

**Arthur's Submission]**  
**April 13/2011**  
**Valhalla Inn**  
**Thunder Bay Ontario**

I was injured June 5 1985 in a logging accident. I was pensioned off in 1986 with a 10% pension and I have been retired since. When WCB found out I had some university studies, my rehabilitation file was closed for the first time. It was closed for the reason of not answering the phone, as I was in the shower at the time. Closed for non-compliance. I kept getting it open they kept closing it. Finally we agreed to disagree. During that time I may have got jaded to the process.

If you count resume writing and how to conduct yourself in an employment meeting, this was the scope of my rehabilitation with the WCB. I did not want the board to train me for a PHD in law. I wanted the board to look at my interests and provide training for something I chose. One story that stays with me is when the WCB trained 24 small engine mechanics in 1 community. This would have been a good idea but the community had 7500 people. Makes one wonder eh? Why so many injured in that community makes one wonder also!

Since the initial injury I have had 14 surgeries and now I am rated with the WSIB of being 50% injured. I still have 50% of me that is able to do things. Now with physical disabilities, I have non-compensable issues that may be compensable due to the initial injury. Appeals will find out.

I have seen every political party leave their mark on the WCB/WSIB to the detriment of the injured in Ontario. What power do injured workers have to change unjust laws? We have to go hat in hand to Parliament to get a fair increase. Who has the power over Ontarians who are injured? Historical agreements were made with the workers knowledge and changed without. What Court do injured workers have to go to get justice. Court of public opinion? Can injured workers mount the same advertising campaign as the employers or politicians? Is there a monetary cost to this? When the Meredith principles are drastically changed without the duty to consult, is this legal. Can CPP be changed the same way, can ODSP, private insurance?

The injured I met have had to change their lives. Not only financially, but a change in lifestyle, friends and activities. Not only do you lose the ability to work you lose your freedom. WSIB owns you from 9:00 to 5:00. WSIB controls everything, from the day you get injured to the day you either return to work or retire from the workforce. Even on a lifetime pension you are to report material change to the WSIB or face legal challenges. Is this just and dignified to the people of Ontario?

In your fair and just world where do workers who, with no fault of their own, get injured. And where do these workers go when all avenues seem to be closed. I know that no system is 100% perfect. But are we led to believe in our school and religious systems that you are supposed to take care of those who can't take care of themselves? **An injustice to one is an injustice to all.**

I went through my working life earning my way. I did not want anything that I did not earn. All injured workers want is their fair share, they don't want rebates to make a fast buck on other people's injury's. If the WSIB system won't change can you at least recommend that the rights and obligations of citizens in the the workforce be taught in the Ontario School Curriculum. At least let the children and young adults know what their rights are before they get hurt or injured or die while working in Ontario to make it a better place for you and me.

## **There are five Meredith Principles: Subject to change**

- **No-fault compensation:** Workplace injuries are compensated regardless of fault. The worker and employer waive the right to sue. There is no argument over responsibility or liability for an injury. Fault becomes irrelevant, and providing compensation becomes the focus.
- **Collective liability:** The total cost of the compensation system is shared by all employers. All employers contribute to a common fund. Financial liability becomes their collective responsibility.
- **Security of payment:** A fund is established to guarantee that compensation monies will be available. Injured workers are assured of prompt compensation and future benefits.
- **Exclusive jurisdiction:** All compensation claims are directed solely to the compensation board. The Board is the decision-maker and final authority for all claims. Nor is the Board bound by legal precedent; it has the power and authority to judge each case on its individual merits.
- **Independent board:** The governing board is both autonomous and non-political. The Board is financially independent of government or any special interest group. The administration of the system is focused on the needs of its employer and labour clients, providing service with efficiency and impartiality.

## **Funding**

**What is full funding? What should the WSIB set as its funding target? What is a reasonable time frame for the WSIB to reach its funding target?**

Will there ever be a law that will ask and enforce homeowners to declare how many nails they will use in their house over a 25 year mortgage.

How many parts, gas and oil will your automobile use while you are owner of it until you retire your ride?

How many diapers will your child go through? How much milk? How much food? Crayons? And any other instrument that may be used in the course of their childhood, adolescence and adult life.

Before anyone in Ontario can buy a house, auto, or bear children they will have to have the entire cost of all expenses in the bank. Does this sound reasonable? Does this sound logical? Is this morally and ethically correct to force the people of Ontario to have enough cash on hand to start a family, or just to go on through life? Is this the Ontario we want? Is Ontario going to be the only place where you have to show your pocket book before you work, raise a family buy a house?

What started this way of thinking anyway? What could make anyone think that a business or household should have enough money in the bank in order to live? I am waiting for Social Assistance in Ontario to use this model. Wouldn't that be a hoot. How do you know a newborn won't like milk and all it's products? How do you forecast the unforecastable? What is the cost of juvenile Muscular Dystrophy? What power source is the all seeing crystal ball using?

Do all insurance companies today have enough money today to foresee every peril? Where do earthquakes, tsunamis, and nuclear meltdowns work in the financial forecasts? Can anyone look at a worker and say with no uncertainty that he/she will get injured and the outcome will cost X amount of dollars not a penny more or less? Is there a 100% success rate, anything less from actuarial tables and our being here is a waste of time. Actuarial assumptions are wrong, percentages will prove this. Are they not human and assumptions are a human invented tool suited for a specific purpose. .

In regards to funding time frames, does OHIP have a time frame? Does ODSP have a time frame? Does CPP have a time frame. Do private insurers have a time frame? The only thing I can recommend is the time it will take to make the WSIB a just and fair social program is the time it takes. In the Metis world, we as a people try to plan 7 generations ahead. This is for the survival of our species. Do Ontarians deserve any less.

## Premium Rates

**Is the current WSIB premium rate setting methodology appropriate? What changes would improve it to ensure that premium revenue covers costs? Should premium rates increase until the WSIB's funding target is reached?**

What is the cost of doing business in Ontario? What is the cost of living in Ontario? A business has a choice when it opens in Ontario. It can opt for private insurance, go with WSIB, or let employee's take care of themselves. Who has the most to lose when minimum wage or social programs are about to increase?

What is the best model? Depends on the business. If you have employee's that do physical labour over and over again while using a machine or chemical process, chances are an injury will take place. This is the choice of the owner of the business? What type of work will be placed on employee's. What are the risks, financial and all other events.

Any business has no problem charging customers the cost of doing a service. This is what drives the market. Business's supply the customers demand. If the real cost of an injury is \$2.00 on \$100.00 of income why then does the Ministry of Labour Worker's Safety Insurance Board want to charge \$1.55. To whom is the deficit of \$0.45 charged to? Can anyone spend a \$1.00 and expect \$1.45 in services? Is \$2.30 per \$100.00 payroll they charge today sufficient. Factor in all costs to ODSP, CPP, Indian Affairs, rising private insurance rates, lost taxes, investments, is this then, the true cost? Do the people of Ontario receive dividends from business that have received rebate cheques and made profit while shirking their financial responsibility. ***If an employer injures a worker then they should pay ALL costs incurred by that worker. Not place it with public funds. When is "breach of trust" broken?*** And how do you put a price on human dignity, dreams and ambitions, family and personal breakdowns, suicides? Oh I'm sorry this is Ontario, WSIB doesn't take these ideals into account.

A flat rate for all industries in Ontario should be established. Not only would this create more finances for the WSIB, but it would eliminate this WSIB/government made class system. No longer will you be a 2<sup>nd</sup> class citizen in Ontario or 3<sup>rd</sup> Class citizen the moment you get injured. Mr Arthur, I know your scope is narrow on what you can do with this task, but can you relay *in writing* to have different classes in Ontario for workers should be eliminated and it's about time that all workers regardless of industry be under 1 system. All workers should be under the WSIB with proviso's to opt out if so desired by employee's not employers.

Can anyone in Mr McGuinty's cabinet today with a 100% certainty say that the WSIB is taking proper and legal care of all injured workers in Ontario? Is OHIP picking up some costs? Indian Affairs? Private Insurance? The projections that are based on the WSIB unfunded liability are they the true costs. What number are we truly looking at?

How is success rated by the WSIB? When employers rates are equal to the injury rate with no + or -

money figures at the end of the year? Do all employers get a premium rebate at the beginning or end of the year? Does the WSIB treat all employers the same? i.e. rates in same industry same for all? Are all employers eligible for rebates? Do employers know the true cost of WSIB?

Most people who drive, own a home or have recreational vehicles pay insurance. If you are insured and have an accident the total cost of your injury is covered as according to your policy. There is a cut off date depending on the length or severity of the injury, but initially covered. Today can we say with 100% certainty that all insurance claimants are not using services paid by OHIP directly or indirectly?

Rebates, how many people who drive, own a home or have recreational vehicles who never filed a claim, just like employers who never filed a claim received a rebate cheque? This has a lot to do with Premium rates, wouldn't you say?

### **Rate groups:**

**Is WSIB's rate group structure appropriate, given the principle of collective, no fault liability? What opportunities exist to simplify the rate group structure?**

Today the Minister of Labour does not believe in expanding coverage to all industries in Ontario. This current Minister believes in a 1-2-3 tier system where being injured on the job in Ontario is a gateway to poverty, homelessness, family breakdowns, and suicides. This Minister believes in workers who have and workers who have not. All we have to do is look to Wisconsin and parts of India, and China to find out what this type of thinking is all about. Is this what Ontario deserves?

Rate groups or should we say who has the power and who doesn't. Schedule 1 employers pay the whole shot. Can you see anything wrong with this system if you have a long term usually lifetime injury. Can the employer's place undue hardship on Injured Workers to return to work, even when they are medically unable.

Schedule 2 employers pay into a fund where it is a collective liability. All costs are supposed to come out of this fund. Today we see that OHIP is picking up a lot of these costs. We also see ODSP picking up the costs of workers who fall through the system. Even though there is a fund for injured workers, injured workers cannot fully access this fund.

Private Insurers. Employers have opted for this as it is out of their hands. They pay insurers to take care of employee's. What happens to insurance rates when you use them over and over? A company called Nor tel had many injured workers on there Insurance system, when they went bankrupt what happened to the injured workers. Either ODSP or CPP had to pay. Why does the public purse have to pay for employer's. WSIC/WCB is an expensable item. What do you charge an employer that already has been given rebates, let their staff go on welfare and be partially responsible for poverty, homelessness, family breakdowns, and suicides. What do you charge for being greedy in the province of Ontario and being legal? Morally and ethically wrong, but legal.

### **Employer incentives:**

**Is the present design and operation of these programs appropriate? What alternatives exist to promote increased safety in the workplace, fairness in insurance costs to the**

## employer, and incentives to employ injured workers?

I will agree that there are some programs that work with a certain degree of success. But why does there have to be financial incentives for employers who are screwing with the system.

Chairman of WSIB Mr I Marshall stated in Hansard that he "found it hard to grasp why employers get a rebate back" I too find it hard, and wonder why employer's get a rebate back, and for what? This only leads to fraud and animosity in the workforce. This is wrong.  
Hansard Feb 2010

Professor Terry Eison stated

### EXPERIENCE RATING

For many years now, the assessments paid by employers have been adjusted substantially by the costs of claims made for the disabilities and deaths of their workers. These adjustments are known as Experience Rating. In my view, this is the **most dominant cause of the damaging changes that have been made to WC in Ontario, and the damaging changes that continue to be made.**

Toronto Nov 2010

Make it a law that forensic audits on all employers who have applied for incentives from the board. Match up the incentives with the tax returns of Injured workers who are supposed to benefit. Let the chips fall where they may.

I have been injured since 1985 and I have seen an increase in the poverty levels of injured workers who have had no benefit of Return To Work or any other employer led program.

The only thing I find that may works is to let Revenue Canada deal with employer's who decide what is easier. Tie employee tax returns to employer incentives. This may not be the best answer but it's my answer

## Occupational disease claims:

**How should the insurance fund treat occupational disease claims? Should they be a collective liability or charged back to specific employers? Should the WSIB establish a special fund for occupational disease claims?**

Is a disease contracted in a workplace while doing work anything different than an injury. Does a doctor who treats the disease/injury say to the patient, "Your lungs were diseased by the toxins at work. I can only help you for a while then cut my services." What would happen to the doctor if that were said.

WSIB paid doctors, are a special breed. Some of these WSIB paid doctors find fault with any evidence that is brought forward in cases that concern disease's contracted in the workplace. It seems that lifestyle is the main reason why employee's get disease not untested new chemicals that are mixed with other chemicals. This just seems strange. So I believe to verify yes or no a independent lab be used to find out answers.

The injured worker should receive benefits until death or a cure is found if and when, this laboratory has the results.

Why then do we allow the WSIB to stop assisting injured workers after a while. If the disease is for a lifetime then the WSIB should cover it for the lifetime of the worker.

Industry's that have a high incidence of disease' should;

● Do all they can to prevent workers from contracting diseases.

● Preventive medical check-ups every 3-6 month's, x-rays, blood work.

● Ongoing research and studies on chemicals that may cause disease's in the workplace

A disease that is contracted in the workplace must be paid for until a cure or death occurs.

### **Benefits indexation:**

**What level of inflation protection is fair for partially disabled workers?**

MPP's wages went up 30% overnight. I asked a MPP if he would help us do the same thing, his response do it yourself. That would be easy if I wrote the cheques. But I don't. So every year Injured Workers have to go to Parliament, and beg for an increase.

Right now how do lawyers get an increase in their wages. Do they have to apply with the Minister of Labour to justify their increase. Is there a formula that is used, say for instance, . Provincial Cost of living index, say is 2.5% with this formula you lose .2% off the top, you are left with 0.5% for your increase. Is this how lawyers increase there fees.

In closing, I would like to leave you with this letter I received from an injured worker.

March 22, 2011

Professor Harry Arthurs  
Funding Review  
200 Front Street West  
Toronto, Ontario M5V 3J1

Dear Professor Arthurs:

I have written many letters to the Workers' Compensation Board and the Government in the last years, on the issue of cost of living for injured workers. I kept copies of these letters. I am sending them to you so you can see that this issue is not new to me, and the other injured workers that signed the letters. Please read these letters. They came from our hearts and from our sad experience after the injury at work.

I am not sure that I can attend you hearings in person. I am now a senior citizen and my health is deteriorating. I hope that you will be a just man. You may not have a disability yourself, I do not know. However, you must hear our concerns, even if you may not be able to share in our pain, which we do

not wish you to experience. But you must make your best effort to understand what we are going through.

Here are some things I want to share with you as you read the letters I sent in the past:

- 1) Why should Ontario allow inflation to reduce the value of our workers' compensation? It's like telling a disabled man or woman: "the longer you are disabled, the longer we will reduce your compensation"! That is an insult for a just country like Canada.
- 2) The WCB is not there for their own profit, they not a private company, they are there to support the injured workers. They lost the sense of their purpose. We get promises, but get the cuts in the end. The McGuinty Government and the current WCB administration tell us, to our faces, that the unfunded liability will not be resolved on our backs. But this January, they broke this promise by granting a 0.5% adjustment for inflation, which is a cut no matter how you spin it.
- 3) Our cost of living adjustments were cut back through political schemes. Premier Harris cut them down and then cut down the money employers put into the system. How many times are we going to see the same movie, with the same ending for injured workers?
- 4) We asked the Premier: how would you feel if you were in our shoes? We ask you the same question. How would you feel if the system that was created for your protection (and protection of employers from lawsuits) was punishing you through inflation?
- 5) Professor Arthurs, I am old enough to remember Professor Weiler. In 1990 he said it was wrong for Ontario to say "we will grant this kind of compensation for injured workers" and then reduce the same amount through inflation. This is not rocket science. What was wrong 31 year ago is still wrong today! Please see it, please say it.

Professor Arthurs, our lives are not a bargaining chip. Please make it right.

Dimitrios Petropoulos

Eugene Lefrancois