question about our outreach programs where I was talking about having access to digital platforms and expansion there, we are actually establishing coming up very soon a social media presence on a number of different platforms for the first time in our history. And we're very excited about that. It means that we'll be able to get the message out even more widely, that we're the best place, the Office of the Worker Adviser is the best place to come to for free

representation on their occupational health and safety reprisal issues and their workplace safety insurance matters.

We'll also be using the platforms to continue to expand our educational mandate, the educational part, which we've already been doing through our summary advice process where we're giving injured workers access to that early information upfront to either assist them with resolving matters on their own with WSIB or their case may already have been placed on our wait list. And we're giving them upfront information to help to assist to build their case while they're waiting for us to do their case review and determine if we can take the case forward through the appeal stream.

Ken Rayner:

Excellent. I'm sure social media and getting into that realm now is going to be very helpful. I mean, there's just so many people that are digesting information that way these days. So learning about OWA I'm sure will be much easier for many people to be aware of these services as you start to get into social media. So good for you.

Kristen Lindsay:

For sure. And just to add one more thing to the whole digital platform concept, just to reiterate, we are introducing the online secure portal where workers and clients can have that extra additional method, expedient method of communicating with us and getting information to us for quicker service. Thanks, Ken.

Ken Rayner:

Fantastic. And Kris Lindsay, Kevin Brown, thank you not only for joining the IHSA Safety Podcast, but thank you for all of the free services that you provide to Ontario workers. And I hope that this podcast opens people's eyes, makes them more attuned to where they can go for help, and that's the OWA. And we will have the link to the website on our podcast channel as well. So Kris, Kevin, thank you so much for joining us today.

Kevin Brown:

Thanks, Ken.

Kristen Lindsay:

Thanks, Ken. Thanks for having us.

Ken Rayner:

My pleasure. And thank you to our listeners for listening to this episode on the Office of the Worker Adviser. Be sure to subscribe and "like" us on your podcast channel and visit us at ihsa.ca for a wealth of health and safety resources and information.

Announcer

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