

Willy Noiles  
President

Peter Page  
Executive Vice President

Jeannie Howe  
Secretary

Janet Paterson  
Treasurer



**HEAD OFFICE**  
412 Louth St, Unit 1  
St. Catharines, ON  
L2S 3P7

(289) 219-4473  
[oniwgexec@gmail.com](mailto:oniwgexec@gmail.com)  
[www.injuredworkersonline.org](http://www.injuredworkersonline.org)

---

November 20, 2017

Mr. Kevin Flynn  
Minister of Labour  
400 University Avenue, 14<sup>th</sup> Floor  
Toronto, Ontario  
M7A 1T7

Dear Minister Flynn,

I am writing to you regarding the urgent matter of the WSIB's practice of "deeming"/"determining"<sup>1</sup> and the minimum wage increase. As you are aware, ONIWG and other members of the injured worker community have sent you several letters about this issue. We have also met with your staff, and you and I had an informal conversation about it at Queen's Park at the end of October. Through all of these communications, however, we still do not have a clear sense of how your Ministry intends to protect injured workers from having their compensation benefits reduced when the minimum wage goes up in January.

Our members were dismayed to see that the proposed amendment to Bill 148 that dealt with this issue was ruled out of order. This was an opportunity to ensure that the increased minimum wage – a measure that ONIWG fully supports and that is meant to protect some of the most vulnerable people in Ontario – would not have the unintended consequence of sending vulnerable injured workers deeper into poverty.

We feel strongly that technicalities must not be used to avoid addressing the issue of deeming and the minimum wage. Given that the Bill 148 hearings were not seen to be the correct avenue to deal with it, we would like to ask you how your office does plan on solving the issue.

In the hallway conversation you and I had at Queen's Park a few weeks ago, you assured me that the issue would be dealt with, and that injured workers did not have to worry about it. While I appreciate the sentiment, the reality is that the WSIB has already started to deem people at the \$14/hour minimum wage. We have provided your staff with case examples of this happening.

---

<sup>1</sup> In previous correspondence, you have noted that the term is now "determining," rather than "deeming." While we are aware that the word has officially changed, the practice remains the same. As such, the injured worker community continues to use the term "deeming."

With the WSIB already beginning to take this action, injured workers do indeed have good reason to worry. As I am sure you can appreciate, people need to know that the government is looking out for their best interests, and they need to hear publicly how they will be protected from heightened deeming when the minimum wage goes up. As such, I would like to ask you what you meant when you said we did not have to worry.

In our meetings with your staff, we have been informed that there are discussions happening regarding this issue, and that options are being looked at. Again, while we are glad that this is on the Ministry's radar, we would like to know who the discussions are happening with, and what the options are. ONIWG would like to be involved in the discussions and be able to provide input into the options. We feel that it is not unreasonable for those who are most directly affected by the issue to be included in the conversations around solutions.

The suggestion we have made in the meetings with your staff is for you to raise the issue with the senior administration at the WSIB, and to communicate to them that people's benefits should not be reduced by deeming them to be earning a higher minimum wage as of 2018.

Again, this is not an issue that can be set aside due to technicalities. By our estimates, nearly 82,000 injured workers have been incorrectly deemed since 2007. And when the minimum wage goes up in a few short months, thousands of injured workers will see their compensation reduced because of deeming – unless the government steps in to prevent this from happening.

You have the ability to make a real difference on this issue. Injured workers are keen to know what solutions are being looked at, and how we can be included in the conversations going forward.

I look forward to hearing from you.

Sincerely,



Willy Noiles  
ONIWG President

cc: Ms. Kathleen Wynne, Premier  
Ms. Andrea Horwath, NDP Leader  
Ms. Cindy Forster, NDP Labour Critic  
Mr. Patrick Brown, PC Leader  
Mr. John Yakabuski, PC Labour Critic  
Mr. Chris Buckley, OFL President