

Injured Workers are part of the Fight for \$15 and Fairness

Just as we struggle for employment standards that treat all workers with dignity and respect at work, we must also struggle for workers' compensation that meaningfully and holistically supports people through their injuries.

Workers who are in precarious and low-waged jobs are:

- At greater risk of being injured at work.
- Less likely to report injuries and unsafe working conditions.
- Significantly more likely to fall into poverty when they are injured.

By the numbers – benefit cuts and injured worker poverty

The Workplace Safety & Insurance Board (WSIB) is more concerned with cutting its own costs than in protecting the well-being of injured workers:

- Between 2009 and 2015, \$1.16 billion have been cut from overall benefits to injured workers.
- 46% of permanently disabled injured workers live in or close to poverty. It's not uncommon for injured workers to become homeless after being cut off benefits. Families are broken apart due to the financial and emotional strain of dealing with the compensation system.

This is the injured worker front in the broader battle against austerity – a battle that we can win with a unified voice and collective power.

For injured workers, Fairness means:

- Universal employment standards coverage, universal workers' comp coverage: About 1/3 of workers in Ontario are not covered by workers' compensation, and are therefore at greater risk of and falling into poverty if they are injured at work. Just as all workers deserve minimum standards of work when they are working, so too do all workers deserve the same protections in case of injury or illness on the job.
- No downloading onto temp agencies: More and more, employers are downloading their responsibilities for both minimum standards and workers' compensation onto temp agencies. In the workers' comp system, injuries to temp agency workers are recorded in a way that encourages employers to outsource risky jobs to agencies. Temp agency workers are deemed more disposable and are more likely to be injured on the job. We need actual accountability measures to be put in place, to stop employers and temp agencies from gaming the system.

For injured workers, Fairness means:

- Protections for workers, enforcement against employers: Employers frequently try to suppress claims, and punish workers for reporting their injuries. Even though this is technically illegal, there is only weak enforcement against employers who do it. For both employment standards and workers' compensation, we need real protections for workers' rights, and real enforcement against employers who try and skirt the law.
- End workplace harassment and bullying: Currently, the WSIB rejects all claims from workers who develop mental health consequences from chronic bullying or harassment in the workplace. This blanket rejection has been declared unconstitutional, but the WSIB refuses to change. Fulsome protection from workplace bullying and harassment means ensuring that the compensation system recognizes and compensates people for it.

The fight against “Deeming”

The demand to raise the minimum wage to \$15/hour is of central importance to all workers. But there is a dilemma in how injured workers relate to this demand. Because of “deeming” – one of the WSIB’s more insidious mechanisms to cut people off benefits – when the minimum wage goes up, injured worker benefits go down.

“Deeming” is when WSIB cuts people’s benefits by dreaming up a phantom job that it claims a worker could get. It then pretends they are earning the salary of the non-existent job, and cuts their benefits by the amount of the phantom salary. The extra harmful thing is that when the minimum wage is increased, the WSIB is able to deem people at a higher phantom wage as well.

What this looks like in reality:

- Joanna is making \$15/hour when she has a permanent back injury and can’t go back to her old job.
- The WSIB “deems” Joanna to be working as a customer service representative and making minimum wage, even though she doesn’t actually have a job and in fact isn’t able to work at all.
- Joanna’s benefits are cut by \$11.40/hour, and she now only gets about \$3/hour in benefits. Joanna falls into poverty.
- When the minimum wage goes up to \$15/hour, Joanna is now deemed to be making \$15/hour. Her benefits cut by that amount, and she no longer even gets the \$3/hour she would have before.

So, for injured workers, Fairness also means end deeming – no more phantom jobs.

The struggle for decent work and the struggle for decent workers’ compensation are inextricably linked. Let us demand a \$15 minimum wage for all. Let us demand fair working conditions. And let us also demand a fair workers’ compensation system that protects injured workers at the same time as the floor is raised for all workers. Let us join forces in the rising tide against austerity.

For more info on injured workers, visit injuredworkersonline.org; Twitter: @ONIWG

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