

VIA REGULAR MAIL

December 18, 2017

Industrial Accident Victims Group of Ontario
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Tim Cheung,
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Attention: Maryth Yachnin



Dear Ms. Yachnin:

RE: FIPPA Access Request #17-210

I am responding to your request received November 17, 2017, under the *Freedom of Information and Protection of Privacy Act* (FIPPA), for:

1) From 2009 to 2016, inclusive:

- a) The number of total claims with NEL awards, by initial NEL award year;
- b) The average total NEL award;
- c) The number of claims with NEL awards (by initial NEL award year) where the worker has entitlement for psychotraumatic disability;
- d) The number of claims with NEL awards (by initial NEL award year) where the worker has entitlement for traumatic mental stress;
- e) The number of claims with NEL awards (by initial NEL award year) where the worker has entitlement for chronic pain disability;
- f) The average PI% for each claim with NEL awards (by initial NEL award year) where the worker has entitlement for psychotraumatic disability;
- g) The average PI% for each claim with NEL awards (by initial NEL award year) where the worker has entitlement for traumatic mental stress; and
- h) The average PI% for each claim with NEL awards (by initial NEL award year) where the worker has entitlement for chronic pain disability.

2) From 2008 to present, by year:

- a) The number of allowed lost time claims for traumatic mental stress;
- b) The number of allowed no-lost-time claims for traumatic mental stress; and
- c) The number of denied claims for traumatic mental stress.

3) From 2008 to present, by year:

- a) The number of allowed claims for psychotraumatic disability;
- b) The number of denied claims for psychotraumatic disability; and
- c) The number of allowed claims for psychotraumatic disability where the entitlement was allowed on a temporary basis.

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4) From 2008 to present, by year:

- a) The number of allowed claims for chronic pain disability;
- b) The number of denied claims for chronic pain disability; and
- c) The number of allowed claims for chronic pain disability where the entitlement was allowed on a temporary basis.

My response follows the order of your request.

Items 1-2: Non-Economic Loss (NEL) and Traumatic Mental Stress Data:

Item 1 a,b,d,g and Item 2 a,b,c:

Access is granted. Please find a copy of your record enclosed herein.

Item 1 c,e,f,h:

The record you are requesting does not exist. I have been informed by the Corporate Business Information & Analytics branch that this information is not specifically tracked. When a claim is allowed for more than one condition, the data does not differentiate the area of injury.

Items 3-4: Psychotraumatic Secondary Entitlement and Chronic Pain Disability (CPD) Data:

As indicated to you in a letter by Ashleigh Burnet on May 29, 2014, under FIPPA Access Request #14-017, the Psych/CPD Speciality Program was formed in May 2012 to decide cases where such conditions arose secondary to the work-related injury or from a condition resulting from a work-related injury. When a WSIB claim is initiated, our system captures the initial area of injury for statistical coding purposes; any secondary conditions are counted manually by decision-makers. Therefore, since Psych/CPD are secondary conditions, the data provided in the below table (May 2012 to November 2017) has been manually gathered and, as such, may not be entirely accurate.

Psych/CPD Statistics						
Year	Psych - Allowed (incl. PI)	Psych - Denied	Psych - Allowed temp.	CPD - Allowed (incl. PI)	CPD - Denied	CPD - Allowed Temp
2012 (May - Dec)	42	261	206	9	205	N/A
2013	263	701	758	33	689	N/A
2014	298	317	885	31	196	N/A
2015	292	306	1221	26	192	N/A
2016	261	274	1383	40	184	N/A
2017 (Jan - Nov)	236	266	1546	39	180	N/A
Totals	1392	2125	5999	178	1646	N/A

I am responsible for the decision. You may ask for a review of this decision within thirty days of receiving this letter by writing to: Registrar, Information and Privacy Commissioner/Ontario, 2 Bloor Street East, Suite 1400, Toronto, ON M4W 1A8.

If you decide to request a review of this decision, please provide the Commissioner's office with a copy of this letter and your request. In addition, you must send an appeal fee of \$25.00 to the

Commissioner's office. Please include the fee with your letter of appeal; appeal fees should be in the form of either a cheque or money order, payable to the Minister of Finance.

Yours truly,

A handwritten signature in blue ink, consisting of the letters 'TC' in a stylized, cursive font.

Tim Cheung

NEL Awards and Registered TMS Claims, 2009 to 2016

Request ID: 2950

Requested By: Ashleigh Burnet, FOI Access Specialist | WSIB

Requested Date: November 3, 2017

Prepared By: Corporate Business Information & Analytics, Strategy & Analytics Cluster

*Data Definitions/Notations:

- NEL awards include claims with a non-economic loss (NEL) benefit for a work-related permanent impairment (PI) awarded between 2009 and 2016.
- Award year is based on the date of the first NEL award.
- The average PI percentage is based on the total NEL PI percentage awarded in each claim.
- Excludes claims assessed with 0% permanent impairment.
- Traumatic mental stress (TMS) claims includes allowed and denied claims registered between 2009 and 2016.
- A lost time claim is created when a worker suffers a work-related injury/disease which results in: being off work past the day of accident, loss of wages/earnings, or a permanent disability/impairment.
- A no lost time claim results from a work-related injury where no time is lost from work, other than on the day of accident, but where health care is required. The health care costs resulting from the injury are paid by the WSIB.
- Denied claims are claims determined to be non-work related, or claims by workers who were not covered under the Workplace Safety and Insurance Act (WSIA).
- Denied TMS claims include both lost time and no lost time claims.
- Please note data is subject to further maturing. Data continues to be revised after the year has concluded as additional claims are reported and decisions on complex claims are made.
- Non-economic loss cannot be assessed until a worker has reached maximum medical recovery (MMR). As such NEL awards are typically awarded within 3 years of incident.

Data Source:

WSIB Enterprise Information Warehouse as at October 31, 2017.

Table 1: NEL awards

NEL Awards	Award Year								Total
	2009	2010	2011	2012	2013	2014	2015	2016	
All claims with a NEL award	15,771	15,352	10,448	10,314	8,137	8,239	7,572	7,135	82,968
Average PI%	15.34%	15.28%	13.75%	11.12%	10.43%	10.47%	10.52%	10.01%	12.74%
TMS claims with a NEL award	102	135	87	131	92	145	65	120	877
Average PI%	24.50%	25.51%	18.70%	17.14%	14.11%	12.17%	12.10%	13.21%	17.39%

Table 2: Registered TMS claims

TMS claims	Registration Year								Total
	2009	2010	2011	2012	2013	2014	2015	2016	
Allowed lost time TMS claims	580	678	730	747	731	921	1,016	1,246	6,649
Allowed no lost time TMS claims	52	61	73	71	81	92	117	149	696
Denied TMS claims	824	1,063	1,071	1,179	1,231	1,308	1,480	1,520	9,676
Total	1,456	1,802	1,874	1,997	2,043	2,321	2,613	2,915	17,021