



WE DEMAND: NO CUTS BASED ON PHANTOM JOBS

Background: "NO DEEMING"

"Deeming" (also called "determining") refers to a practice used by the WSIB in which they pretend an injured worker has a job that they do not actually have. The Board then uses the "phantom job" as an excuse to cut benefit payments.

For example, a construction worker who permanently injured while making \$20 per hour may receive full wage loss benefits from the WSIB for a while. After a time, the WSIB may agree that the worker cannot return to construction, but may decide they could be a minimum wage cashier, and will reduce benefits by \$11.40 per hour - *even if the worker is not medically able to do the work, or unable to find a job.*

Why is this important?

Deeming reduces injured worker benefits, and systematically leads to poverty. **This forces people onto publicly funded systems like Welfare (OW) and Disability (ODSP)**, instead of receiving the employer funded benefits they are entitled to.

If an injured worker tried to increase their benefits by pretending they were making *less* money than they are, they would be penalized for cheating. But when the WSIB cheats and pretends a worker is earning *more* than they really are, the benefits are reduced and the Board keeps the money. This is unfair and unjust!

In addition, Ontario has just announced a long overdue increase to minimum wage, and while this is an excellent initiative, *the WSIB will use the minimum wage increase to pretend people are earning even higher phantom wages, and cut their benefits even further!*

(See the chart on the next page)

Effects of WSIB's DEEMING policy

Pre-injury Wage Single no dependants	Net Average Earnings - (40 hour work-week avg.)	Loss of Earnings is calculated at 85% of net	Impact of Deeming Min Wage Deducted \$11.40 x 40 hours x 85% + deductions	Impact of Deeming Min Wage Deducted \$15.00 x 40 hours x 85% + deductions	Reliance on Social Support Systems (Municipalities, OW, ODSP) <i>*if eligible</i>	Impact to Injured Worker
\$13.00 per hour	\$520.00 - deductions = \$437.88	85% of \$437.88 = \$372.20	\$372.88 - \$332.26 = \$40.62 Loss Of Earnings paid (weekly)	\$0 Loss Of Earnings paid (weekly)	Worker heavily reliant* on provincial and municipal systems and becomes fully reliant* based on \$15.00 min wage	Esteem plus abject poverty and all ailments and afflictions associated with it.
\$28.00 per hour	\$1120.00 - deductions = \$864.31	85% of \$864.31 = \$734.66	\$734.66 - \$331.57 = \$403.09 Loss Of Earnings paid (weekly)	\$734.66 - \$422.92 = \$311.68 Loss Of Earnings paid (weekly)	Worker may* qualify for some social assistance.	
\$20.00 per hour	\$800.00 - deductions = \$647.02	85% of \$647.02 = \$549.97	\$549.97 - \$331.58 = \$218.39 Loss Of Earnings paid (weekly)	\$549.97 - \$422.99 = \$126.98 Loss Of Earnings paid (weekly)	Worker may* qualify for some social assistance but becomes partially reliant* based on \$15.00 min wage	

As the above chart shows, deeming causes injured worker poverty by reducing or completely eliminating benefits. The WSIB does this by pretending workers are employed or employable when they are not. Poverty creates whole new sets of physical and psychological health issues, and affects family and community well being.

What is the demand?

Injured workers and their allies are demanding the abolishment of the WSIB's unfair practice of deeming. Stop discriminating against injured workers by treating them like liars.

What are the solutions?

- Legislative changes must be introduced to prevent WSIB from “deeming” an injured worker **unless it has documentation to prove that the worker has turned down an offer of suitable work**. This is known as the “tangible indication test,” and it was proposed as the standard for deeming when the system was first introduced. If this test is not met, the WSIB must pay benefits based on actual lost wages.
- Return to one-year support and compensation for job search assistance.** The WSIB must provide permanently disabled injured workers with meaningful assistance in securing suitable work, via supportive vocational rehabilitation counsellors and wage loss benefits while they engage in their job search.