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Who Cares About Injured Workers To-day?

***Kathleen Boyden¹ is in trouble.** After high expectations of becoming a flight attendant and almost finished her training, she injured her back at her job, earning \$12.00 hour as a careworker in a nursing home when she attempted to turn a resident. The injury has resulted in a painful and permanent impairment recognised by the WSIB/WCB. The Board felt that she would no longer be able to succeed as a flight attendant and clearly could not continue as a careworker. The Board sent Kathleen to a six-month programme to become a customer service representative.*

*Kathleen has been looking for work for two years now, but has had no luck in getting a job. **Kathleen Boyden is poor.** Her actual loss in net wages due to the workplace injury is \$1,559.98 each month, but she receives only \$123.25/month. Why? Because the Board has “deemed” her to be working 40 hours a week at \$11.00 an hour. She has no such job.*

*Kathleen Boyden has moved back in with her parents at the age of 30. She and her family wonder what the workers’ compensation system is actually for. They think: **There must be a mistake.***

Indeed, there is a mistake. It is not supposed to be like this.

Even worse, there are thousands of other permanently disabled workers in similar situations. They wonder how they got into this situation.

When the workers' compensation system was set up in 1915, its purpose was clearly set out in Sir William Meredith's Final Report to the Government of Ontario in 1913. It included the following concept:

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. . . .

The result of the Meredith Commission was that workers gave up their right to sue their employer for injury or illness caused by the work. In exchange workers were to receive compensation:

- promptly
- for as long as the disability lasted
- in relationship to their lost wages
- in a non-adversarial, enquiry setting

Workers like Kathleen Boyden have been complaining for years that while employers are still protected from lawsuits, disabled workers no longer receive the protection the workers compensation system is supposed to offer. This year there has been a flurry of announcements from the WSIB/WCB, but what are they about?

As far as injured workers can tell, they are mostly about the Board's finances, not about injured workers' finances.

In fact, this year, a new President was appointed to the WSIB/WCB. The Ontario government appointed David Marshall - friend of business - to carry out the business agenda. Mr. David Marshall hails from the banking world - an industry which vigorously opposes WSIB/WCB coverage for itself. His mission is to attend to the Board's finances and a key method will be to further reduce payments to injured workers - we expect more and more disabled workers will be reduced to poverty like Kathleen Boyden.

Look at what Mr. Marshall said to *The Standing Committee on Public Accounts* on February 24th, 2010 [1340]: *"I am going to challenge our team as to how much we can do down that path, whether we can reduce our rate of long-term beneficiaries by half. What would that do to our income stream?"*ⁱⁱ

What about the *income stream* of injured workers who are unable to obtain employment? Studies consistently show that people with disabilities in Canada and around the world have an unemployment rate of 40 to 70%. Each year in Ontario 13,000 to 14,000 workers sustain serious injuries which are permanent.

It is hard, in this competitive world, to outshine a healthy worker in the prospective employer's eyes. Mr. Marshall will respond that considerable effort is being put into "work-reintegration." This is small comfort to injured workers who know too well, that it is easy for employers to construct dismissal for less productive workers. It is small comfort when the practice of "deeming" continues unabated. (Despite the law reform under Labour Minister Steve Peters to legislate an end to the practice.) It is small comfort when the Board does not keep track of what actually happens to people.

Under Mr. Marshall's plan, the WSIB's books will look good, but it is the fear of the Ontario Network of Injured Workers Groups that 3,000 to 4,000 new Kathleen Boydens will be created each year: Injured workers who need employment or compensation and have neither. Disabled workers who will become burdens on their families and communities.

What do Injured Workers Need?

- A public, non-adversarial compensation system that performs the function it was set up to do.
- A compensation system that we can be proud of and hold up as an example to others.ⁱⁱⁱ
- A compensation system which will be guided by:
 - Public* reviews of WSIB/WCB programmes and policies.
 - Regular study about the actual experience of injured workers-- about their personal, health, and financial well-being over the years.

Injured workers have some key needs right now:

- Full cost of living adjustments.
- Coverage of all workplaces and workers.
- Full compensation or secure suitable employment.
- The end to *deeming*.
- The end to *experience rating*.

DO YOU CARE ABOUT INJURED WORKERS?

WHAT WILL YOU DO TO HELP?

ⁱ pseudonym

ⁱⁱ [For the full speech in Hansard check the Ontario Government website, or www.injuredworkersonline.org]

ⁱⁱⁱ For more details of what an excellent system would look like, please read the Platform for Change 2004. (a copy can be found at www.injuredworkersonline.org)