

Conference Programme

No Half Measures: Workers' Compensation 100 Years After Sir William Meredith



Thursday, October 31 – Osgoode Hall,
130 Queen Street West, Toronto

Friday, November 1 - Saturday, November 2,
Ontario Federation of Labour, 15 Gervais Drive, Toronto

INTERIM 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.

By
THE HON. SIR WILLIAM RALPH MEREDITH, C.J.,C.P.,
COMMISSIONER.

With the Evidence taken and the Brief of Mr. Wegenast,
submitted on behalf of the Canadian Manufacturers'
Association.

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THE LEGISLATIVE ASSEMBLY OF ONTARIO



TORONTO:
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1912.

Thursday, October 31ST, 2013

Afternoon 1:00 - 5:00 p.m.

Historical Bus Tour.

Labour historians Craig Heron and Robert Storey present Toronto's labour and working class history while guiding us through key sites in workers' compensation history.

- ° Meredith's home and final resting place
- ° Queen's Park and the storming of the Legislature
- ° The 'birthplace' of the Union of Injured Workers
- ° Osgoode Hall – where Meredith wrote his “Final Report”

Evening at Osgoode Hall

5 p.m. - 6:00 p.m.

Registration and Cash Bar

5 p.m. - 5:30 p.m.

Press Conference

6:15 p.m. - 6:30 p.m.

Welcome to *No Half Measures: Workers' Compensation 100 Years after Sir William Meredith.*

- ♦ Steve Mantis (Ontario Network of Injured Workers Group
Carol Elston (University of Guelph)

6:30 p.m. - 6:45 p.m.

Introducing Sir William Meredith.

- ♦ Marion Endicott (Injured Workers' Consultants
Community Legal Clinic)

6:45 p.m. - 7:30 p.m.

Dinner

7:30 p.m. - 8:30 p.m.

Keynote presentation:

Introduction: Steve Mantis

“100 Years of Workers' Compensation: Are The Needs of Injured Workers Being Met in 2013?”

- ♦ Professor Katherine Lippel (Canada Research Chair in Occupational Health and Safety. Faculty of Law, University of Ottawa)

Living in the Sea

Battered by storms and tempests, billows tossing high
Waves higher than a mountain, everything is going wrong
Bombarded by fog and darkness, scary as can be
Living on an island in the middle of the sea

Forced to leave my home, a haven I'd once known
Secure from harm and danger, and sheltered from the cold
Pride and joy I knew, when family and friends
Came knocking on my door and I'd let them in

Now I am living on an island in the middle of the sea
Surrounded by sea creatures, some as deadly as can be
Treacherous to cross the waters without bitten by the preys
Lurking 'round the island in the middle of the Verse:

Isolated from companions, abandoned by foes:
Cast her in the sea! It's up to her to swim or drown
Don't leave a lifeboat, nor any swimming gear
We will not see what her end will be, our backs are turned away.

Now I am living on an island in the middle of the sea
Surrounded by sea creatures, some as deadly as can be
Treacherous to cross the waters without bitten by the preys
Lurking 'round my island in the middle of the sea.

Yes we are living on an island in the middle of the sea
Surrounded by sea creatures, some as deadly as can be
Treacherous to cross the waters without bitten by the preys
Lurking 'round that island in the middle of the sea.

- Beryl Brown





Friday, November 1ST, 2013

Theme: Evolution & Critique

8:00 a.m. - 8:45 a.m.

Registration

9:00 a.m. - 9:10

Welcome

Introduction: John McKinnon (Injured Workers' Consultants)

Sid Ryan (President, Ontario Federation of Labour)

Presentations:

“Meredith’s Principles: Past, Present – and Future?”

9:10 a.m. - 10:00 a.m.

Introductions: Orlando Buonastella (Injured Workers' Consultants)

“Turning Over in his Grave? Sir William Meredith and Workers' Compensation in Ontario”

- ♦ Robert Storey (School of Labour Studies, Department of Sociology, McMaster University)

“Workers’ Compensation: Deterioration and Possibilities for Change”

- ♦ Terence Ison (Professor Emeritus, Osgoode Hall Law School, York University)

10:00 a.m. - 10:30 a.m.

Meredith’s Legacy Respondent Panel

Introductions: Terri Aversa (Ontario Public Service Employees Union)

- ♦ Maryth Yachnin (Industrial Accident Victims’ Group of Ontario Community Legal Clinic)
- ♦ Jim Sayre (Community Legal Assistance Society, British Columbia)
- ♦ Larry Maloney (Pictou County Injured Workers’ Association)
- ♦ Sherree Backus (United Food and Commercial Workers)

10:30 a.m. - 10:45 a.m.

Break

10:45 a.m. - 11:45 a.m.

Injured Workers’ Stories Through the Years

- ♦ Orlando Buonastella (Injured Workers’ Consultants), Alberto Lalli (Industrial Accident Victims’ Group of Ontario)
- ♦ The Injured Workers’ History Wall
- Steve Mantis (Ontario Network of Injured Workers Groups)

“My 30 Years of Experience with the System”

11:45 a.m. - 12:15 p.m.

100 Years of History: Grand Discussion

Moderator: Carol Elston

12:15 p.m. - 1:00 p.m.

Lunch

Afternoon

1:00 p.m. - 2:15 p.m.

Keynote Session: The International Dimension

Introductions: Robert Storey

“The Role of Insurance in Workers’ Compensation Justice”

- ♦ Martha McCluskey (William J. Magavern Faculty Scholar, SUNY Buffalo Law School, University of Buffalo)

“Compensation in New Zealand: Current Boundaries of Radical Reform”

- ♦ Richard Gaskins (Proskauer Chair in Law and Social Welfare, Brandeis University, The Hague)

2:15 p.m. - 2:30 p.m.

Break

2:30 p.m. - 3:30 p.m.

Taking a Closer Look: Case Studies

Introductions: Jennifer Pothier (Niagara North Community Legal Assistance)

“Experiences of Linguistic Minorities with Workers’ Compensation in Ontario and British Columbia: An Analysis of Case Law Narratives from Appeal Decisions”

- ♦ Stephanie Premji (School of Labour Studies, Dept. of Health, Aging & Society, McMaster University)

“We’re Not Worthy: Farmworkers, Firefighters and Workers’ Compensation Exceptionalism in Alberta”

- ♦ Bob Barnetson (Labour Relations, Athabasca University, Alberta)

“Back-to-Work Experiences of Permanently Injured Workers: Are Older Workers Disadvantaged?”

- ♦ Rebecca Casey (Dept of Sociology, McMaster University), Peri Ballantyne (Dept of Sociology, Trent University), Pat Vienneau (injured worker)

3:30 p.m. - 3:45 p.m.

Break

3:45 p.m. - 5:00 p.m.

Meredith Sitings Reconvened

Introductions: Marion Endicott

“*What did they say?*” A skit based on the transcripts of the 1910-1913 Sir William Meredith Royal Commission.

“*At 65 my brain injury will go away*”: *Interim Report from the Re-convened Meredith Sitings in Ontario, 2013*”

♦ Robert Storey & Carol Elston

Evening

Occupational Health and Safety and Injured Worker Awards Night with Banquet Dinner





Saturday, November 2ND, 2013

Theme: Pathways To Change

9:00 a.m. - 9:10 a.m.

Welcome & Announcements

9:10 a.m. - 10:00

Keynote session: Workers' Rights, Human Rights and Workers' Compensation

Introductions: John McKinnon

“100 Years in 20 Minutes: Injury and Recovery in U.S. Workers' Compensation”

- ♦ Les Boden (School of Public Health, Boston University)

“Assessing the Meredith Principles Under International Human Rights Standards”

- ♦ Jeffrey Hilgert (School of Industrial Relations, University of Montreal)

10:00 a.m. - 10:15 a.m.

Break

10:15 a.m. - 11:30 a.m.

Panel: Fixing the Fractures

Introductions: Maryth Yachnin

“Moving Workers' Compensation from Disability to Ability”

- ♦ Christie Harper (Office of the Worker Advisor, Ontario)

“Impacts of Restructured Economies”

- ♦ Danielle Allen (Faculty of Law, University of Victoria)

“Experience Rating: Nothing New Under the Sun?”

- ♦ David Wilken (Building Trades Worker Services)

“Learning from the Past; Organising for the Future”

- ♦ Alec Farquhar (Director, Office of the Worker Advisor, Ontario)

“Bridging the Divide: Injured Worker or Disabled Person?”

- ♦ John Rae (OPSEU Disability Rights Caucus, Canadian Labour Congress, Disability Rights Working Group)

11:30 a.m. - 12:15 p.m.

Panel: In Response

Introductions: Mary Hanson

Margery Wardle (Eastern Region Representative, Ontario Network of Injured Workers' Groups)

Peter Bird

Ellen MacEachen (Scientist at the Institute for Work & Health; Associate Professor with the Dalla Lana) School of Public Health at the University of Toronto

Nancy Hutchinson (USW Canadian National Health, Safety & Environment Department Leader)

12:15 p.m. - 1:00 p.m.

Lunch

Afternoon

1:00 p.m. - 2:15 p.m.

Meredith Reconvened: Panel and Plenary Discussion of 2013 ‘Meredith’ Interim Report

Introductions/Moderator:

- ♦ Bob Barneston (Labour Relations, Athabasca University, Alberta)
- ♦ Wendy Knelsen (London Injured Workers' Group) (Labour Relations, Athabasca University, Alberta)
- ♦ Sari Sairanen (Director, Health, Safety and the Environment, Unifor)
- ♦ John McKinnon (Injured Workers' Consultants)

2:15 p.m. - 2:30 p.m.

Break

2:30 p.m. – 3:30 p.m.

Visions of Hope and Action

Introductions: Aidan MacDonald (Injured Workers' Consultants)

Skit: *Justice Humanely and Speedily Rendered*

Presentations:

“The Platform for Change”

- ♦ Laura Lunansky / Marion Endicott (Injured Workers Consultants CLC)

“Full coverage”: A video presentation

- ♦ Harry Goslin (CUPE 1750)

“Principles of a Fair and Comprehensive Workers' Compensation System [Stanhope Manifesto]”

- ♦ CUPE
- ♦

3:30 p.m. – 4:45

Grand Panel and Plenary: *Where are we now and how can we move forward?*

Introductions: Alberto Lalli (Industrial Victims'
Group of Ontario)

- ♦ Martha McCluskey (William J. Magavern
Faculty Scholar, SUNY Buffalo Law School,
University of Buffalo)
- ♦ Orlando Buonastella (Injured Workers'
Consultants)
- ♦ Richard Gaskins (Proskauer Chair in Law and
Social Welfare, Brandeis University, The
Hague
- ♦ Laurie Hardwick (Organization Services
Director, Ontario Federation of Labour)
- ♦ Les Boden (School of Public Health, Boston
University)
- ♦ Karl Kreaver (Past President, Ontario Network
of Injured Workers' Groups)
- ♦ Jeffrey Hilgert (School of Industrial Relations,
University of Montreal)
- ♦ Andy King (United Steelworkers, Health and
Safety – Retired; Master's Student, University
of Ottawa)

4:45 p.m. – 5:00 p.m.

Conclusion

“Pessimism of the Intellect, Optimism of the Will”

- ♦ Steve Mantis & Carol Elston

Conference Participants

Allen, Danielle

Danielle Allen is a graduate of Osgoode Hall Law School and is presently a Master of Laws Candidate at the University of Victoria. For her master's thesis, Danielle is researching wage, hours, health and safety, and workers' compensation protections for migrant workers employed in the British Columbian hospitality sector. She has worked as Tribunal Counsel to the Ontario Workplace Safety and Insurance Appeals Tribunal (WSIAT), as a labour and employment lawyer in private practice, and as a Community Legal Worker at the Industrial Accident Victims' Group of Ontario (IAVGO)..

Aversa, Terri

Terri Aversa is a Health and Safety Officer at the Ontario Public Service Employees Union (OPSEU). She provides health and safety assistance and advice to OPSEU's 130,000 members and participates with unions, workers, and other stakeholders to improve workplace health and safety in Ontario. Terri has a Specialist B.A. in Employment Relations at University of Toronto and is pursuing a Masters in McMaster University's Work & Society program.

Backus, Sherree

Sherree Backus is a staff Representative with United Food and Commercial Workers, Local 617P. A merger with UFCW Local 175 in 2000 started a commitment to aid injured workers and to improve the Workers' Compensation system.

Ballantyne, Peri

Peri Ballantyne is a health sociologist, and Associate Professor in the Department of Sociology, Trent University, Peterborough, Canada. She has on-going affiliations with the Leslie Dan Faculty of Pharmacy, University of Toronto, and the Institute for Work and Health, Toronto, Canada. Her research interests include the social determinants of health across the life course; the sociology of pharmaceutical health care, and the role of the pharmacy profession in health care.

Barnestson, Bob

Bob Barnestson is an associate professor of labour relations at Athabasca University and chair of salaries bargaining for his faculty association. He previously worked for a trade union, the Alberta Labour Relations Board and the Alberta Workers' Compensation Board.

Bird, Peter

Brown, Beryl

Buonastella, Orlando

Orlando Buonastella has been an organizer with Injured Workers' Consultants for over 34 years. While representing injured workers free of charge, both individually and as a social group seeking law and policy reform, he has been closely involved in the exciting and turbulent history

of the injured workers' movement throughout this time. Orlando is one of the organizers of the Injured Workers Speaker School project, which aims to develop injured workers into knowledgeable and active participants in their fight for justice.

Hardwick, Laurie

Boden, Les

Les Boden is Professor at Boston University School of Public Health. Much of his research over the past decade has focused on the economic and social consequences of injuries and illnesses and on the (in)completeness of reporting of workplace injuries. Les currently serves on the Scientific Advisory Committee for the Institute for Work and Health and as an advisor to the U.S. National Economic and Social Rights Initiative.

Carol Elston

Carol Elston is a PhD Candidate in the Department of Sociology at the University of Guelph. Her areas of research interest include the transformation of work and labour markets; work and employment; working and balancing work and family; workplace health and safety, worker's compensation and economic restructuring; occupations and professions; social policy and welfare state transformation; and Canadian society. Her dissertation research is the impact of workplace injury and illness on injured workers' families.

Casey, Rebecca

Dalir-Nakhjavani, Neeky

Neeky is 19 years old and is majoring in theatre and minoring in political science at York University. Since her mother, Maryam Nazemi, was injured, she has been actively involved in injured workers rights and continues to participate in June 1st and winter rallies. She has made several speeches at injured workers events and is an ONIWG youth delegate. As she continues to pursue a career in acting, she continues to push and advocate for injured workers rights in Ontario.

Endicott, Marion

Farquhar, Alec

Alec Farquhar is Director of the Office of the Worker Adviser (OWA - Ontario Ministry of Labour). The OWA advises and represents non-unionized workers in their dealings with the Ontario Workplace Safety and Insurance Board and Appeals Tribunal. Previously, Alec was Managing Director of the Occupational Health Clinics for Ontario Workers Director of the MOL Occupational Health and Safety Branch. Alec has a long history of working with vulnerable worker communities including immigrant workers, women and young workers. He has had extensive experience in legal clinics, community organizing and supporting injured workers in taking collective action. A graduate of Princeton University, Alec also has an L.L.B. from the University of Toronto Faculty of Law.

Gaskins, Richard

Richard Gaskins received his Ph.D. (Philosophy) and J.D. from Yale University. He has held faculty appointments at Bryn Mawr College, the University of Chicago, the New School for Social Research, and Brandeis University, where he is the Joseph M. Proskauer Professor of Law and Social Welfare, and Director of Legal Studies. The author of *Environmental Accidents: Personal Injury and Public Responsibility* (1989), he has worked on comparative compensation legislation, including US and New Zealand policies, since 1975. He has held several visiting appointments at Victoria University Law School in Wellington. He currently lives half the year in The Hague (Netherlands), directing a study program in international law and human rights.

Goslin, Harry

Harry Goslin is President of the Ontario Compensation Employees Union. As President he leads a union of 3400 WSIB bargaining employees in 14 offices throughout Ontario. He believes compensation employees have a moral obligation to honour, respect and protect the needs and rights of all workers in Ontario. The local union routinely advocates on behalf of injured workers as evidenced in their campaigns to expand coverage, prevent privatization and avert the automation of worker claims.

Hanson, Mary

Mary Hanson is a member of the Board of Injured Workers' Consultants Community Legal Clinic, and maintains their online library and website. Currently librarian at ARCH Disability Law Centre, she trained in her native New Zealand and has worked also in Ontario, Montreal and Saudi Arabia in legislative, academic and health libraries.

Harper, Christie

Christie Harper is a Worker Adviser with the Office of the Worker Adviser (OWA), where she represents injured workers and their survivors before the Workplace Safety and Insurance Board, and the Workplace Safety and Insurance Appeals Tribunal. Before joining the OWA Christie represented injured workers in WSIB and Canada Pension Disability appeals as a private consultant. Christie is a licensed paralegal, and holds a Masters' degree in Work and Society from McMaster University

Hilgert, Jeffrey

Jeffrey Hilgert is Assistant Professor in the School of Industrial Relations at the University of Montreal where he studies occupational safety and health as a human rights issue. He is the author of *Hazard or Hardship: Crafting Global Norms on the Right to Refuse Unsafe Work* (Cornell University Press, 2013). The book is an in-depth examination of the rights of workers to refuse unsafe work and how a restricted class of refusal rights emerged in the 1970s and spread globally through international labor standards. Previously Hilgert spent several years as a labor rights and anti-poverty activist in Minnesota. He holds a Ph.D. in industrial and labor relations from Cornell University.

Hutchinson, Nancy

Nancy Hutchinson is the Secretary-Treasurer of the Ontario Federation of Labour. She was the first woman ever to be employed at the Campbell River Gold Mine in 1977. She served on the

executive committee of United Steelworkers Local 950 in Red Lake and in 1995 she became an International Staff Representative with the United Steelworkers. In 1996 she was promoted to the position of Steelworkers Health and Safety Coordinator for District 6 (Ontario & Atlantic Provinces.) In 2011 she became USW Canadian National Health, Safety & Environment Department Leader.

Ison, Terence

King, Andrew

Knelsen, Wendy

Kreaver, Karl

Lalli, Alberto

Alberto Lalli came to Canada on 8 December 1982; on 8 December 1986, exactly 4 years after his arrival, he started working as a Community Legal Worker at IAVGO Legal Clinic. Since then and from there, he has tried to assist, help, organize, represent and advocate (not necessarily in that order and with different degrees of success) the injured worker community in the fight for its benefits and rights. Some people say that he has done a very good job while others opine that he has been a terrible representative; he, on the other hand, thinks that both sides are wrong.

Luansky, Laura

Lippel, Katherine

Katherine Lippel, LL.M., FRSC, is a full professor of law at the Faculty of Law (Civil Law Section) at the University of Ottawa and holds the Canada Research Chair in Occupational Health and Safety Law). She is also associate professor of law at the Université du Québec à Montréal, where she was a professor from 1982-2006, and where she is a member of the CINBIOSE research centre, an adjunct professor in Carleton University's School of Social Work, and an adjunct scientist at the Institute for Work & Health. Her research interests include work and mental health; health effects of compensation systems; policy, precarious employment and occupational health; interactions between law and medicine in the field of occupational health and safety; disability prevention and compensation systems; women's occupational health; regulatory issues in occupational health and safety; globalization and occupational health and safety.

Mantis, Steve

Steve Mantis was injured in an industrial accident in 1978 losing his left arm. He went through the WCB system and saw first hand how it failed for many injured workers. In 1984, he helped found the Thunder Bay and District Injured Workers Support Group and presently serves as their Treasurer. He has been active ever since working to improve the lives of injured and disabled workers across Canada both through increasing the awareness of the barriers many disabled workers face and organizing self-help groups to address those barriers. He is finishing his fifth term as Secretary of the Ontario Network of Injured Workers Groups (ONIWG).

Macdonald, Aidan

Aidan Macdonald is a community legal worker with Injured Workers' Consultants Community Legal Clinic. He recently completed an MA in Political Economy at Carleton University, with his research focus being a critical analysis of the economic development program that is currently being implemented in Palestine. While at Carleton, he was active as a campaign organizer with the Ontario Public Interest Research Group. He has also been involved in labour organizing, and has served as the human rights representative for his union local.

MacEachen, Ellen

Ellen MacEachen is a Scientist at the Institute for Work & Health and an Associate Professor with the Dalla Lana School of Public Health at the University of Toronto. Her research focuses on the evaluation, organization and implementation of occupational health systems. Her work provides critical consideration of how injured workers experience work disability systems and how key providers and decision-makers frame their service provision decisions and actions.

Mackinnon, John

John McKinnon has been the lawyer/director for Injured Workers' Consultants community legal aid clinic since 1989. He is involved in continuing education programs with the OBA, the LSUC and the legal clinic system. He co-chairs the Ontario Legal Clinics' Workers' Compensation Network, has served on the Workplace Safety and Insurance Law Committee of the LSUC's Specialist Certification Program and works closely with the Ontario Network of Injured Worker Groups. He is a founding member of www.injuredworkersonline.org and RAACWI. www.consequencesofworkinjury.ca

McCluskey, Martha

Martha T. McCluskey is Professor of Law and William J. Magavern Fellow at the State University of New York at Buffalo, as well as a member scholar of the Center for Progressive Reform. She previously worked as an attorney for the Maine Public Advocate Office, which advocated for ratepayers in workers' compensation insurance regulatory proceedings. She has written a number of scholarly articles criticizing economic arguments used to rationalize cutbacks in workers' benefits.

Maloney, Larry

Pothier, Jennifer

Premji, Stephanie

Stephanie Premji is interested in the working conditions and associated health problems of disadvantaged populations within industrialized countries. She has also explored social inequalities in work-related health across and within occupations as well as the mechanisms at play in creating or amplifying inequalities. She has also conducted various research projects on social disparities in access to workers' compensation. She has participated in various educational and political initiatives to promote immigrant workers' health and is interested in developing avenues for action.

Rae, John

John Rae brings a broad combination of community, government and union involvements to all of his varied activities. He took early retirement from the Ontario Public Service in 2005 after a 24-year career, during which time he participated actively in Canada's labour movement where he served in elective positions at the local, provincial and national levels. Today, he is a member of OPSEU's Disability Rights Caucus, and represents the National Union on the CLC's Disability Rights Working Group. He is also Co Chair of the Council of Canadians With Disabilities Technology Committee and a member of its Social Policy Committee.

Ryan, Sid

Born in Dublin, Republic of Ireland, Sid Ryan is in his second term as the President of the Ontario Federation Labour, Canada's largest provincial labour federation, where he represents 54 unions and over one million workers. Previously, Sid headed up CUPE Ontario for 17 years and became one of the labour movement's most recognized voices on public health care, education and public services. His firebrand militancy and unwavering principles have earned him an international reputation as a champion of equity, social justice and human rights.

Sairanen, Sari

Sayre, Jim

Storey, Robert

Robert Storey teaches in the School of Labour Studies and Department of Sociology at McMaster University. He is also a member of the Injured Workers' History Project.

Vienneau, Pat

Wardle, Margery

Wilken, David

Yachnin, Maryth

Thank You

The Conference organizing Committee would like to thank the following individuals and organizations for their financial and other forms of support.

Craig Heron

Mary Hanson

Sak Goldblatt Mitchell

Ontario Federation of Labour

Occupational Health Clinics for Ontario Workers'

[INSIDE BACK COVER]

No Half Measures Conference Organizing Committee

Terri Aversa, Ontario Public Service Employees Union

Beryl Brown, Bright Lights Injured Workers' Group

Orlando Buonastella, Injured Workers' Consultants

Marion Endicott, Injured Workers' Consultants

Mary Hanson, Injured Workers' Consultants

Laurie Hardwick, Ontario Federation of Labour

Carol Elston, Department of Sociology, University of Guelph

Alberto Lalli, Industrial Accident Victims' Group of Ontario

Steve Mantis, Ontario Network of Injured Workers' Groups

John McKinnon, Injured Workers' Consultants

Maryam Nazemi, Women of Inspiration

Wendy Knelsen, London Injured Workers' Group

Jennifer Pothier, Niagara North Community Legal Assistance

Robert Storey, School of Labour Studies/Department of Sociology, McMaster University



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