

Injured Workers Action for Justice

Injuredworkersaction4justice@gmail.com

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By fax

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Minister of Labour
Ministry of Labour
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David Marshall
President and CEO
Workplace Safety and Insurance Board
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Dear Ms. Jeffrey and Mr. Marshall,

RE: Renounce the Workplace Safety and Insurance Board's KPMG VFMA on Adjudication and Claims Administration.

Injured Workers Action for Justice (IWA4J) is a newly formed collective of injured workers. We fight to improve the quality of life of injured workers through collective actions and collaborations.

We are writing to vigorously reject the recent KPMG Value for Money Audit on Adjudication and Claims Administration and to encourage the WSIB and the Ministry of Labour to renounce the report in its entirety.

Ms. Jeffery and Mr. Marshall, the KPMG recommendations are thoroughly infused with the notion that denying workers compensation means that the system is working. It is clear that this perspective forms the undercurrent of the report, even going so far as to imply that an increase in the number of denials to injured workers reflects a greater consistency and quality of decision-making. This type of disingenuous logic permeates the report, does not reflect the lived experience of injured workers and is clearly influenced by ideological agendas. The report runs counter to both the Historic Compromise injured workers made and a key legislative purpose of providing compensation to injured workers and their survivors. Clearly, the legislation and history of compensation needs to be better researched.

In addition to suggesting that a successful workers compensation system is one that does not compensate injured workers, KPMG goes above and beyond its mandate by making recommendations on policy and legislative reform.

Legislative and policy recommendations were made without open consultations with workers and without any expertise in workers compensation law. It is indefensible to even consider these recommendations.

In addition to the overall report, which absolutely must be rejected, we have major concerns about the following KPMG suggestions:

- *The revision of the Aggravation Policy to eliminate entitlement where minor work-related injuries aggravate a pre-existing condition (like degenerative disc disease).* Everyone has a degenerative body. If we were able to work before a workplace accident and that accident caused us impairment, we should be compensated. Further, this suggestion is extremely discriminatory towards older workers and to those of us who develop degenerative bones because of years of strenuous labour.
- *The introduction of time limits for recurrences to re-enter the system.* Once injured, recurrences/re-injuries are frequently a risk that never goes away. It seems ridiculous to apply an arbitrary time limit on them. By doing so, it is as though the Board is saying injured workers who get re-injured after the time limit are collateral damage to a “successful” compensation system. Further, the suggestion that recurrences may be related to the aging process rather than the workplace injury is something that the policy already addresses by taking into account continuity of complaint and medical compatibility of re-injury.
- *Decreasing the NEL Award and limiting the timeframe for which a re-determination can be made.* NELs are already too low when compared to pain and suffering awards given by the courts. We are also concerned that if the period to request a NEL re-determination is extended beyond the 12 months, injured workers will suffer longer to get an assessment of their impairment. In cases where injured workers are working, their limitations will not be reflected until the next re-determination is done. This may have serious, negative consequences to return to work.
- *Forcing unemployable workers to apply for CPP-D in order to reduce claim costs to the WSIB.* This is against the historic compromise injured workers made as it requires injured workers to fund workers’ compensation. We also suspect many of our doctors will not support a CPP-D application if the disability is solely work-related.
- *Eliminating the final, 72 month lock in.* Injured workers are heavily controlled by the demands of the workers compensation system up until the lock in. Removing the lock in will cause unrelenting stress to injured workers who need to have peace of mind - not constant threats of job and financial insecurity.

In every instance, KPMG suggests that reductions in compensation to injured workers reflect an effective and consistent workers compensation system. This is blatantly false and the report needs to be publicly dismissed by the WSIB and the Ministry of Labour.

We look forward to hearing from you both on this important issue.

Yours truly,

Injured Workers Action for Justice

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c.c.: Premier Dalton McGuinty
Ontario Network of Injured Workers Groups
Toronto Injured Workers Advocacy Group
Ontario Federation of Labour