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### Our aim for the community forum today

- Highlight some findings from a recently completed study with injured immigrant workers
- Discuss with you our recommendations and get feedback on others
- Discuss with you what you would put into a non-academic report
- BREAK
- Tell you about two other studies/projects
  - Scan of health & safety resources aimed at newcomers to Canada
  - “Prevention is the Best Medicine” – developing a resource on OHS and workers’ compensation to be used in settlement services

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1



### A delicate dance with many partners: Immigrant workers’ experiences of injury reporting and claim filing

Agnieszka Kosny, Marni Lifshen, Ellen MacEachen,  
Peter Smith, Cynthia Neilson, Gul Joya Jafri, Diana  
Pugliese, John Shields

Support provided by WSIB Research Advisory Council

Research Action Alliance on the Consequences of Work Injury



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### Study purpose

To gain an understanding of new immigrants’ experiences after a work-related injury, including:

- Injured immigrant workers (IIWs) knowledge of rights (reporting, refusing unsafe work)
- What helps or hinders the reporting of injuries and the filing of claims
- Experiences with WC system (language services, adjudication, LMR etc.)
- Experiences with employers and health care providers at the time and after injury
- Effect of injury on worker, family, finances, future in Canada

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3



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### Methods

#### Interviews

- 14 in-depth interviews with service providers who work with immigrant workers (HCPs, legal advisors, settlement staff, comp staff)
- 28 in-depth interviews with immigrant workers who had been injured
- 14 interviews were conducted with the help of an interpreter
  - 18 men, 10 women
  - Most workers were from Asia and Middle East
  - Most arrived after 1996
  - Most had back/shoulder/arm and MSK injuries
  - 20 filed a claim, 8 did not

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4



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## Finding work

- Workers reported difficulty finding work
  - Language difficulties (accents)
  - Lack of Canadian job experience
  - Credentials not recognized

*There's nothing, so I scraped for several months, then my money ran out. After that when you run out of the money...what can I do? I had to accept anything. It's very hard for engineer to accept work, as a worker, labour, general labour. General labour they say "come here ,go there" [...] I couldn't believe that I had to do that. Yes, we believe in humbleness, but this is not humbleness. (Gamal, IW)*

- "Survival jobs" were common after arrival in Canada – even for economic class immigrants

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5



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## Finding work

- Settlement is costly (pay for flights, immigration fees, setting up of a new residence), workers said they needed work quickly
- Took these jobs as financial resources dwindled, often giving up language training to do so
- Few professional networks, most jobs found through **temporary work agencies** or through **family/friends/acquaintances** from same community

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## Working conditions

- Many workers said they were ill-prepared for the job
  - Job in Canada was *vastly* different from job in home country
  - Working with unfamiliar tools and equipment
  - Work pace and physical conditions of work were different
- At the job where injured, few received training (both job and OHS).
- A number of workers felt this was because they were "disposable labour"

*Training from employer? **No way.** {Laughter}...you don't need training for that kind of job, they just need a labourer. Like my friends say, that's not America, today in North America they need **slaves.** (Ping, IW)*

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7



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## Working conditions

### A combination of...

- language barriers
- limited social and professional networks
- a lack of Canadian experience
- need to find work right away

**...funnelled workers into poor quality jobs that did not make use of their skills and in the end led to injury**

QUESTIONS? COMMENTS?

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## Reporting an injury

- We found that reporting an injury and filing a claim were separate events
- Reporting – the supervisor or HCP is informed of the injury
- Filing a claim – an official form is filed with the WSIB (by worker, HCP or employer)
- Reporting depends on the worker
- Claim filing is the responsibility of the employer upon learning of the injury

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9

## Reporting an injury

- Reporting of injury made difficult due to fear of job loss and financial consequences

*The most important thing is that I want to survive...if I tell them[about the injury] then I lose my job, then I cannot survive. (Jin, IW)*

*I told you that if have to do survival job, that is the ongoing process because they'll not care for you. No-no employer will take care of you. They'll say, "You have to work, otherwise you go. Goodbye." Every supervisor is like that. I have so much problems...so much harassment. (David, IW)*

- Job loss fear - not unique to immigrant workers but many had additional financial pressures (sending money home, family sponsorship, settlement in Canada) AND knew job prospects were limited
- **In most cases workers reported injury - fulfilled their responsibility**

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10

## Claim filing

- While most employers and HCPs were informed of the injury this rarely led to prompt claim filing

*I: So did you tell your employer that you were injured?*

*T tr: Yes, immediately....I said so to the bosses, to the person who was responsible, the owner of the company...but it happens that sometimes they don't believe that you HAVE had something happen or, it's not convenient for them...After the first accident my coworkers told me that the boss was saying that it was PURE THEATRE and that I hadn't suffered anything. (translated, Donald, IW)*

- Workers told us that often the employer:
  - Told worker that they would not be believed
  - Misinformed worker about his or her rights
  - Directed worker to go elsewhere (EI, social assistance)
  - Did not send in forms
  - Offered time off work (paid or unpaid) instead of filing a claim

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11

## Claim filing

- Because workers were not aware of their rights - interpreted an employer's attempts at claim management as kindness

*My boss called me, to the hospital and said "Well Mina, you know, you are short for three weeks because you had to go for your surgery, that is okay. I'll pay you for these three weeks but when you come back to work you have to pay me back this money. Again, I didn't know what she was talking about, and I said "Sure, thank you so much!" For me it was like, okay, like this paycheque come, I pay the mortgage until I sell the house. I thought, oh my God, she's an **angel** to [do] this favour to me. (Mina, IW)*

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12



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### Claim filing

- When claim filed, workers sometimes experienced intense pressure to RTW immediately (NLT claim?-less costly for employer)

*He say "Okay, you know what? You have to come every day, every day you have to come, we're going to send taxi. Every day taxi is going to bring you here, take you home, you don't do nothing you go to medical room you lay down. When you come in you have to punch your card and go lay down.".... "That is rule you have to follow.... That's what you do." (IIW, Hatti)*

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**Workers who did not have strong English language skills and did not understand compensation rules were in no position to challenge these claim/injury management practices**

Comments? Questions?

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### Experiences with workers' compensation

- Experiences varied – better when workers had a visible injury, spoke English and had support
- Language problems sometimes led to mistakes being made on forms or a lack of detail – this had a negative impact on a claim and undermined credibility
- Workers had difficulty understanding rules and processes of the compensation system and return to work process – communication by phone or letter

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### Experiences with workers' compensation

- Access to interpretation services was patchy and up to the adjudicator. Sometimes workers were offered an interpreter, sometimes they were not, some workers used family or friends as interpreters, sometimes the worker did not feel like s/he needed one
  - Did not know about how complicated the system was
  - Did not understand how language limitations could affect claim
- Workers who did not speak English often left claims in the hands of others
  - Disengaged from whole process - "swept along" in the current
  - Did not know what was happening with their claim
  - Help received varied in quality
- Many workers were eventually laid off or left the job after their injury

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16

### What can help?

- Given our findings... let's discuss what could make things better for new immigrants
  - At work
  - To help invoke rights
  - To prevent injury
  - After an injury occurs
  - With reporting and filing a claim
  - At the WSIB

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17

### What can help?

#### Information and resources for the worker

- Easy access to free, language appropriate resources (legal services, settlement services)
- Information about employment standards, worker rights and responsibilities  
*"If employers knew that immigrants knew about their rights they would treat us differently" (Mina)*
- Informal information – sick vs sick from work; importance of documentation
- Information about wage replacement (EI, social assistance) and access.

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18

### Information is needed...but it's not enough

- Currently there is a lot of information available BUT...reliant on the initiative and resourcefulness of worker
- Worker may not have time to find information (multiple jobs, preoccupation with settlement)
- Not everyone has easy access to computers
- Language difficulties
- Worker may have no expectation that s/he will be doing manual labour or will run into problems – will not look for the info

Integrate OHS, rights and WC info into settlement services and language programming –as immigrants are entering the labour market

Workers should also be given info as they enter Canada ("Welcome to Canada: What you should know" guide)

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19

### What can help?

#### In the workplace

- Job protection if a job is refused or when a worker is injured – currently many workers do not feel protected
- Targeting of workplaces where there may be a higher concentration of new immigrants and where OHS rights/responsibilities and reporting pathways are complicated (temp work agencies etc.)
- Focus on increasing compliance of HCPs and employers vis-à-vis filing claims and providing suitable RTW (How?)

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20



## What can help?

### At the WSIB

- Formal interpretation services should be offered as a matter of course. The offer, if declined, should be repeated throughout the process
- WSIB should offer Form 6 in other languages
- Provide alternatives to phone and form communication
- Currently WSIB does not collect (keep?) info that identifies workers as new Canadians. Difficult to identify those who require more assistance or determine if newcomers are faring worse than Canadian born workers in the WC system
- WSIB has many services for non-English speakers – need new ways of getting info out to workers



## What can help?

### Immigration system

- Immigrants coming through the points system may have English language difficulties (esp those who are not the principal applicant), provide opportunities for free language training
- Workers should be provided with realistic impressions of the sorts of jobs they are likely to get at first
- Governments need to work toward getting foreign credentials and work experience recognized and build professional networks for immigrants




## Lay report

What sort of info to include in the final report for workers and community organizations?

Length?  
Detail?  
Pictures/graphics?  
Charts/graphs?  
How would you structure it?



## Break



## A National Scan of Safety Resources for Recent Immigrants Entering the Canadian Workforce

Agnieszka Kosny & Marni Lifshen

Funded by Public Health Agency of Canada

Acknowledgments: Joanna Liu & Quenby Mahood (Library/grey literature search support)




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## Background

- One in five Canadian workers is an immigrant
- Immigrants coming to Canada specifically for the purpose of employment now comprise almost 60% of all new permanent residents (up from 41% in 1993)
- New workers and recent immigrants are more likely to experience a work-related injury
- We know little about the sort of materials that are directed at new immigrants to inform them of their rights at work, prevent injury or help once a work-related injury takes place

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## Study purpose

To examine the **services, programs and resources** available to newcomers to Canada that focus on ES, OH & S and WC.

- What kind of resources available (topic, volume and type)
- Audience (workers? Employers? ESL instructors?)
- Geographic distribution of resources
- Language (materials translated and if so into what languages?)

Aim was to identify important gaps and highlight case studies of programs that present interesting opportunities for providing this information to newcomers.

Focus on materials that could be found on-line (electronically)

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## Findings

- We examined **421 websites** across Canada and found a total of **224 resources** that met our search criteria.
- The greatest numbers of resources found in **Ontario**, followed by **British Columbia** and **Manitoba**.
- Very few resources found in the Atlantic provinces, the North and Quebec
- Greatest number of resources on ES, fewest on WC
- Most resources were factsheets/pamphlets – so not much in-depth info
- Most of the info directed at newcomers only available in Fr and Eng

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### Findings...some opportunities for getting information out

- Many orgs provide employment preparation and language programs
- Pre-departure programs for newcomers
- Official 'welcome guides' (provincial and national) can also include information
  - These present a great opportunity for including resources about employment standards, occupational health & safety and workers' compensation newcomers
- Large number of materials aimed at newcomers that were *only* offered in the official languages.
  - A large number of immigrants do not have language ability in either English or French (For example, in British Columbia 34%, in Saskatchewan and Manitoba 35%). Translation is important.
- Few resources aimed at young workers who are immigrants (In 2009, 37,340 immigrants coming to Canada were between the age of 15 and 24)

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29



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### Case Studies: Newcomer Resources from WCBs

- No resources targeted towards immigrants or translated information available from the WCBs of:
  - Prince Edward Island
  - Newfoundland
  - Nova Scotia
  - New Brunswick
  - NWT/Nunavut (shared WCB)
  - Yukon Territories
  - Saskatchewan

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30



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### Case Studies: Newcomer resources from WCBs

- The following jurisdictions provide some kind of resources directed towards immigrants:
  - Quebec
  - Alberta
  - Manitoba
  - Ontario
  - British Columbia
- However, even when a WCB had some kind of resource for immigrants, there was wide variation in how accessible these resources were

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31



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33

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Find out more about how we make decisions, by reviewing the Operational policy manual, Employer Classification Manual, and Adjudication support documents. You'll also find useful forms and fact sheets on a variety of topics, including benefit payments, and rights and responsibilities.

**Related links**

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34

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**About us**  
How we're working with you

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**Fact sheets for workers**

Our fact sheets for workers describe the claim process and benefits workers may receive.

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35

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- View claim costs

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- by topic
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- Find a safety sign
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## Bienvenido

Bienvenido a WorkSafeBC. Por favor pulse en el icono de transmisión vía Internet (webcast) para escuchar a un representante de WorkSafeBC explicar en español cómo funciona nuestro sistema, nuestros servicios y dónde encontrar la gran variedad de útiles herramientas de ayuda que ofrecemos al público.

Si usted es un trabajador lesionado y desea comenzar una solicitud de indemnización con WorkSafeBC, diríjase al Centro Teleclaim (en inglés) en donde representantes de WorkSafeBC de habla española lo ayudarán a completar un parte de lesión y le explicarán el proceso de solicitud.



 [Reseña](#) [Acerca de Nosotros](#) (en inglés) [Contáctenos](#) (en inglés)

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### Guía WorkSafeBC para Trabajadores

Esta guía proporciona una descripción de los servicios ofrecidos por WorkSafeBC, tales como tipos de beneficios, lo que debe saber para volver a su trabajo y sus derechos y responsabilidades. Además le explica dónde encontrar mayor información.

 Descargue una copia de la Guía WorkSafeBC para Trabajadores (PDF 52kb/6 páginas)

### Sitios más frecuentados (en inglés)

- Vea el progreso de su solicitud de indemnización
- Teleclaim
- Beneficios para trabajadores
- Sus derechos
- Reevaluaciones y apelaciones
- Formularios

¿Es un trabajador temporal que viene del extranjero?

### Guía WorkSafeBC para Empleadores

Esta guía proporciona un resumen de los servicios disponibles para empleadores. Por ejemplo, cómo registrarse, qué hacer si sucede un accidente y su responsabilidad de proporcionar un medio laboral sano y seguro; también nombra fuentes adicionales de información.

 Descargue la Guía WorkSafeBC para Empleadores (PDF 52kb/3 páginas)

### Sitios más frecuentados (en inglés)

- Informe de accidente (Formulario 7)
- Vea el progreso de su solicitud de indemnización
- Regístrese para obtener cobertura
- Informe nómina
- Servicios en Internet
- Efectúe pago
- Obtenga carta de autorización
- Formularios

¿Emplea a un trabajador temporal extranjero?

## Publicaciones y multimedia



**Si queda dentro de la cabina, queda vivo**  
Cada año, trabajadores son aplastados, mutilados o mueren cuando saltan o son lanzados de carretillas elevadoras. Este vídeo recuerda a los conductores de estos vehículos la importancia de usar el cinturón de seguridad. Y recuerde: si su carretilla se vuelca, afírmese y quédese en la cabina.  
(30 s)



**Haga que su Casa sea un Lugar Más Seguro Para su Auxiliar de Cuidados a Domicilio**  
(PDF 1.4mb) Publicación # PH94s



**Una Introducción al Equipo Personal de Protección Contra Caídas**  
(PDF 489kb) Publicación # BK60s



**Prevención del Estrés Térmico en el Trabajo**  
(PDF 310kb) Publicación # BK30s



**Seguridad en el Trabajo - Trabajadores Agrícolas**  
(PDF 213kb) Publicación # PH96s



**WHMIS: Los Fundamentos**  
(PDF 4.6mb) Publicación # BK61s




**Serie de Seguridad en la Industria de la Construcción**  
(PDF 817kb) Publicación # CSS1s



**¿Buscas un Nuevo Trabajo?**  
(PDF 3.2mb) Publicación # PL24s



**¡Lávese las Manos!**  
(PDF 121kb) Publicación # N/A


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## Other Unique Initiatives: Manitoba and British Columbia

- The Manitoba Immigrant Safety Initiative: Guides, tip cards and fact sheets on OHS and WC available in multiple languages
- Initiative targets ALL stakeholders- immigrant workers, employers of immigrant workers, ESL teachers and settlement workers. Also targets CLB levels 1-7 (full range)
- The Progressive Intercultural Community Services of British Columbia (PICS BC)- "Cultural Navigator" Program
- BC Federation of Labour- OHS through ESL course and/or OHS in alternate languages

• Any questions? Comments? Thoughts?

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## Prevention is the Best Medicine

Pilot project funding via WSIB RAC to develop a educational module about occupation health and safety and workers' compensation that could be administered via job search workshops and language programs

Researchers: A. Kosny, M.Lifshen, P. Smith, R. Saunders, C. Breslin  
Project partners :

- Skills for Change (Settlement Agency)
- Workers' Health and Safety Centre
- Safe Workplace Promotion Services Ontario
- Multilingual Services, Workplace Safety and Insurance Board
- Health & Safety Policy & Program Development Branch, Ministry of Labour
- Injured Worker Consultants (Injured worker group)
- OCHOW

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## Prevention is the Best Medicine: Project Plan

- Information scan of current resources and categorization of resources (this is completed)
- Development of modules with the help of Advisory Committee
- Focus group with new Canadians enrolled in language and job search workshops and with staff delivering workshops- focus on the strengths/weaknesses of the module, how it can be improved both in content areas and in the delivery of the information
- Apply for additional funding to deliver module in several settlement programs/agencies and conduct full evaluation

**What sort of information would be useful to include in such a module??**

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41



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