

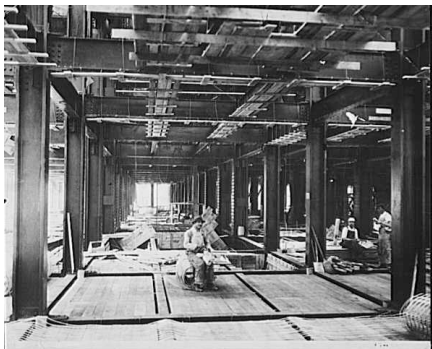
# Injured Workers' Day



**June 1, 1984 was the first injured workers' day. But the naming of a day for injured workers did not come from the thin air. It came as a result of decades of struggle by injured workers for justice.**

## 1915 Workmen's Compensation Act

There is no real starting point for the struggles of injured workers in Ontario. Workers have always complained about dangerous and un-

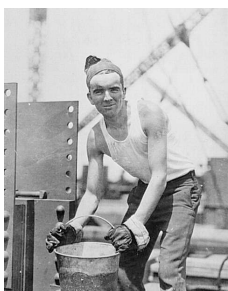


healthy working conditions. If injured at work, they had to sue their employers for compensation. Victories were few and the court awards paltry. A dramatic increase in injuries in the 1900s led workers and trade unions to demand compensation as a right. The 1915 Workmen's Compensation Act gave workers injured on the job that right. The Act expressed these principles.

- ✿ Compensation as long as disability lasts
- ✿ No fault
- ✿ Collective liability; Employer funded
- ✿ The WCB a public, independent institution
- ✿ Non-adversarial

## Disaster

For many of today's workers, the starting point for new struggles began with the 1960 Hoggs Hollow tragedy. Five Italian workers were killed when the tunnel in which they were working filled with fire and mud. Community outrage sparked the calling of a Royal Commission and the passing of new safety regulations. These regulations offered little real protection.



When the building boom in Ontario's cities in the 1960s brought more workers into construction and industry, it also brought more injuries. And, more injuries brought more

workers face to face with the Workmen's Compensation Board.

## Poverty & Humiliation

If a worker had a visible injury, like a broken bone, or worse a severed limb, getting compensation was usually quickly done. It was another matter, though, if the injury was invisible or it concerned disease.

Damaged backs among construction workers and diseased lungs among miners, steelworkers and asbestos workers were the major compensation issues of the 1970s. Large numbers of workers who were permanently disabled from such injuries either had their claims denied or were awarded meagre pensions that could not support a household. For all disabled workers this was a deeply frustrating and humiliating experience. WCB officials, especially WCB doctors, did not seem to listen to them or believe their pain. For immigrant workers with few Eng-



lish language skills and little formal education, it was also a devastating blow to their dreams both for themselves and their families. There would be no photos in front of a new car to send to family back home.

## Justice for Injured Workers

Individual complaints gave way to collective struggle in the mid 1970s. With Italian

## Injured Workers' History Project

construction workers leading the way in Toronto, injured workers mounted protests and demonstrations in cities across the Province. In May 1974 injured workers met in Toronto to form the Union of Injured Workers. At its founding meeting, the UIW set out its four basic demands.

1. Job Security or Full Compensation
2. Cost of Living Increases
3. No Board Doctors
4. Better safety on the job

Collective organization and constant protest brought change. With the important support from their local communities, community legal clinics and members of the New Democratic Party, the struggles of injured workers resulted in higher disability payments, the creation of pension supplements, and more claims appeal victories. Injured workers were finally allowed to see their files. Greater justice was being won.



### Pensions: To Be Or Not To Be?

The Conservative government and the WCB made these changes only very reluctantly. Ontario's employers opposed them saying that they were increasing their costs, making their products noncompetitive, and reducing the incentive for injured workers to return to work. Life was too good on compensation!

Their response took the form of a government inquiry into the entire workmen's compensation system. The government chose Harvard University law professor, Paul Weiler, to conduct this inquiry. In the fall of 1980 Weiler issued his report and the battle lines were drawn.

Injured workers found some of Weiler's recommendations satisfactory. For example, he called for an independent appeals process and for more emphasis on rehabilitation. But his central recommendation drew their outrage. In place of a lifetime pension for workers partially and/or permanently disabled, Weiler suggested the introduction of a two part compensation system. One part was a lump sum payment to account for pain and suffering. The second part was the establishment of a wage loss system that Weiler

claimed would be better than the pension system because it would compensate workers for the wages they would actually lose.

The Weiler Report brought the many injured worker organization together. From 1980 to early 1983, injured workers and their supporters held countless meetings in cities across the Province to explain the changes being proposed and to organize a response. The government refused to listen and proposed a draft bill that included the dual compensation scheme proposed by Weiler.

### A Day In Queen's Park

Injured workers did force them to listen. On June 1, 1983, over 3,000 injured workers, their families and supporters showed up for a meeting of the government committee charged with fashioning the new compensation act.

The meeting room in the Macdonald Building at the corner of Bay and Wellesley streets in Toronto could hold a few hundred people. Not 3,000! Worried committee members gladly accepted the suggestion of injured worker supporters to shift the meeting to the grounds of Queen's Park.



It was an historic and momentous event. Historic because never before had a government committee meeting been held on the grounds of the Legislature. Momentous because when the government introduced the new compensation act a year later, the dual award plan was not included. Instead, the pension plan was maintained. A year later, in 1985, the long-standing demand of injured workers that their pensions be indexed was implemented. And, in the midst of these events there was another moment of recognition: the proclamation of Injured Workers' Day!

\*\*\*\*\*

This short history of Injured Workers' Day was written by members of the Injured Workers History Project (IWHP). The IWHP is a group of injured workers, advocates and researchers who are uncovering and writing the history of injured workers in Ontario. This is our first publication with more to come. To find out more contact us at: The Bancroft Institute for Studies in Workers' Compensation and Workplace Health and Safety (416-411-2411; Robert Storey, Labour Studies & Sociology, McMaster University (905-525-9140, x24693)