

2020 Vision – How We See Current Issues in Workplace Safety and Insurance Law

Workers' Compensation



Date: Wednesday, May 13, 2020 | 9:00 am to 1:00 pm

Location: WEBCAST ONLY

Program Chairs: **Michael Edmonds**, Legal Counsel, Workplace Safety & Insurance Board
Julie Weller, Mathews, Dinsdale & Clark LLP



This program contains 1h 15m of Professionalism Content
This program contains 2h 15m of Substantive Content.

The OBA has been approved as an Accredited Provider of Professionalism Content by The Law Society of Ontario.

Please join us for our Annual Conference as we take an in-depth look at some of the new and relevant issues affecting your workers' compensation practice. Our experienced faculty will walk you through the key case law from the past 12 months and discuss the significance of these decisions to your practice. In addition, our highly knowledgeable panel will take a comprehensive look at Section 31 applications in the context of mental stress claims. A discussion focused on practice points exploring some of the thornier issues involved in practicing in workers' compensation will round out the program.

Join us again this year for our highly valuable annual program!

8:30 am Registration and Coffee

9:00 am Opening Remarks by the Program Chair

9:05 am **Case Law Review: Highlights and Insights from the Past 12 Months**
Moderator: **Sarah Schumacher**, Workplace Safety and Insurance Appeals Tribunal
John Bartolomeo, Co-Director, Workers' Health and Safety Legal Clinic
Cassandra Ma, Filion Wakely Thorup Angeletti LLP
Brendan McCutchen, Wright Henry LLP
Robin Senzilet, Office of the Employer Adviser
Join our panel as they review the decisions from the past 12 months that they think will have the most significant impact on workers' compensation advocacy in the coming years, and hear their views on how to leverage these decisions to get better results for your clients.

10:10 am Networking Break

10:20 am **Workplace Mental Stress & Right to Sue: Selecting the Appropriate Forum**

Christine Davies, Goldblatt Partners LLP

Garth Dee, Vice-Chair, Workplace Safety and Insurance Appeals Tribunal

Daryl Seupersad, Sherrard Kuzz LLP

Join our panel for a discussion regarding workplace mental stress and the right to sue, a topic that has been pushed to the forefront of interest by decisions such as the *Foley Grievance* and more recently *Morningstar v. Hospitality Fallview Holdings Inc.* This panel will address:

- When does entitlement to workplace mental stress benefits limit a worker's ability to bring an action in a different forum?
- When can damages associated with workplace mental stress be sought through a civil action, a human rights application or grievance?
- When is the WSIAT likely to bar a claim for constructive dismissal or wrongful termination?
- What strategies can you use to guide your clients to the appropriate forum?

11:30 am Networking Break

PROGRAM REGISTRATION IS ONLINE www.oba.org/pd

Questions? pd@oba.org



11:45 am **Practice Points on Challenging Stages in the Life of a Workers' Compensation Claim**

Katherine Lima, Vice-Chair, Workplace Safety and Insurance Appeals Tribunal

Sara J. Malkin, Mathews, Dinsdale & Clark LLP

Michelle Zare, Zare Paralegal Services Professional Corporation

Hear practical advice from our panel on how to overcome some of the difficult practice issues that face representatives in workers' compensation including:

- Initial Interview: Having the tough conversation with prospective or new clients when a claim or opposing position seems unlikely to succeed
- Meeting the time limits: Practice tips on how to meet them and professional obligations if a time limit is missed
- Gathering the evidence necessary to put forward your client's best case
- Getting there: Tips for moving a claim along more efficiently at the WSIB and WSIAT
- Preparing vulnerable clients for oral hearings
- Decisions: Taking a client through a decision

12:55 pm Questions and Closing Remarks

1:00 pm Program Concludes

[PROGRAM REGISTRATION IS ONLINE](http://www.oba.org/pd) www.oba.org/pd

Questions? pd@oba.org