

From: Ippokratis Velgakis

To: Prof. Harry Arthurs, WSIB Funding Review

Date: April 27<sup>th</sup>, 2011

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Professor Arthurs thankyou very much for the opportunity to speak to you to-day.

You are looking into the issues of the finances of the our workers compensation system in Ontario. This is an important issue that needs a good solution. Each time the issue of the Board's finances gets raised to a crisis, we injured workers find that we are the ones to pay.

It is my opinion that the system was set up on the basis of the employer making the payments into the system and it should continue that way. Employers need to be assessed by the compensation board at whatever rate is required to properly pay injured workers for the results of their injuries and to do so in a system that provides not just financial support, but also emotional support to injured workers.

Also, we need a system which does not allow employers to constantly fight the claims of injured workers and to turn the compensation system against the injured workers.

Mr. Arthurs, I was injured in October 1991. I hurt my back trying to pry up some plywood that had become frozen to the floor in a hockey arena. I was a zamboni driver and enjoyed my job. I reported the accident and after some time off on extended holiday (to return to my native country) that had already been arranged, I returned to my job in self-modified duties. I arranged with my co-workers that I could concentrate on the zamboni driving and avoid the shovelling of the snow and other more physical aspects of the job. Unfortunately the self-modified duties could not be sustained and my back was just getting worse. I applied for compensation for my now permanent condition. Much to my amasement, these benefits were denied.

While there are many complications and details to any situtation, the essence of the problem with my claim, is that the company was actively opposing it, and the WSIB was more willing to listen to what the company had to say, than what I had to say. Why is that Mr. Arthurs?

For example, the company said that there was no evidence of my back having any problem for more than a few days since I went off on holiday and because I came back to my regular duties. The compensation board, did send an investigator to interview people including myself about the situation. The investigator found my co-worker confirmed that I had ongoing problems and noted my side of the story. But the investigator notes were not paid attention to. No care was taken by the compensation board decision maker,

to understand my situation—to verify what had happened to me. Instead they took what the employer said.

My case has spent many years in the appeal system. At the Tribunal my case went for two days. My co-worker witness was there to explain about how we arranged the work so that I could manage with my ongoing back problem. But he did not have time to testify on the first day. Somehow the employer managed to convince the Tribunal and then my representative, that my witness did not need to testify, because they had the transcript from the previous hearing. This resulted in the omission and confusion of importance evidence. The case was denied again.

Mr. Arthurs, I have been told that my employer is what is called a Schedule II employer which means that if my claim is allowed they must pay for it for my whole life. That is why for my whole life they will fight against me. This is not right. This is not how the compensation system was supposed to work. It was set up to support injured workers. It was set up to prevent a fight between employers and workers. That is the system we need. I think that as you think about the funding issues, it is important that the financial organisation of the Board, provides for a supportive system that does not promote companies fighting the claims of injured workers like me.

Thankyou very much for listening to me.