



MIRACLE AT 200 FRONT STREET

A Play

Cast:

Filomena Portelli: Injured Worker

Mary Nightingale: Filomena's Friend

Elizabeth Goodwoman: WCB Adjudicator

Karl Wegenast: Employer

Scene 1: A cold December morning in the kitchen of Filomena's small apartment. Her friend, Mary, is visiting her.

Filomena: I think that I need to call my compensation adjudicator. My benefit cheque has not arrived and my employer is calling me all the time asking when I am coming back to work. You remember, Mary, I went back to work after taking a few weeks off but the pain in my right shoulder returned right away. So, my doctor told me that I needed more time to get completely better.

Mary: Yes, I remember. He said you needed a year, maybe two years, away from your job in the textile factory pressing, folding and hanging clothes.

Filomena: I am going to call.

Filomena goes over to the telephone and dials.

Elizabeth: Hello, this is Elizabeth Goodwoman. How can I help you?

Filomena: Hello, this is Filomena Portelli. I am claim number 123456. I am calling because I have not received my benefit cheque and I have no money to pay for food or my rent. Also, my employer is calling me all the time asking when I am coming back to work.

Elizabeth: Oh, really. Your employer should not be doing that. And, I don't understand why you have not received your cheque. Can you come down to my office. I think that we can clear this up quite quickly.

Filomena: Mary, she wants me to come down to her office.

Mary: When I had my leg injury 15 years ago I never got to talk to my adjudicator never mind actually meeting him.

Elizabeth: If you do not have a car or money for the bus or subway, maybe you can borrow it and I can pay you back as soon as you get here.

Filomena: Okay, I will come down right away. Can I bring a friend?

Elizabeth: Of course.

Scene 2: Elizabeth's office at the Workers' Compensation Board on Front Street in Toronto. There is a knock on her door. She opens it, smiles, shakes Filomena's and Mary's hands and asks them to please sit down.

Elizabeth: Filomena, I have looked at your file. I am very sorry but there was a problem with our computers. It has been fixed and your cheque will be ready in 15 minutes. They will bring it to my office.

Filomena and Mary look at each other in disbelief.

Mary: Excuse me, Ms. Goodwoman. We are in a bit of shock. When I had a compensation claim 10 years ago for my leg I talked directly with my adjudicator just once. He said his name was John.

No last name. I was never invited to his office even when I complained about being cut off benefits for no reason. I was desperate. I could not work and had no money. I had to go on social assistance. My husband and I separated. I lost some friends. I had to take medication for depression. My life was almost totally destroyed. I was treated like I was some sort of criminal.

Elizabeth: I am so sorry to hear that. How are you doing now?

Mary: I have some work. I no longer take medication. I am doing much better now, thank you.

Elizabeth: I am pleased to say that the Workers' Compensation Board does not work that way anymore. You will notice, Mary, that the name has been changed from Workplace Safety and Insurance Board. When I started here a few years ago I was told that looking after the well-being of injured workers – can you believe we used to call you “customers” – was our first concern.

Mary: What happened?

Elizabeth: Well, I do not know the whole story. But, as I heard it, a number of newly-hired WSIB officials found some research studies on the condition of injured workers that dated back to the 1980s. All of these reports said basically the same thing. Injured workers with permanent disabilities were having tremendous difficulties in finding any kind of employment. One study in the late 1980s found that almost 35% of workers were unemployed three years after their rehabilitation and vocational training programs had ended. In 1993 another study reported that almost 75% of workers with permanent disabilities were chronically unemployed and that 60% were re-injured upon their return to work.

Filomena: I do not know very much about research studies, but why would these officials believe these studies? They did not believe injured workers.

Elizabeth: That is true. But, there were also studies the WCB had commissioned itself. There was a 1993 report on return to work of workers with permanent partial disabilities that found that almost 30% were unemployed after three years. Then there was the Deloitte Value for Money Audit of the Labour Market Re-Entry Program that came out in 2004. It found that out of a survey sample of 877 injured workers who completed LMR, 492 were unemployed which represented 56% unemployment! That was not all. A follow up study was done and it revealed a further 3% unemployment increase. There was still more. The survey included injured workers who had completed their LMR which revealed a 12% drop out rate. From all of this it was fair to estimate that the unemployment rate of the drop out rate would be very high, thus further pushing up the 56% unemployment rate. I know that is a bit confusing.

At this point Elizabeth's telephone rings. She excuses herself and picks it up.

Karl: Hello! Hello! This is Karl Wegenast. I am calling about claim number 123456. She is an employee of mine and she will not come back to work. I have been...



Injured Workers' History Project

Bulletin #7

Elizabeth: Do you mean Ms. Filomena Portelli?

Karl: 123456. Filomena Portelli. Whatever! She says that she hurt her shoulder while pressing, folding and hanging clothes in my factory. How is that possible? If she had cut herself or fallen and broken her leg. Well, then maybe. But, I can't see anything wrong with her and she has been off work now for six months. Six months! And it is costing me a fortune in higher assessments. I am going to go bankrupt very soon!

Elizabeth: Ms. Portelli is with me right now.

Karl: Oh, she is. She can go and see you but she cannot come to work. I am coming down there right now!

Elizabeth: No, Mr. Wegenast, You are not coming down here! Ms. Portelli has been telling me that you are calling her constantly asking when she is going to return to work. She is fearful of you and I do not want you coming near her and I do not want you to call her anymore.

Karl: I do not care. You cannot tell me what to do. I pay for this compensation system and I have a right to be as involved in this process as I want to be. I will be down there right away.

At this point a young man named Kafka arrives with a cheque for Filomena. Elizabeth gives it to her along with money for transportation and some lunch. She tells her to call anytime and to come down to the office if she feels the need.

Scene 3: Elizabeth's office. There is loud knock at the door and before she can get up Karl has entered the room.

Karl: Is she here? Is claim number 123456 here? I want to see her and talk to her about her sore shoulder.

Elizabeth: No, Mr. Wegenast, Ms. Portelli is not here. I asked you not to come here. You are trying to intimidate her.

Karl: No, I am not. I am just trying to show her, and you, that I know what she is up to. She is milking the system for all that it is worth. Even if she did hurt her shoulder somehow, it should have been healed a long time ago. And, the longer she stays away from work the more money she is costing me.

Elizabeth: That is simply not true, Mr. Wegenast. Didn't you receive our letter last January stating that we had eliminated all of our experience rating programs. It no longer matters to you, as an employer, how long one of your workers is on compensation and away from work. You will no longer get any rebates but you will not get surcharges either. You might like to know, though, that the monies we spent on rebates is now being used for health and safety prevention. By the way, if you have any machines that you believe are unsafe or unhealthy for your workers, we would be pleased to work with you on paying for some of the costs in replacing them.

Karl: No, I did not read it. I am a busy businessman and I don't have time to read everything that comes across my desk. But, even if you eliminated experience rating, my costs are still going to go up because we have to get rid of the unfunded liability.

Elizabeth: The WCB is no longer concerned about the unfunded liability. After listening to injured workers and their organizations we became convinced that there was no possibility of the WCB ever becoming bankrupt. Yes, we understand that we need to be financially accountable. But, we learned that experience rating and deeming workers into phantom jobs with phantom wages, our principle methods of traveling down the "road to zero," was forcing more and more injured workers onto welfare and into poverty. Did you know that

people in Toronto in the early 2000s said that their path to homelessness began with a workplace injury? This was especially true when the economic crisis hit in the fall of 2008. Do you remember that? Well, injured workers were very worried that after already losing about 24% of the value of their benefits when the cost of living formula was changed in 1994 and again in 1997, declining assessment levels would result in further cuts to their benefits.

Karl: Well, no, I did not know about any of this. I have to go. I am a very busy man. By the way, can I call you about getting some money to help me replace some of my machines?

Elizabeth: Yes. I look forward to hearing from you.

Scene 4: Elizabeth is in her office. She is on the telephone talking with Filomena.

Elizabeth: Hi Filomena. I forgot to mention to you that you do not need to worry about any Canada Pension Plan or Unemployment Insurance or Social Assistance money you may be getting. We are not going to adjust your benefits. Also, we know that it is important for people with injuries to be as active as they can be while they get better. Do you have any interests that you would like to pursue.

Filomena: Well, I like to garden and there is a course at the local community college that I would like to take but it is too much money. And, I thought that I was not supposed to do such things. Is someone going to videotape me?

Elizabeth: Absolutely not! That's another thing we have stopped doing. Gardening. That's interesting. If you do decide to take the course we will pay for it. And, if you do take it, can you let me know how it went. I like puttering around in the back yard as well.

Elizabeth and Philomena say goodbye and hang up their telephones. Elizabeth picks up a pamphlet on her desk.

Elizabeth: What's this? "The Ontario Poverty Reduction Plan." I remember this. It came out just before the 2008 economic crisis really hit. Here is the quote by Premier Dalton McGuinty that the WCB really took to heart: "Tackling poverty is all about showing that **we** care about one another, **we** look out for one another, and **we** want everyone moving forward together." I remember the meeting where someone read that quote out loud. And, then, someone else said that sounded a lot like what Chief Justice Meredith wrote in his 1913 "Final Report" that the "true aim of a compensation law is to provide for the injured workman and his dependents and to prevent their becoming a charge upon their relatives or friends, or upon the community at large."

Elizabeth looks at her watch. Time to go home, she thinks. She puts on her heavy winter coat and looks out of her window at the ice and blowing snow.

Elizabeth: Am I glad that we have made all these changes to the compensation system. Injured workers no longer go hungry. They do not fall into poverty and depression. They are not homeless. That is the road to zero that we should have been on the whole time.

