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## **Impacts of Workplace Injury**

**Is This What Justice Meredith Envisioned?**

**A Study of the Economic and Social Impacts of Workplace Injury and Illness**

June 1<sup>st</sup> 2009

**Injured Workers and Poverty Survey  
2009**

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## Purpose and History

The original purpose of the workers' compensation system in Ontario was to provide fair and just compensation to those who had suffered workplace injuries or disease. In October of 1913, Sir William Ralph Meredith tendered his final report to the government which formed the basis of Ontario's workers' compensation scheme. He wrote:

A just compensation law based upon a division between the employer and the workman of the loss occasioned by industrial accidents ought to provide that the compensation should continue to be paid as long as the disability caused by the accident lasts, and the amount of compensation should have relation to the earning power of the injured workman.<sup>1</sup>

Justice Meredith did not want the injured worker "to become a burden upon his relatives or friends or upon the community".

Unfortunately, it appears that many injured workers are becoming a burden on the community instead of being compensated by the appropriate agency. A report from September 2005 by the Ministry of Community and Social Services shows that 727 Ontario Works (OW) cases and 3,148 Ontario Disability Supports Program (ODSP) cases were also in receipt of some workers' compensation benefits. The actual number of injured workers receiving social assistance is likely much higher, as these figures do not account for those who have been cut off from workers' compensation benefits.

This survey was inspired by concern about poverty in the injured worker community (injured workers, their families, and their advocates) and by the concern that this poverty may be a result of the inadequacies of Ontario's workers' compensation system. It builds on the work of a survey conducted by the Thunder Bay and District Injured Workers' Support Group (TB&DIWSG) in 2007–2008. TB&DIWSG is a member of the Ontario Network of Injured

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<sup>1</sup> Meredith, Sir William, R. (1913). *Final report on laws relating to the liability of employers to make compensation to their employees for injuries received in the course of their employment which are in force in other countries, and as to how far such laws are found to work satisfactorily* Available at: [https://www-wcb-ab-ca.ezproxy.library.yorku.ca/pdfs/meredith\\_report.pdf](https://www-wcb-ab-ca.ezproxy.library.yorku.ca/pdfs/meredith_report.pdf)

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Workers' Groups (ONIWG). This provincial group decided to survey injured workers across the province to try to measure more broadly the extent of poverty among injured workers.

For nearly 20 years, ONIWG has been asking the Workers' Compensation Board (WCB), and subsequently the Workplace Safety and Insurance Board (WSIB), as well as successive provincial governments to track the employment, wage loss, and health outcomes of workers with permanent disabilities. Neither the WCB/WSIB nor government departments have taken on this task. At this time a special research initiative in Ontario, the Research Action Alliance on the Consequences of Work Injury (RAACWI) is bringing a welcome focus on the topic and helping to fill the research gap. In the meantime, ONIWG continues to lobby both the Minister of Labour and the Workplace Safety and Insurance Board to track these outcomes. Such tracking is a key ingredient for the system to assess its' success in providing compensation according to its mandate and to understand where improvements are required.

There is a lack of comprehensive and current research in this area, but the few studies looking at employment following injury have found between 40% and 78% long-term unemployment among workers with a permanent injury/illness. (See appendix A for more details.) Our study aims to document the poverty of injured workers in Ontario, particularly amongst those left with permanent impairments.

### **Methods**

A committee comprising members of the injured worker community and a graduate student from York University revised the survey tool created by graduate students at Lakehead University in 2008<sup>2</sup>. After pre-testing with a group of 27 injured workers, we revised the survey

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<sup>2</sup> *Poverty in Motion, The Rippling Effects*. Report of the Thunder Bay & District Injured Workers' Support Group (2008).

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instrument to use plainer language, to clarify and expand questions of particular interest, and to eliminate unnecessary questions.

In an effort to reach injured workers across the province of Ontario, this committee was expanded to include representatives from Windsor, Hamilton, London, Toronto, and Thunder Bay. The survey was presented to respondents as a project of ONIWG.

This survey used a purposive sampling strategy to identify injured workers with a permanent injury who had sought medical or legal assistance for a work-related injury or illness. The survey was available in both paper and electronic formats. Representatives of ONIWG's member organizations made paper copies of the survey available to injured workers using their services and provided assistance in completing the form when needed because of low literacy and language barriers. Most respondents used an electronic version of the survey, which was advertised on the web sites of various organizations working with injured workers and people with disabilities.<sup>3</sup> Data were collected between March 15 and May 11, 2009.

To avoid double-counting (among Thunder Bay respondents), the first question on the survey asked respondents to identify whether they had completed a similar survey in the previous 6 months. Surveys of respondents who had done so were not included in the analysis.

### ***Sample Characteristics***

Two hundred and sixty-one people started the survey, with 226 completing it within the time frame. Of those 226, one person had filled out the survey in the previous 6 months, leaving 225 responses for the analysis. Not all respondents answered all questions. Fifty-four per cent (119/220) of respondents were men, 46% (101/220) were women. The mean age of respondents was 52 years. Of the 221 respondents who gave their level of education, 23%

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<sup>3</sup> The survey was available through [www.injuredworkersonline.org](http://www.injuredworkersonline.org) and the web sites of the following organizations: ARCH Legal Services, CLEOnet, Income Security Legal Clinic, Occupational Health Clinic for Ontario Workers (OHCOW), Office of the Worker Advisor.

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reported that they did not finish high school. Table 1 indicates the education level of the respondents.

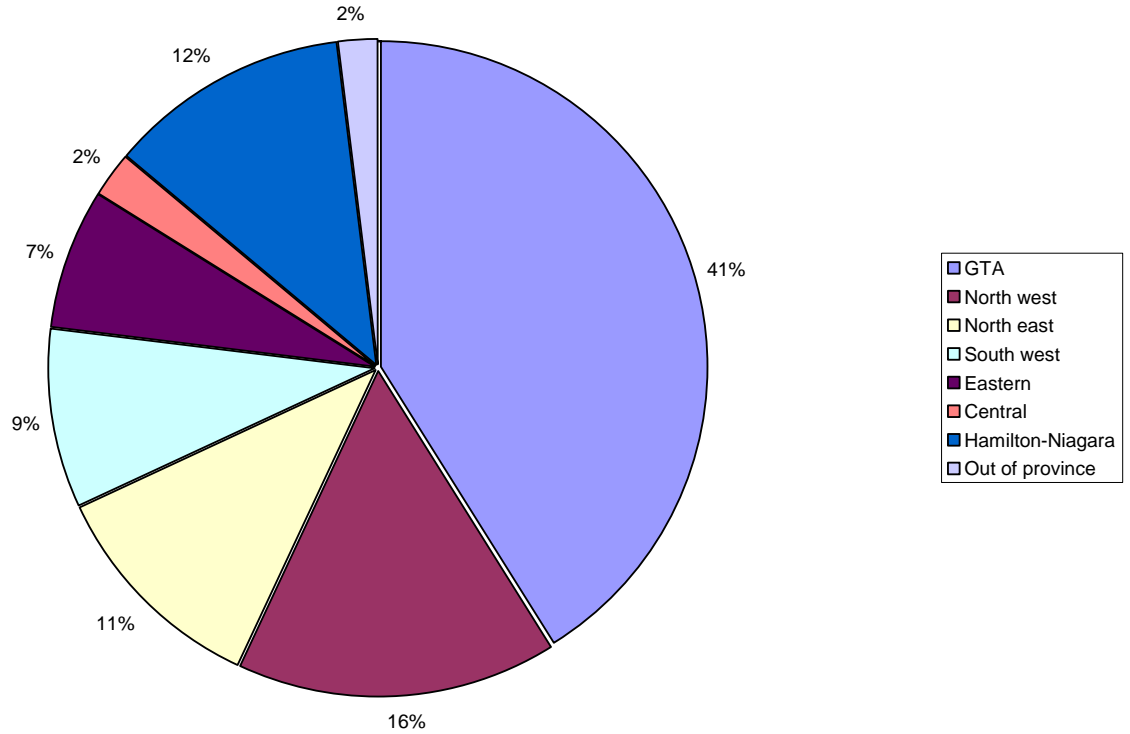
**Table 1. Level of Education**

<b>Education Level</b>	<b>Percentage %</b>	<b>Response #</b>
Did not finish high school	23	51
High school	17	38
High school plus some post secondary	14	31
Trades certificate	12	27
College diploma	17	37
University degree	7	16
Other (please explain)	10	21
	<i>answered question</i>	221
	<i>skipped question</i>	5

Thirty-seven percent (80/217) reported that they currently live in the Greater Toronto Area. The second largest regional group was from north-western Ontario, with 16% (34/217) of respondents. Figure 1 shows the regional distribution of respondents. Appendix B indicates how regions were determined.

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Figure 1: Regional Representation of Respondents



## Results

### *Injuries and illnesses*

Ninety-five percent of respondents (208/218) reported that they believed their workplace accident resulted in a permanent disability; 4% (9/218) were not sure. Ninety-five percent (206/217) of respondents reported that their injury had been reported to the WCB/WSIB, of whom 35% (74/211) described “problems” with the process of reporting. The most common “problems” reported were being discouraged by employers from reporting and lengthy delays in processing claims.

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### ***Employment***

Although the vast majority of workers were employed full-time prior to their workplace injury or illness, more than half were unemployed after injury. Prior to injury, almost all respondents (89% or 192/215) reported working full-time (at least 35 hours per week). Just over 5% reported working part-time, either as permanent employees or on contract. After their workplace injuries or illnesses, however, nearly 61% (131/215) reported that they were unemployed.

Unemployed injured workers were invited to comment on what they believed the reasons for their unemployment. Their comments documented problems with returning to the labour force after injury, which, for many respondents, meant the difficulty securing employment with a permanent disability. One injured worker commented, “500 resumes and applications later, 1 interview”. Another wrote, “Small community— will be lucky for anyone to give me a chance, since injury I've now become a liability to any employment...” Another injured worker said,

“I am unable to work and have been told by my doctors that I will never work again. Against doctor’s orders, I did try to go back to work to show my employer and WCB/WSIB that I was trying, but I only lasted 1.5 weeks. I became extremely flared up and very sick from the pain. I stopped working after vomiting non stop for several days straight. It's not just the pain that stops me. I have a lot of problems with my nervous system. I have problems with my bladder. It shuts down or dribbles when my pain gets too high, and I also get a lot of nausea, swelling, etc. I used to LOVE my career of working with children, and I would do anything to work again. It's extremely frustrating!!!!!!”

Another described the difficult process of looking for work and its outcome:

“...I did co-operate with the workers’ compensation board by doing the physio, going to rehab, I even found people who would sponsor me for employment. And the reason I am upset is that because I tried so hard to get back into the work force, I feel that the workers’ compensation board doesn’t look at that. I feel that way because when I was no longer able to continue working, I ended up on a permanent disability of 150 dollars a month. So you see to go from over a thousand a month to 150, it’s pretty hard. Since they don't pay for my medication, I do without it.”

One respondent described the issue succinctly: “Who wants me?”

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Many injured workers, 37% (76/204), reported that they thought their employment status would worsen in the future. When asked why this was, respondents reported their experiences and difficult circumstances with finding work. Most reported that their injuries had led to deteriorating health. Deterioration may be due to what previous research has termed the “cascading effect of injury” – the consequential stressors on other body parts that have to compensate for the injury.<sup>4</sup>

Even amongst those who had hopes for improvement, respondents described their despair. One commented, “I am highly skilled and capable so I hope it gets better. If not, I should just end it here because I can't take it anymore.” Another wrote, “Either it gets better or there's not much point in living”.

### ***Injured Workers' Income***

Our study found a drastic change to the incomes of workers post-injury, with many of these workers living in poverty. Before injury, the vast majority of respondents (87% or 84/211) reported annual incomes of \$20,000 or more. After injury, less than half (only 43% or 88/203) reported incomes of \$20,000 or more. Similarly, prior to injury, 66% (140/211) of responding workers reported annual incomes of \$30,000 or more, while only 18% had incomes above \$30,000 after injury.

More than a quarter of responding injured workers were living in extreme poverty after injury. Three percent (7/211) reported annual incomes of less than \$10,000 prior to injury but, twenty-six percent had annual incomes less than \$10,000 at the time of the survey. . Figure 2 (on page 11) shows the pre- and post-injury incomes across all income groups.

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<sup>4</sup> Ballantyne, P. (2001) *Pre-1990 Claims Unit Study Final Report to the Workplace Safety and Insurance Board*

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### ***Sources of Income***

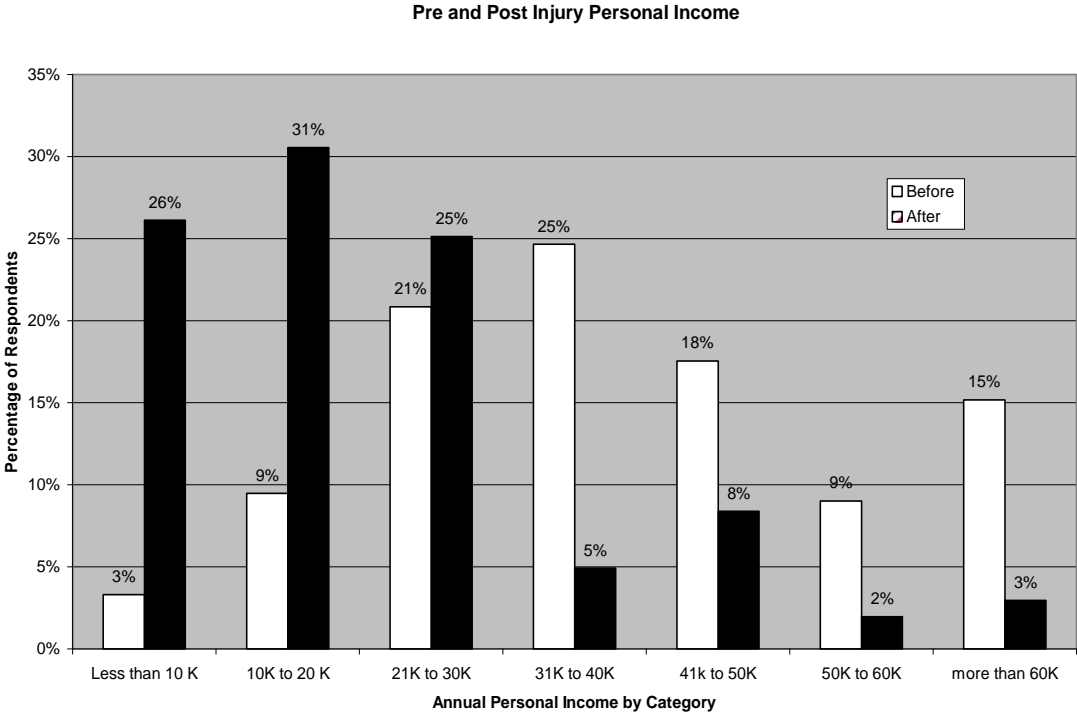
Approximately half of respondents (55% or 117/214) reported current income from workers' compensation. There could be a variety of reasons why this percentage is so low. Workers may have been denied benefits when "deemed" by the WCB/WSIB to have employment earnings,<sup>5</sup> or benefits may have been statutorily terminated upon reaching age 65. Some respondents receive income from multiple sources, such as a combination of WCB/WSIB and ODSP. Respondents were asked to indicate all the sources of their income and many chose more than one source. Almost a quarter of respondents (23%) were receiving Canada Pension Plan or Canada Pension Plan Disability Benefits. Almost one in five respondents (18%) reported social assistance as a source of income. Figure 3 shows how respondents identified their sources of income.

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<sup>5</sup> The WCB/WSIB routinely "deems" earnings to a worker based on what it thinks the worker should be able to earn in employment, regardless of whether the worker has actually been able to find employment or is actually earning. The WCB/WSIB deducts the deemed amount from the workers' loss of earnings benefits. This can result in a total loss of benefits. Workers earning minimum wage before injury are particularly vulnerable in the deeming process.

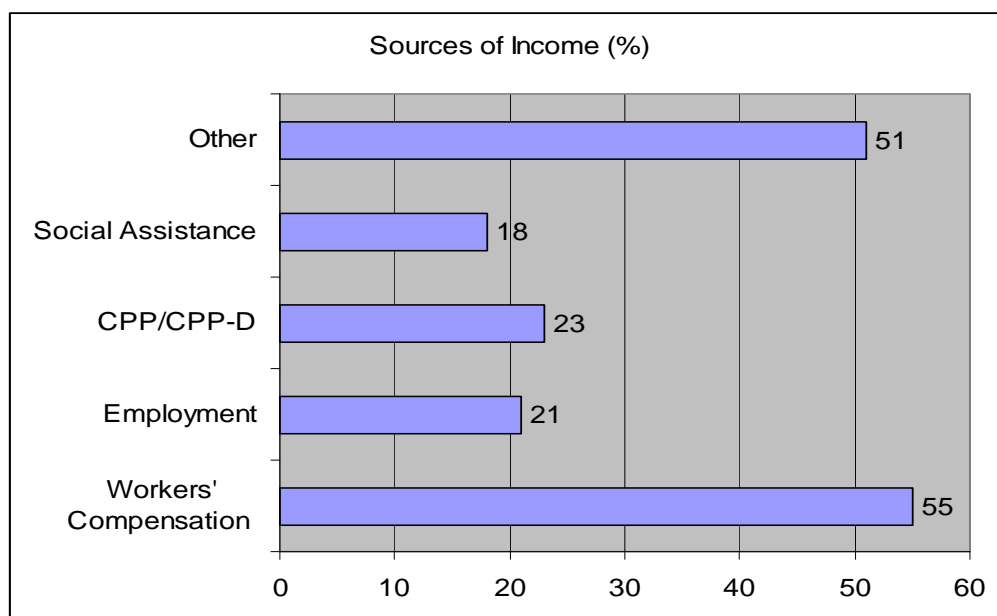
# Injured Workers and Poverty Survey 2009

## Figure 2. Pre and Post Injury Annual Income



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**Figure 3: Sources of Income After Injury<sup>6</sup>**



### ***Other Poverty Indicators***

Because car ownership is so widespread in the Ontario population and a necessity in many communities, the survey used the change in car ownership as an indicator of poverty. We found that almost one-quarter of respondents no longer owned vehicles after injury. Eighty-one percent (178/219) of respondents reported that they owned a car before injury, while only 63% (137/216) reported car ownership after injury.

Respondents were also asked about their use of social services and their housing situations.

- Findings indicate a 13-fold increase in food bank use post-injury. Sixty-four respondents reported that they had used food banks after injury, compared with 5 who reported having used food banks before their injury.

<sup>6</sup> “Employment” includes contract and seasonal work. “Other” includes family help, Canada Child Tax Benefit, EI, child support, retirement funds, private disability funds, and other. Respondents were asked to indicate all sources of income, thus totals add up to more than 100%.

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- The incidence of subsidized housing use more than doubled after injury. Twenty-five respondents reported using subsidized housing after injury compared with 12 before injury.
- About one out of five respondents reported a loss of housing subsequent to injury. Thirty-five respondents reported that they had “lost their home” and had “to stay with family or friends, or other short-term situation” after injury, compared with 4 who reported this before injury.

### ***Emotional Impact of Injury and Poverty***

The injured worker community has long thought that injured workers often face isolation and depression following their injuries, and our survey results indicate that this is, in fact, the case. Almost half (46% or 97/211) of respondents indicated that they felt depressed as a result of their workplace injury. Additionally, 84% (179/212) of respondents felt they could not “participate in activities” and almost two-thirds of responding workers (64% or 136/212) reported that they had lost friends. One respondent commented,

The stigma of telling workmates what happened was overwhelming—so much so, that I cut off all non-essential contact entirely. Looking back on that, it's sad, but I had to do it. To tell would have meant I was the laughing stock of the workplace

About one in five workers (18% or 39/212) reported that they had lost their families through the process of having work injury. One worker commented on how his injury affected his relationship with family members and friends:

I feel the stigma of being injured and not being able to work, feeling disrespected and treated with a lack of dignity. My family is not lost, I have just not communicated with them since the end of 2008. [This] causes them great worry and they are sad, frustrated and do not understand what I am going through. This also applies to many of my close friends.

Another described the impact of his injury, and the subsequent financial strain, on his family life:

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As a result of my work-related accident, I lost my job and was not able to support my family. The lack of financial resources caused a great deal of stress on my wife and 3 children. We had to do without a lot of things and, at times, I was not able to provide the bare necessities of life. My wife and children suffered greatly — even to this day the effects of our poverty stricken life still affect them. I was not able to educate my children properly (and they were very bright kids who did well in school), nor provide them with suitable food and clothing, not to mention the recreational activities that most families enjoy — like vacations, family outings, etc. We had no vacations and did not participate in extra curricular activities because our family income had been depleted when I had my accident. My wife had to work double (16 hour) shifts at a factory ... at minimum wage. She also cleaned other people's homes on the weekend. The physical labour and strain of these jobs has affected her health to this day. She is now 84 and suffers great back and physical pain all the time because of the hard labour she was forced to endure.

Another respondent summed up the issues this way: "... [M]y life has been devastated by this injury and the compensation system! Relationships have been damaged; I'm depressed, isolated, feel very alone."

The comments above illustrate how workplace injuries affect many facets of the injured workers' life. In addition to the effects on physical well-being and finances, work injuries can have negative social and personal consequences as well. The impact on social relationships can result from financial strain, the strain of physical disability, and from the stigma associated with work injury itself.

### **Discussion and Conclusions**

#### ***Limitations***

As is often the case, our sample size may be too small to be representative of the injured worker population in Ontario. Furthermore, because we drew this sample from injured workers seeking help or already active in workers' compensation issues, there is a greater likelihood that our survey over-sampled respondents that are having difficulty with the workers' compensation system. In addition, there were obvious literacy and language barriers that affected data collection. Within these limitations, we can say that these findings confirmed our

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observations about the population we work with as legal advocates, community representatives, and injured worker group participants. Our findings are also consistent with previous research documenting the unemployment levels of injured workers and the barriers to employment.<sup>7</sup>

Our results reveal a picture of poverty and its social consequences amongst injured workers. While noting our sampling constraints, these results suggest that the issue of poverty within the injured worker population warrants further attention.

### ***Discussion: Poverty Measures***

Our survey results document extreme poverty amongst injured workers. Although there has been much debate about how to best measure poverty in Canada, a commonly used measure is the pre-tax low income cut-off (LICO)<sup>8</sup>. Almost half (41% or 84/203) of respondents reported an income of less than \$15,000, which is less than the LICO for one person living in a large city. More than a quarter of the injured workers surveyed (26% or 53/203) reported incomes of less than \$10,000, which is less than the lowest LICO (one person in a rural area).

In addition, 22% (46/210) of respondents reported that they had annual household incomes of less than \$15,000, and 10% (22/210) reported annual household incomes of less than \$10,000.

The poverty rate of injured workers is extremely high when compared to the general Ontario population. Findings cited in a recent report of the Canadian Council on Social

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<sup>7</sup> Canadian Injured Workers' Alliance (1995) *Voc Rehab & Re-employment from the Injured Workers' Perspective, Part A: Analysis of Survey Findings*; Ballantyne, P. (2001) *Pre-1990 Claims Unit Study Final Report to the Workplace Safety and Insurance Board*

<sup>8</sup> "Low income cut-offs (LICOs) are income thresholds, determined by analysing family expenditure data, below which families will devote a larger share of income to the necessities of food, shelter and clothing than the average family would. To reflect differences in the costs of necessities among different community and family sizes, LICOs are defined for five categories of community size and seven of family size." Statistics Canada, Low Income Cut-offs for 2007 and Low Income, 2006/2007, Catalogue no. 75F0002M — No. 004.

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Development noted that “[t]he 2006 Census showed that ... 11.1% [of Ontarians] had an after-tax income at or below the Low Income Cut-Off (LICO) established by Statistics Canada”.<sup>9</sup>

Despite the methodological limitations of this survey, these results are striking: the poverty rate among injured workers may be 2 to 4 times higher than that for the general population. Clearly, injured workers are part of the picture of poverty in Ontario. Our findings point to the need for a systemic study of injured workers in Ontario, so that the problem can be more fully understood and addressed.

The Ontario government has recently recognized the elevated poverty risk amongst persons with disabilities and others in the *Poverty Reduction Act, 2009*. Our findings suggest that injured workers are part of that picture of poverty in Ontario.

### **Conclusion**

This report has examined some of the effects of work injury for those suffering permanent disabilities. Our results suggest that a large number of injured workers are living in poverty. The injuries and subsequent poverty take a significant toll on the lives of these injured workers, often resulting in strained family situations, failed relationships, depression, and isolation.

Our findings highlight the need for more research on injured workers in Ontario, with special focus on the economic and social consequences of work injury. The WCB/WSIB should conduct its own regular studies and impact analysis using its extensive data resources.

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<sup>9</sup> Maxwell, G. (2009) *Poverty Reduction Policies and Programs in Ontario: Poverty in Ontario – Failed Promise and the Renewal of Hope*, Social Development Series, 2009, commissioned by the Canadian Council on Social Development. [http://www.ccsd.ca/SDR2009/Reports/ON\\_Report\\_FINAL.pdf](http://www.ccsd.ca/SDR2009/Reports/ON_Report_FINAL.pdf)

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It is our hope that research findings will increase awareness of problems with the current compensation system in Ontario, inspire reform, and bring the system closer to the just compensation for the duration of injury or illness envisioned by Sir William Meredith.

Sir William Meredith concluded his report to the government with the following words:

*I do not doubt that the country whose Legislature is quick to discern and prompt to remove injustice will enjoy, and that deservedly, the blessing of industrial peace and freedom from social unrest. Half measures which mitigate but do not remove injustice are, in my judgment, to be avoided. That the existing law inflicts injustice on the workingman is admitted by all. From that injustice he has long suffered, and it would, in my judgment, be the gravest mistake if questions as to the scope and character of the proposed remedial legislation were to be determined, not by a consideration of what is just to the workingman, but of what is the least he can be put off with; or if the Legislature were to be deterred from passing a law designed to do full justice owing to groundless fears that disaster to the industries of the Province would follow from the enactment of it.*

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### Appendix A: Short Summary of research findings on employment following injury or disease (May 2009)

1. Ontario. Workers' Compensation Board. (1981). *Report on the 1981 Survey of Current Earnings in Permanent Disability Claims*. Toronto: The Board.
  - Survey of injured workers in Ontario collecting partial permanent disability benefits found 40% unemployed and another 5% underemployed.
2. Ontario. Workers' Compensation Board. (1989-90). *Survey of Ontario Workers with Permanent Impairments*.
  - Survey of 11-12,000 injured workers in Ontario collecting partial permanent disability benefits, done in preparation of the changes from a pension system to a wage loss system (Bill 162 in 1990). Looked at employment experience following disability and a separate survey concerning rates of diminished loss of quality of life experienced by workers with various impairments.
3. Johnson, William G., and Marjorie L. Baldwin. (1993). *Returns to work by Ontario workers with permanent partial disabilities: A Report to the Workers' Compensation Board of Ontario*. Toronto: Workers Compensation Board of Ontario.
  - Examined factors that influence return to work and found 71% employed three years post injury.
4. Ontario. Workers' Compensation Board. (1994). *Study of 12-Month Qualifying Future Economic Loss (FEL) Recipients*. Toronto: The Board.
  - Found 78% unemployed at first review 3 years post injury.
5. Butler, R. J., Johnson, W. G., & Baldwin, M. L. (1995). Managing work disability - why 1st return to work is not a measure of success. *Industrial & Labor Relations Review*, 48(3), 452-469.
  - Analyzed data further and found over 50% unemployment 5 years post injury.
6. Burton J.F. & Sinclair, S. Development of a Schedule for Compensation of Noneconomic Loss in Chaykowski, R. P. & Thomason, T. (1995) *Research in Workers' Compensation*. Kingston: Queen's University: IRC Press.
  - Quality of life research done by points out that the American Medical Association guides (and the pre -1990 WCB meat chart) undervalue the extent of the impact of most impairments, particularly back injuries, chronic pain, heart disease and respiratory disease. Was to be used to develop a new meat chart for Non-economic loss ratings. Thrown out because it was too expensive.
7. Canadian Injured Workers Alliance (1995) *Vocational Rehabilitation and Re-employment from the Injured Worker's Perspective*. Thunder Bay: CIWA. Available at <http://www.ciwa.ca/englishSite/merch/onlineCatalog.html>
  - Found that 74.3% of workers with a permanent disability are chronically unemployed, that 60% are re-injured upon their return to work, and more.
8. Ballantyne, P (2001) *Pre-1990 Claims Unit Study: Final Report to the Workplace Safety and Insurance Board*. Toronto: Institute for Work & Health. Available at [http://www.iwh.on.ca/system/files/documents/pre-1990\\_claims\\_report\\_wsib.pdf](http://www.iwh.on.ca/system/files/documents/pre-1990_claims_report_wsib.pdf)

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- 40 injured workers were interviewed with previously stable employment histories — all pre 1990 — on average 17 years post injury. Most workers had chronic employment instability following injury; 60% unemployment at time of interview. Many workers struggled over losses related to the inability to support their families and several described family breakdown. They described greatly reduced incomes, as well as the loss of benefits such as extended health, life insurance, and retirement pension contributions.
9. Research Action Alliance on the Consequences of Work Injury (RAACWI) [Research in progress]. Available at <http://www.consequencesofworkinjury.ca/>
- Partnership of injured workers, their representatives, researchers and community partners formed to undertake research on the workers' compensation system and its role in the economic, social and health consequences of work injury.

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**Appendix B: Regional Breakdown (Ontario)**

<b>Greater Toronto Area</b>	<b>Northwest</b>	<b>Northeast</b>	<b>Southwest</b>	<b>Eastern</b>	<b>Central</b>	<b>Hamilton-Niagara</b>	<b>Out of province</b>
Unionville	Marathon	Sudbury	St. Thomas	Roseneath	Goderich	Niagara Falls	Vancouver
Toronto	Kaministiquia	Sturgeon Falls	Rodney	Ottawa	Angus	Mount Hope	Gatineau
Thornhill	Fort Frances	Sault Ste Marie	Parkhill	Lanark	Campbellford	Kitchener	Accra
Pickering Oshawa	Dryden	North Bay New Liskeard	London LaSalle	Kingston Kanata	Staynor	Hamilton Guelph	Yellowknife
Mississauga Maple King City Courtice		Lavigne Hailibury Corbeil Elliot Lake Bruce Mines	Lakeshore Ingersoll Harrow Forest Dresden Belle River	Enbrum Bancroft		Fort Erie Cambridge Burlington Brampton Beamsville Brantford	