

Injured Workers' Consultants

Representing injured workers free of charge since 1969

9 August 2011

Commission for the Review of Social Assistance in Ontario
2 Bloor Street West
4th Floor, Suite 400
Toronto ON
M4W 3E2

Dear Commissioners Lankin and Sheikh:

Re: Social Assistance Review

Injured Workers Consultants is a community legal aid clinic providing legal advice and representation in workers' compensation matters without charge since 1969. Many injured workers are surviving on social assistance when they arrive at our clinic, seeking help with their workers' compensation claims. We would like to comment on two issues relating to your review.

1. End the Clawback of the Ontario Child Benefit:

Our Board of Directors supports the campaign to end the clawback of the Ontario Child Benefit (OCB) from families on social assistance. We are familiar with the injustice of seeing any improvement in their workers' compensation clawed back from their social assistance. This should not be the case with the OCB.

The OCB was introduced in 2008 for all children living in low-income families but it has been marred by clawbacks to children who live in families receiving social assistance. The poorest children are receiving much less benefit from the OCB than those in families who are economically independent and some children on social assistance have benefitted much less than others.

We respectfully submit that, as Commissioners of the Social Assistance Review, you should ask for this inequality to be addressed, so that all children in low-income families may benefit equally from the OCB.

2. Monitor Transfers from the Workers' Compensation System:

Many of the injured workers who are receiving social assistance have had their workers' compensation improperly reduced or cut-off. Some do not pursue appeals at the WSIB due to a variety of barriers, and those who do may be on social assistance for years while in the appeals system. When this happens, the cost of supporting these injured workers is transferred from the employers who are required to fund the workers' compensation system and onto the public.

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~ A Community Legal Aid Clinic ~

Changes in workers' compensation law, policy or procedures may have significant unintended consequences for social assistance resources, supporting injured workers with public funds that are intended for those with no alternative income support. The Ministry of Community and Social Services will disclose the number of people receiving social assistance benefits that 'top up' inadequate benefits for loss earnings from the WSIB. For example, in June 2009 there were 653 Ontario Works cases and 3,230 ODSP cases receiving some WSIB benefits for loss of earnings, topped up by social assistance. This is a significant number in itself and suggests that there may be flaws in the adjudication of workers' compensation benefits for loss of earnings.

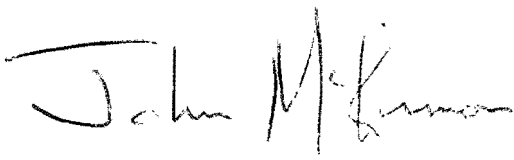
However, we believe that there is much larger number of injured workers who have been forced to apply for social assistance because their workers' compensation was completely terminated despite the fact that they are unable to return to employment due to a work related disability. Often these applicants are asked to sign an assignment of future workers' compensation benefits in case they successfully appeal, but we have not been able to obtain statistics from the Ministry on the number of social assistance recipients who applied because they were cut off workers' compensation.

The Ontario workers' compensation system was established on the recommendation of a Royal Commission headed by Sir William Meredith whose Final Report (October 1913) stated: "...I believe, the true aim of a compensation law is to provide for the injured workman and his dependants and to prevent their becoming a charge upon their relatives or friends, or upon the community at large."

Public monitoring of these statistics will help to ensure that injured workers are not being inappropriately transferred onto social assistance and, in turn, that will maximize the funds available for those with no alternative income support.

Thank you for your consideration.

Yours truly,
Injured Workers' Consultants,
per:

A handwritten signature in black ink, appearing to read "John McKinnon". The signature is written in a cursive, somewhat stylized font.

John McKinnon
lawyer/director