

Bright Lights Injured Workers' Group
– c/o Emma Osso, 75 Furrow Dr. Whitby, L1N 5K2

February 10, 2011

Judy Geary,
Vice President of Work Re-Integration
WSIB
200 Front St. West
Toronto, Ontario
M5V 3J1

Dear Ms Geary:

Re: Our Response to Work Integration Policy

We are very worried by the fact that these changes are coming at the same time as the government is complaining about WSIB finances and we are worried that the WSIB is trying to solve its financial concerns by reducing spending on injured workers. We would like you to consider our responses to the new policy:

Work Reintegration Should Mean Consultation

There has been a lot of discussion on work integration. We were pleased that you met with many of us in July. Attached are notes of our comments about work reintegration at the meeting.

However, the **actual policy** was never discussed before implementation. As they say, “the devil lies in the details”. It contains many disturbing aspects injured workers have never supported and will cause harm. We would like to discuss concrete policy before it is in place, like we have had in the past. Implementing policy before it is discussed puts the cart before the horse and leads to harm and mistakes.

Work Integration Should Protect Time to Heal

In our experience the earlier the emphasis on return to work, the less there is time to heal and the more we get re-injured or stressed out. Proper time to heal and respect for the injured worker's doctors should be put right into the policy.

Work Integration Should Acknowledge that there is Pain

A person with a permanent disability has to deal with pain and disability and additional medical needs, on top of the day to day health issues of most people. The policy must acknowledge that there is pain and that affects our ability to go to school or work every, to concentrate and learn and recover. Without it, we faces suspicion and criticism and threats of cutting our benefits when our pain prevents us from keeping up pace of people without injuries.

Work Reintegration Should Mean No Undue Pressure on the Injured Worker

We support the factors listed in the Provincial Legal Clinic Workers' Compensation Network submission of September 27, 2010. The 13 benchmarks that are listed as necessary for a good reintegration program should be part of your policy:

1. The program protects the time that is necessary for an injured worker to heal.
2. The program accepts the opinion of the worker and the treating physician in determining both the appropriate time for returning to work and the suitability of the work.
3. The work to which the injured worker returns is suitable, meaningful and sustainable.
4. The program ensures that the employer and co-workers provide a supportive work environment for the returning worker.
5. The program assesses whether the work environment is toxic for the worker and whether there are risks that the injured worker will be terminated by "any other means".
6. The program assesses whether there is special protection/support for non-union workers returning to work.
7. The program is not driven primarily by cost management. This applies not only to savings for the WSIB but also to employers who may misuse the program to simply improve their experience rating and not to provide true reintegration to work that is decent, safe and sustainable.
8. The program must provide for financial security for the worker if return to work fails.
9. Resources dedicated to workers who are not accommodated by the accident employer should be improved.
10. The goal and result of vocational rehabilitation must be decent, safe and sustainable work for the worker who is actually employed as a result. The process must not result in deemed earnings in setting the level of benefits for the worker, where the worker remains unemployed
11. The program must include the understanding that ongoing work with the accident employer is not always sustainable, even if the work is technically suitable. Some examples of these circumstances are workers from other provinces who are in Ontario for work, but have their families back home; people who are injured in temporary jobs; or, who are new entrants to the workforce, etc.
12. The program should provide on-going supports to injured workers and non-accident employers in working towards work reintegration.
13. The program must also recognize and provide for the eventuality that a worker with a permanent impairment, who loses his or her job for any reason, may have special difficulties in obtaining another job.

Work Integration Should Mean Better Rehabilitation

We need more assistance instead of time limits on everything, grade 9 level, 2 year college, ESL limits etc. and private colleges. The policy says you will assist some

injured workers to reach a grade 9 level. That is no help at all. We have not seen an employer will to hire someone with a grade 9 education.

In community colleges, people with disabilities are counselled to take a half of a regular course load, and people who have been out of school are given additional courses and support. Professional counsellors will tell you that it may take 5 years of school for a permanently injured person to complete what is usually a 2 year program. It does not make sense to expect injured workers to be able to complete a 2 year college course in 2 years.

Work Reintegration Should Mean Financial Security

Instead we find more deeming – fully experienced after 14 days, removal of location and age as factors of unemployability. We have attached the letter of Minister of Labour Peters assuring our group that the 2007 legislation would eliminate deeming.

Work Reintegration Should Mean Social Integration, not Forced Relocation

This part of the policy shows no respect for social rehabilitation of injured workers and no respect for the roots that people have in their community. You are taking the power to cut injured workers compensation for lost earnings because someone says there are jobs in other parts of Ontario, without even having a job or even a job offer. This will be unfair.

Problems With Job Search and Job Placements

Some of our members have already experienced the new job placements and we have found that there is no one on the worksite to make sure that the injured worker is properly accommodated. The medical restrictions that we have on file and accepted by the WSIB are unknown to the people who are telling us what to do and there is no one in the workplace that we can talk to for fear of being cut for not co-operating.

We have also seen that the people providing job search and resume training are the same as before. They are not professional and often know less than the injured worker. It gives us a few more weeks of benefits but these programs are no help in getting jobs.

Work Reintegration Should Help Older Workers (Age 55+)

Older injured workers are put between a rock and a hard place when unemployment is 83% even when you successfully completed a labour market re-entry program. They need more assistance, not one year of compensation and then a cut. Is your policy allowable under the Human Rights Code?

Work Reintegration Should Mean No experience Rating

While time limits get shorter, the place that gets the extension in the ER window. Claims management concerns instead of genuine reintegration will be stimulated further.

We sincerely hope that you will consider these views. The policies are already in place but changes are needed. There must be a review.

Work Integration Must Acknowledge that some Injured Workers Cannot Return to Work

What happens to the people who are not able to get back to work? WSIB statistics show that many injured workers are never able to return to work after their injury. The policies do not deal with these people. What will happen to them?

We look forward to a system that works for injured workers! Now that the WSIB is increasing its staff for work reintegration, be sure to insist on the highest professional qualifications and be sure they are committed to assisting injured workers. These policies are already in place but changes are needed. There must be a proper review.

**Sincerely,
Bright Lights Injured Workers**

copies to Minister of Labour and MPPs