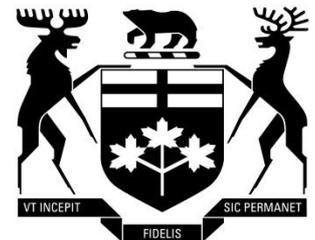


SEARCHING FOR WSIAT DECISIONS

Emily Sinclair, Reference Librarian
Stakeholder Outreach & Training
June 2023

CanLII &
WSIAT
Database



Ontario

LIBRARY SERVICES

New Developments

- AMA Guides - How to request
- New Library Website (coming soon)
- New Library Hours

Basics

- No legal advice
- No confidential information
- Safe space for questions

SEARCHING OVERVIEW

WSIAT Database Strengths

- Structured Keyword
- Summary Contains
- References (Section of Act, Policy Number, Cited decision)
- Noteworthy Decision Filter

CanLII Strengths

- Full Text Searching
- Medical Condition
- Policy or Previous Decision Cited
- Name of Expert or Representative

WSIAT VS. CANLII

www.wsiat.on.ca

The screenshot shows the WSIAT Decision Search interface. At the top, there is a blue header with the WSIAT logo and the text "Workplace Safety and Insurance Appeals Tribunal" and "Tribunal d'appel de la sécurité professionnelle et de l'assurance contre les accidents du travail". Below the header is a navigation menu with links for HOME, APPEAL PROCESS, PRACTICE DIRECTIONS & GUIDES, FORMS, E-FILING, ACCESSING OUR SERVICES, LEGAL & MEDICAL RESOURCES, DECISION SEARCH, and CONTACT US. The main content area is titled "WSIAT Decision Search" and contains several search fields: "Decision #:", "Release Date Range:" (with dropdowns for month and year), "Structured Keywords:", "Summary Contains:", "Panel (First/Last):", and "References:". There are also "Filters" for "Noteworthy Decisions Only" and "Summarized Decisions Only", and "Display Options" for "Decision Summary", "Style of Cause", "Structured Keywords", "Neutral Citation", and "References". At the bottom, there are buttons for "Search", "Clear", and "Find Keywords".

www.canlii.org

The screenshot shows the CanLII website interface. At the top, there is a white header with the CanLII logo and the text "Home > Ontario > Ontario Workplace Safety and Insurance App...". Below the header is a navigation menu with links for HOME, APPEAL PROCESS, PRACTICE DIRECTIONS & GUIDES, FORMS, E-FILING, ACCESSING OUR SERVICES, LEGAL & MEDICAL RESOURCES, DECISION SEARCH, and CONTACT US. The main content area is titled "Ontario Workplace Safety and Insurance Appeals Tribunal - Ontario" and contains three search fields: "Document text", "Case name, citation or docket", and "Noteup/Discussion: cited case names, legislation titles, citations or dockets". Below the search fields is a section titled "About this database" with the following information: "Continuous coverage" (1986-01-01 to present), "Total number of decisions" (85,681), and "Last update" (2021-09-17). There is also a link for "Official website". Below this is a section titled "Access by date" with a dropdown menu for "Choose a year...". At the bottom, there is a section titled "Recent decisions".

From WSIAT webpage click
“Decision Search”.

From CanLII main page click
“Ontario” and then select
“Ontario Workplace Safety and
Insurance Appeals Tribunal”.

STRUCTURED KEYWORDS

Structured Keywords are words or phrases that WSIAT lawyers assign to every WSIAT decisions to describe the subject matter of the decisions.

They are listed with bullet points beneath the decision number in your list of results.

Decision: 2805 17

28-Jun-2018

S. Ryan

- Loss of earnings {LOE} (termination of employment)

The worker did not have entitlement to LOE benefits after termination of his employment. The termination was for reasons unrelated to the compensable accident. The worker had returned to regular duties prior to the termination but he continued to suffer an impairment to his right knee, for which he was entitled to NEL assessment.

[View Decision in CanLII](#)

USING THE KEYWORD DIRECTORY

The best way to find a Structured Keyword is to click on the “Find Keyword” button in the lower right corner of the Decision Search page, which opens the Keyword Directory page, and allows you to search for a Keyword that describes your research issue.

1. Type the words that describe your issue and click search. A list of Keywords will appear that contain the words you entered.
2. Select the Keyword that best describes your issue. If no Keywords appear, try searching with different words to describe the issue you are researching.
3. Click “Add to Search”.
4. The Keyword you selected will appear in the Selected Keywords box.
5. Click on Decision Search.

STRUCTURED KEYWORDS

If you use the Keyword Directory your search field will look like this:



The screenshot shows a search interface with a white background. On the left, the text "Structured Keywords:" is displayed in a bold, black font. To its right is a list of keywords, with the first item being "• Loss of earnings {LOE} (termination of employment)". On the far right, there is a dropdown menu with a white background and a thin border, containing the text "Any Keyword" and a small downward-pointing arrow icon.

If you decide to type terms directly into the Structured Keyword field, make sure that such a keyword exists. Not all commonly used phrases are keywords. “Quantum” for example, is a common term that is not in any keywords.

SUMMARY CONTAINS

Summary searches work best for narrowing results or for terms that don't have a keyword.

The image shows a screenshot of the 'WSIAT Decision Search' interface. The 'Summary Contains:' field is highlighted with a red rectangle. The interface includes various search filters and options:

- Decision #:** [Text input field]
- Release Date Range:** [Dropdown menu] to [Dropdown menu] [Dropdown menu] **to:** September [Dropdown menu] 20 [Dropdown menu] 2021 [Dropdown menu]
- Structured Keywords:** [Text input field]
- Summary Contains:** [Text input field, highlighted with a red rectangle]
- Panel (First/Last):** [Text input field]
- References:** [Dropdown menu]
- Filters:**
 - Noteworthy Decisions Only
 - Summarized Decisions Only
- Display Options:**
 - Decision Summary
 - Structured Keywords
 - References
 - Style of Cause
 - Neutral Citation

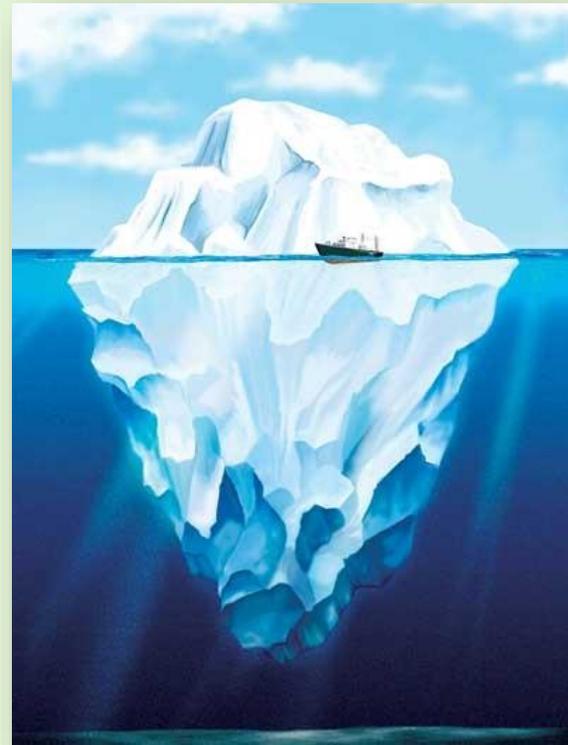
Buttons at the bottom: Search, Clear, Find Keywords.

- Don't search for very common terms in this field.
- Search summaries for specific or uncommon terms (e.g. motorcycle NOT low back pain)

SUMMARY CONTAINS

This will only search decisions that have been summarized.

- Only about 40% of decisions are summarized
 - The summary is written by the WSIAT legal editor, not the Vice Chair.
 - Summarized decisions are usually more significant or complex.
- Remember it does **not** search the full text of decisions.

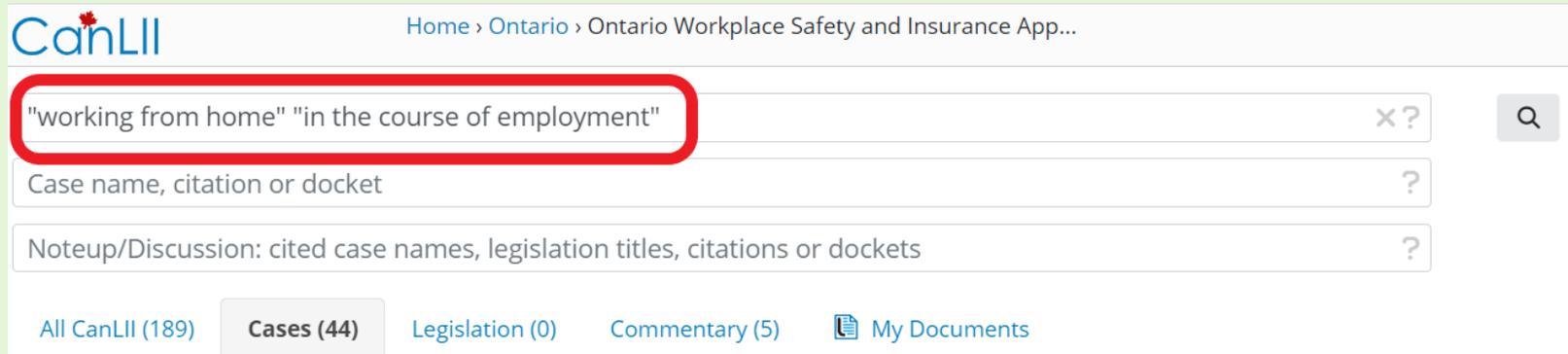


EXAMPLE RESEARCH

- **The worker is currently working from home. His normal hours are 9am-5pm Monday to Friday. On Sunday he was moving his desk in preparation for a Monday meeting and strained his back. Are there any WSIAT decisions with similar facts?**
 - **Try to find keyword**
 - **Try terms in summary**
 - **Try steps again with what you've learned from earlier searches**

SAME QUESTION ON CANLII

- CanLII is where you want to go for full text searches.
- We only found one decision with a worker injured while working from home. There could be more decisions that were not summarized.
- Full text search using both the legal concept and relevant facts.



The screenshot shows the CanLII search interface. The search bar contains the query "working from home" "in the course of employment", which is highlighted with a red rounded rectangle. Below the search bar are three input fields: "Case name, citation or docket", "Noteup/Discussion: cited case names, legislation titles, citations or dockets", and "My Documents". The search results are displayed as a list of buttons: "All CanLII (189)", "Cases (44)", "Legislation (0)", and "Commentary (5)".

CanLII Home > Ontario > Ontario Workplace Safety and Insurance App...

"working from home" "in the course of employment" x?

Case name, citation or docket ?

Noteup/Discussion: cited case names, legislation titles, citations or dockets ?

All CanLII (189) Cases (44) Legislation (0) Commentary (5) My Documents

REFERENCES: SECTION OF THE ACT

- This is where you can limit your search results by the section of the Act that is cited in the decision. You can use either the *Workplace Safety and Insurance Act (WSIA)* or the *Workers' Compensation Act (WCA)*.
- Use the drop down menu in the References field and choose “section of the Act”
- Type either WCA or WSIA and the section of the Act you are looking for. In this example the search is looking for decisions that consider s. 31 or the *WSIA*.

Section Of the Act ▼ wsia 31 All words (includin ▼

Filters: Noteworthy Decisions Only
 Summarized Decisions Only

CANLII: SECTION OF THE ACT

- This is something CanLII is very good at. You can search for sections of any Acts that might have been cited in a decision.
- The results will be broader. You may find decisions where the section was only mentioned, not relied upon.
- Use the “noteup” field
- Start typing the name of the Act and choose from the drop down options.

The screenshot shows the CanLII search interface. The breadcrumb trail is 'Home > Ontario > Ontario Workplace Safety and Insurance App...'. There are four search input fields: 'Document text', 'Case name, citation or docket', 'Noteup/Discussion: cited case names, legislation titles, citations or dockets', and a fourth field. The second field contains the text 'Workplace Safety and Insurance Act, 1997, SO 1997, c 16, Sc...' and is highlighted with a red box. To its right are buttons for 'Citations' and 'Section 31'. The 'Section 31' button is also highlighted with a red box. At the bottom, there are navigation tabs: 'All CanLII (338)', 'Cases (327)', 'Legislation (2)', 'Commentary (0)', and 'My Documents'. The 'Cases (327)' tab is highlighted with a red box.

REFERENCES: WSIB POLICY DOCUMENT

- Use the References field to find decisions that discuss a particular WSIB policy.
- Your results will be decisions where the policy was relied upon, rather than just mentioned.
- Search by typing in the WSIB Policy Document number. The results in the example below will be decisions that discussed OPM Policy No. 15-03-04.

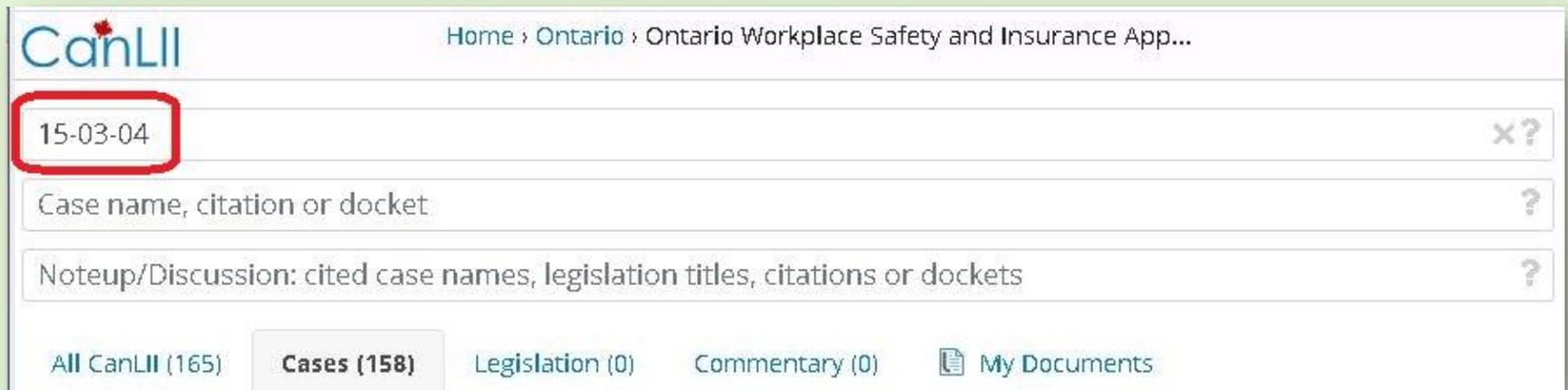


The screenshot shows a search interface with the following elements:

- Summary Contains:** An empty text input field.
- Panel (First/Last):** Two empty text input fields.
- Search Type:** A dropdown menu currently set to "References".
- Search Term:** The text "15-03-04" is entered in the search field and is highlighted with a red rectangular box.
- Filters:** Three dropdown menus on the right side, all set to "All words (includin" with a downward arrow.

CANLII: WSIB POLICY DOCUMENT

- Use the Document Text field in CanLII to search for WSIB policy numbers.
- You may get a lot of “false hits”, decisions that mention but dismiss the policy. For this reason I prefer using the WSIAT database.



The screenshot shows the CanLII search interface. The breadcrumb trail is "Home > Ontario > Ontario Workplace Safety and Insurance App...". The search bar contains the text "15-03-04", which is highlighted with a red box. Below the search bar are three input fields: "Case name, citation or docket" and "Noteup/Discussion: cited case names, legislation titles, citations or dockets", both with question mark icons. At the bottom, there are navigation tabs: "All CanLII (165)", "Cases (158)", "Legislation (0)", "Commentary (0)", and "My Documents".

REFERENCES: “NOTING UP” A DECISION

- This is where you can find out if a decision has been cited by subsequent decisions.
- You can do this both to see if a decision has been cited favorably and also to find decisions that deal with the same issue.
- Your results will not include every decision that mentioned 1177/16, only those where the WSIAT legal editor thought it was significant enough to be included.



The screenshot shows a search interface with the following elements:

- Panel (First/Last):** Two empty text input fields.
- References:** A dropdown menu currently set to "References".
- 1177/16:** The search term entered in the main search box, highlighted with a red rectangular box.
- Any Position:** A dropdown menu currently set to "Any Position".
- All words (including):** A dropdown menu currently set to "All words (including)".

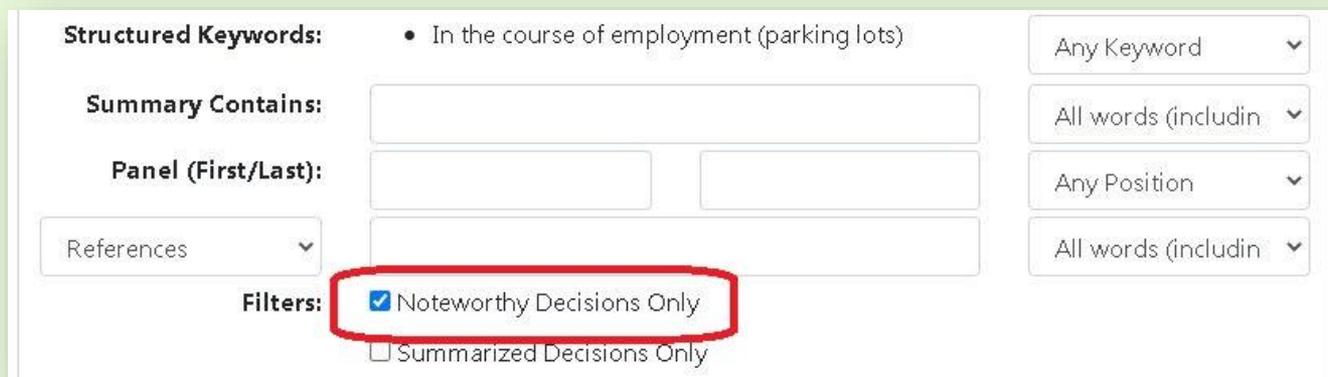
CANLII: “NOTING UP” A DECISION

- **DO NOT** use the CanLII “Noteup” field for decisions.
- Enter the decision number into the “Document text” field. You can do a full text search for the decision number you want.
- This is the most thorough way to note up a WSIAT decision.

The screenshot shows the CanLII search interface. At the top left is the CanLII logo. To its right is the breadcrumb navigation: Home > Ontario > Ontario Workplace Safety and Insurance App... Below this is a search bar containing the text "1177/16", which is highlighted with a red box. To the right of the search bar is a clear button (x?) and a help button (?). Below the search bar are two more input fields: "Case name, citation or docket" and "Noteup/Discussion: cited case names, legislation titles, citations or dockets", both with help buttons (?). At the bottom of the interface is a navigation bar with several tabs: "All CanLII (27)", "Cases (23)", "Legislation (0)", "Commentary (0)", and "My Documents". The "Cases (23)" tab is highlighted with a red box.

NOTEWORTHY DECISIONS

- You can use the Noteworthy filter to limit your results to decisions that have been deemed “noteworthy” by the WSIAT. Noteworthy Decisions often deal with new or significant legal issues.
- The example below shows a search for Noteworthy Decisions that deal with parking lot accidents. It’s a good way to limit your results if your search brings back a lot of results.
- This feature isn’t available on CanLII.

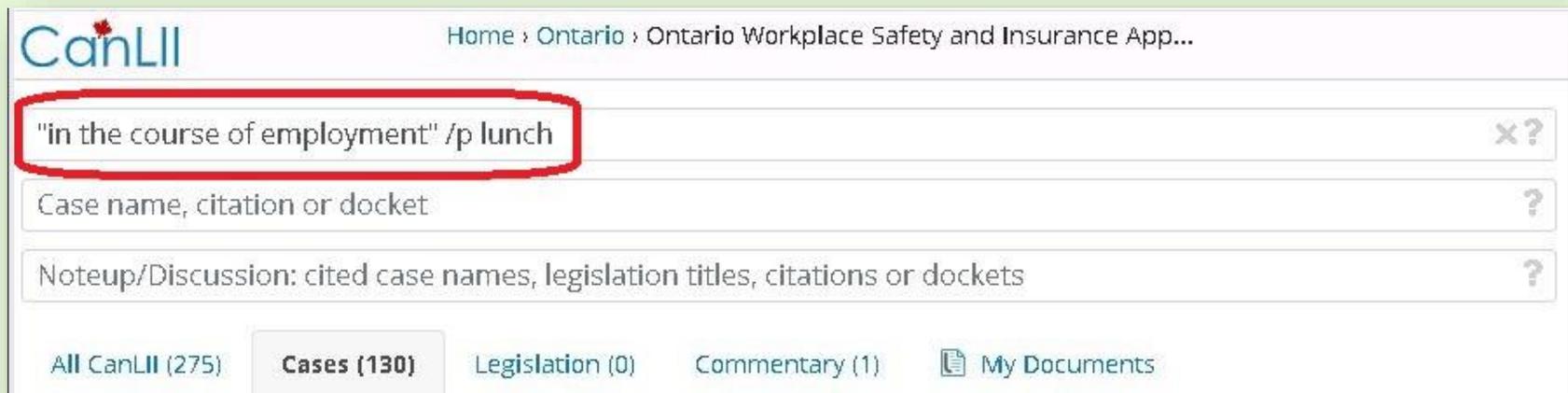


The screenshot displays a search interface with the following elements:

- Structured Keywords:** A bullet point indicates the search term: "In the course of employment (parking lots)".
- Summary Contains:** An empty text input field.
- Panel (First/Last):** Two empty text input fields.
- References:** A dropdown menu currently set to "References".
- Filters:** A section containing two checkboxes:
 - Noteworthy Decisions Only (This checkbox is highlighted with a red rectangle in the image)
 - Summarized Decisions Only
- Keyword Selection:** Three dropdown menus on the right side, all set to "Any Keyword", "All words (includin", and "Any Position" respectively.

CANLII: FULL TEXT SEARCHING

- CanLII is the only free option for searching full text of WSIAT decisions.
- It offers a full range of boolean search operations. There is a [Finding WSIAT Decisions on CanLII](#) tip sheet on the WSIAT website for more detail.
- In this example I'm looking for the exact phrase "in the course of employment" in the same paragraph as the word "lunch".



The screenshot shows the CanLII search interface. The search bar contains the query: "in the course of employment" /p lunch. Below the search bar, there are three filter options: Case name, citation or docket; Noteup/Discussion: cited case names, legislation titles, citations or dockets; and a navigation bar with tabs for All CanLII (275), Cases (130), Legislation (0), Commentary (1), and My Documents.

CanLII Home › Ontario › Ontario Workplace Safety and Insurance App...

"in the course of employment" /p lunch x?

Case name, citation or docket ?

Noteup/Discussion: cited case names, legislation titles, citations or dockets ?

All CanLII (275) Cases (130) Legislation (0) Commentary (1) My Documents

CANLII: EXAMPLE RESEARCH

- Worker had a repetitive job. He noticed pain in his hands several years ago but didn't seek medical attention until last year. He was diagnosed with carpal tunnel syndrome but decided to "tough it out" for another two years when he planned to change careers. The pain became too great and he filed his claim now, after the 6 month time limit in policy 15-01-03. He was denied initial entitlement.
- A lot of possible keywords apply to this situation.
- Need to identify the key issues/facts.

**Structured
Keywords:**

- Accident (date) (disablement)
- Carpal tunnel syndrome
- Delay (claim)
- Delay (reporting injury)
- Delay (treatment)
- Notice of accident (by worker) (disablement)

CANLII: EXAMPLE RESEARCH

■ Why would I use CanLII?

- Lots of specific facts with useful search terms.
- Legal concepts are broad, meaning there are a lot of possibly relevant and overlapping legal concepts.
- Let's try other terms!

The screenshot shows the CanLII search interface. At the top left is the CanLII logo. To its right is a breadcrumb trail: Home › Ontario › Ontario Workplace Safety and Insurance App... Below this is a search bar containing the text "15-01-03 delay tough disablement" with an "x?" icon on the right. Below the search bar are three filter tabs: "Case name, citation or docket" with a "?" icon, "Noteup/Discussion: cited case names, legislation titles, citations or dockets" with a "?" icon, and "All CanLII (2)" which is currently selected. To the right of the "All CanLII (2)" tab are three other tabs: "Cases (2)", "Legislation (0)", and "Commentary (0)". At the bottom right of the interface is a link labeled "My Documents" with a document icon.

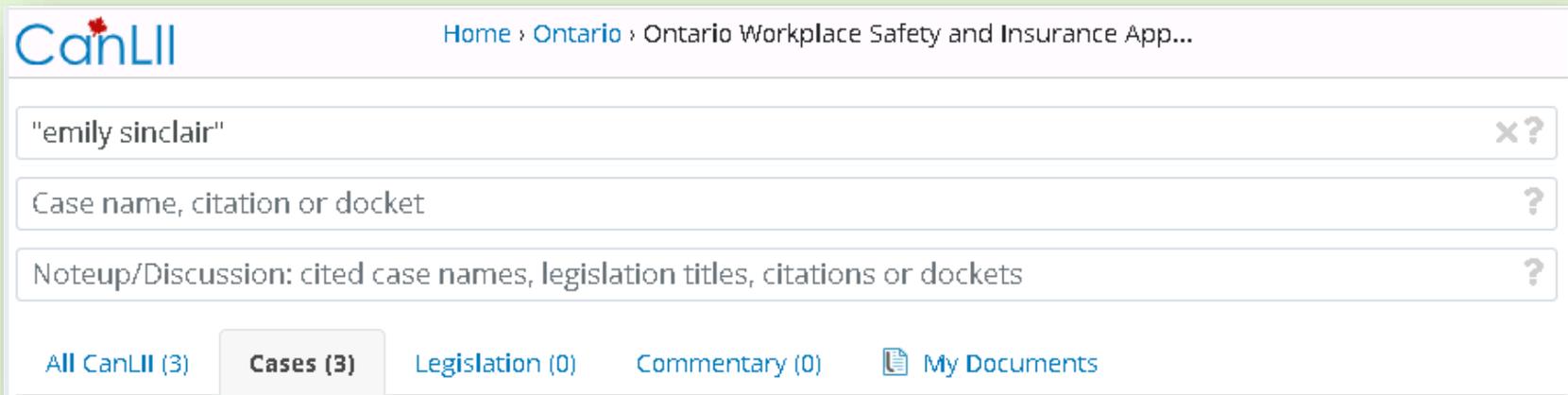
MEDICAL CONDITIONS & EXPERTS

- CanLII is where you can search for the names of medical experts.
- Full text searching on CanLII is also a good choice if you are searching for a specific medical diagnosis or condition.
- There are only 4 results for “slap tear” if you search the WSIAT database summaries.

The screenshot shows the CanLII search interface. At the top left is the CanLII logo with a red maple leaf. The breadcrumb trail reads "Home > Ontario > Ontario Workplace Safety and Insurance App...". The search bar contains the text "slap tear" and has a search icon and a question mark icon. Below the search bar are two input fields: "Case name, citation or docket" and "Noteup: cited case names, legislation titles, citations or dockets". Below these fields are four tabs: "All CanLII (325)", "Cases (61)", "Legislation (0)", and "Commentary (0)". At the bottom, there are filters for "All jurisdictions", "ONWSIAT", and "Any date". There are also buttons for "Clear filters" and "By Relevance", and a hamburger menu icon.

NAME OF EXPERT OR REPRESENTATIVE

- CanLII is the place to search for the name of a doctor, expert witness, or representative.
- You can see if an expert has provided reports on the same topic in previous decisions or find a case that your colleague worked on.



The screenshot shows the CanLII search interface. At the top left is the CanLII logo. To its right is a breadcrumb trail: Home > Ontario > Ontario Workplace Safety and Insurance App... Below this is a search bar containing the text "emily sinclair" with a clear (x) and help (?) icon. Underneath the search bar are three filter boxes: "Case name, citation or docket" with a help (?) icon, and "Noteup/Discussion: cited case names, legislation titles, citations or dockets" with a help (?) icon. At the bottom, there is a navigation bar with five tabs: "All CanLII (3)", "Cases (3)", "Legislation (0)", "Commentary (0)", and "My Documents".

ASK FOR HELP!

- If you are having difficulty with your research, the librarians at the Ontario Workplace Tribunals Library are available to help you. You can contact the library with your questions at owtl@wst.gov.on.ca.

